



President's Column

GETTING IT RIGHT FROM THE BEGINNING

According to the transition arrangements of the Health and Social Care Professionals Bill 2004, Schedule 3 quotes our own criteria for Graduate Membership as the required qualifications for inclusion on the register. If passed into legislation in its present form, this would mean that on the date on which the register is established, all our Graduate Members would be eligible to become "Registered Psychologists". This would be great news for the membership. All our members would have a licence to practice as psychologists.

However, as much as it is a political dream to have every member of one's Party/Society/Organization suddenly promoted to a higher level, we are possibly in the unusual position of having to promote the exclusion of many of our members from this automatic eligibility to elevation of status. This position was supported by the members at the General Meeting at the 2004 Conference. To recall the reasons for that decision I refer to the purpose of the Bill:

To date, statutory registration has been held to be of the highest importance to the profession in Ireland. It has assumed a solemn significance vis a vis our profession akin to the maxim; publish or perish.

Section 27 of the Bill states: "*The object of the registration board of a designated profession is to protect the public by fostering high standards of professional conduct and professional education, training and competence among registrants of that profession.*"

In considering this issue our members agreed that such a purpose could not be achieved by supporting the proposed transition arrangements onto the state register. In considering this issue our members were aware that it took many years of effort to get to the point where a post-graduate qualification for employment in the health services became standardized. In considering this position our members referred to the Code of Ethics.

Our members have sought to protect the public by maintaining the professional standard. However, while we might surmise that all legislation has the purpose of protecting the public, this Bill has more than the usual responsibility in this regard. But specific-group legislation is, in its design, liable for extra and external scrutiny by existent employment laws. For our purposes, this means that new laws must not disadvantage those who already practise.

As professionals we know the difficulties with which we are confronted by the ethical dimension which stretches between confidentiality and legal obligations. Similarly, arguments for protection of employment rights may not transduce to arguments for professional responsibility. As professional psychologists we are obliged, not only by our adopted code of ethics but also by commonsense, not to practise beyond our competence and I seem to recall understanding that my undergraduate degree did not qualify me to call myself a psychologist. Does every

graduate have the commonsense to know the difference? We would hope so, but should the public have to rely solely on hope in this regard too?

The public would have to use personal judgment to know the difference between a graduate of the past five years with an honours degree in which psychology was a main component and a graduate who had obtained a good enough grade at undergraduate level to obtain a place on a post-graduate course. It is on such a course that a post-graduate has received their first experience of "professional conduct", has received a "professional education", has received "training" and has attained "competence". This vast range of experience between the graduate and the post-graduate would be made so inclusive (by definition within the proposed bill) as to question the validity of many relevant PSI Articles of Association. Our Register would probably become redundant, the

purpose of our Divisions could be questioned, the motivation of our Special Interest Groups to raise their profile would be undermined and our post-graduate courses in the Universities would be put on alert.

But the "Registration Board" would set higher standards than those specified in Schedule 3 of the Bill, wouldn't it? This may or may not be an assumption built on sand; a premature conclusion not unlike the dynamic in the 'experimenter effect'; as the grand experiment must be concluded simply because it is so important. To date, statutory registration has been held to be of the highest importance to the profession in Ireland. It has assumed a solemn significance vis a vis our profession akin to the maxim; publish or perish. But there are no peer reviews with legislation. It carries the imposition of law; hence the law must be a good one, right from the start.

It should, by aspiration, be a good law in substance and we must look forward to the bye-laws of the registration board solidifying the foundations on which we further build the profession. But casting the transitional net so wide could be a comprehensive misjudgement of what might be caught within. History supports the theory that occupying lands for security reasons is easy, while removing the occupier is very difficult, even when he wants to go. Occupying the profession of "Psychologist" under this Act's transitional provisions might be similarly unwise. In this case, it is highly unlikely that the occupier would want to leave.

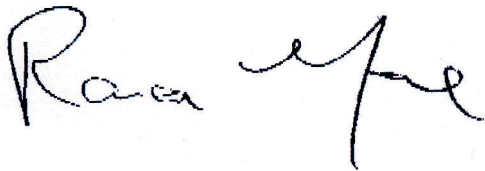
Under the proposed Act, the PSI's argument for a post-graduate degree in psychology has, so far, been rejected. Perhaps there are few unqualified people out there practising psychology with (on?) the public? Perhaps there are not enough of these suspect practitioners to warrant an upgrading of Schedule 3 to the Department's own Ministerial Directive? The question remains as to how many unqualified practitioners will be asked to satisfy "*the board that he or she is a fit and proper person to*

engage in the practice of that profession". The answer is none, if an applicant holds an undergraduate degree in psychology and has practised in psychology *at any time* during the 5 years previous to the establishment of the register. This section also allows for a new graduate to apply over the next 2 years after the Act is passed.

Some of our members might be concerned that the post-graduate additional wording we have suggested to the government for inclusion in Schedule 3 could cause them difficulties with the registration board. However, as clause 91 (1) (ii) allows the board to design its own assessment of professional practice, any bone fide psychologist practising outside the public sector should be able to match their own professional confidence to that of the board's requirements.

Whatever our individual concerns, the credibility of the profession is in danger of being undermined and all parties to the Bill must be confident of the Act achieving its stated purpose, in its final form. Section 4 (3) (d) of the Health and Social Care Professional Bill defines (for the purposes of the Act) a health or social care profession as: "any profession in which a person exercises *skill or judgment* relating to.....*the care of those in need of protection, guidance or support.*" [my italics].

Every time I read this, I wonder how those with an undergraduate degree and no training would have the professional capacity to carry out such work. How ironic it would be that such enabling legislation would potentially have such disabling effects on the public.



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Message from the CEO

This month, I am returning to the issue of Statutory Registration, and adding to the detail of what is set out in the President's column this month. Since I wrote about developments in the July/August issue, Ronan and I have met with officials in the Department of Health and Children. This meeting lasted for almost 2 hours, during which we set out how the wording proposed in the Bill as it relates to grandparenting arrangements for psychologists is not acceptable to the Society as it does not facilitate the core objective of the Bill, i.e. the protection of the public. The wording as currently proposed is as follows;

A recognised University degree or diploma obtained with first or second class honours in which psychology was taken as a major subject and honours obtained in that subject.

Maintaining the proposed wording would actually subvert this intended aim. As I outlined previously, the Bill as currently worded will allow a 2-year window of opportunity for those with an undergraduate qualification alone, who have practised at any time over the previous 5 years to apply for grandparenting and thus gain membership of the register of statutorily registered psychologists. Ronan and I detailed scenarios to the Department, outlining the harm that could be done where an unqualified psychologist would diagnose and treat a client.

We also highlighted the vagueness of the wording of the current proposal as it relates to the requirement to have '*engaged in the practice of psychology 'at any time during the period of 5 years'*' prior to the introduction of Statutory Registration. We wondered how proof of practice was to be established by the Registration Board. No satisfactory answers were received.

The Society has proposed that the following wording would apply to the grandparenting of psychologists:

A recognised University degree or diploma obtained with first or second class honours in which psychology was taken as a major subject and honours obtained in that subject and, for persons employed as psychologists in the public sector; sufficient qualifications as required for such employment at the time of recruitment, or otherwise a recognised postgraduate qualification in applied psychology

In discussing this proposal, the Department expressed concerns that it would potentially deprive psychologists in private practice of their livelihood. We argued that this was not the case as the Transitional Provisions of the Bill allow for an assessment of professional competence of practitioners, and that those in private practice without a postgraduate qualification would find membership of the register through this mechanism. The Department replied

that they did not see the assessment of professional practice being used in such circumstances. Officials also outlined a wish to see as many practitioners as possible brought within the Statutory Registration net, and while this is a commendable aspiration at one level, the difficulty arises in casting the net too wide. The meeting ended with the Department agreeing to ask the Attorney General's Office for advice on the feasibility of using the Society's proposed wording. We now await this advice, which we have been told by the Department is expected shortly.

However, on the basis of our meetings thus far with the Department, it is reasonable to plan for a negative response from them. At its meeting last Saturday, Council agreed that, in the event of such a response, a campaign be launched to highlight the Society's objections to the Bill and the reasons for same. This campaign would firstly target all TDs, with a letter to issue to each from the office. This letter will highlight how the proposed grandparenting clause will have the effect of subverting the stated aim of the Bill and will set out the Society's proposal on the matter. It will also outline hypothetical case studies of the dangers posed to the public by untrained psychologists.

As a follow-up, individual TDs will be contacted by members of Council. Members of Divisions and other arms of the Society will be asked to participate in this exercise, with volunteers already having come forward to assist in this task. Each of the opposition parties have spokespersons on health and education and contact will be made with these individuals, with a view to setting up a meeting and briefing them in more detail. We will be requesting that TDs raise this matter as the Bill proceeds through the legislative process.

The Bill as currently worded has been passed by the Seanad. It was debated by the Dail during the last few days before the Summer recess. It will now most likely be rescheduled for further consideration when the Dail resumes at the end of September. The Bill will proceed to Committee Stage, where it must be considered section by section. This stage can be undertaken by the Dail as a whole or more usually, by a Select Committee of the Dail. This Committee is empowered to make amendments provided that they are not in conflict with the principle of the Bill. It is therefore essential that those considering the Bill at this stage are made aware of the Society's concerns. Those interested in following the discussion that took place in the Dail on the Bill can do so via the Houses of the Oireachtas website at www.oireachtas.ie, clicking on Dail Debates and going to the debates that took place on 29th and 30th June 2005.

As well as conducting a campaign aimed at politicians, it may also be useful for the Society to highlight our objections to the Bill in the media. This course of action will be followed if necessary, with the expertise of the External Relations Panel available to the Society in doing so.

The Society needs to be in a position to respond in a timely and appropriate manner to developments on the matter. To facilitate this, Council has authorised a small group to co-ordinate activities as necessary. This Group consists of Ronan Yore, Brian Hughes (immediate past president), Suzanne Guerin (president elect) and me. At present, we are preparing a briefing document that will include necessary information, and from which all letters, press releases etc will be drawn. This will facilitate us in ensuring that a consistent message issues from the Society.

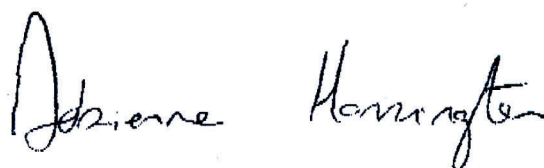
If it appears that the Bill is to be passed as currently worded, the

Society needs to consider what action it then needs to take. To facilitate this debate, this issue will be discussed at the General Meeting to be held at the Annual Conference on Saturday 19th November. All members are encouraged to attend, and take the opportunity to express their views and input to the Society's plans. In the meantime, I will keep you updated through this column, our website and via communications with the Divisions. Our dedicated email account statreg@psihq.ie was established to specifically deal with queries and opinions from members on the subject, so please feel free to contact me.

I'll finish with an update on the Annual Conference, which takes place from 17-20 November. I am pleased to announce that Professor John Hume will be the guest of honour at the conference this year. Professor Hume holds the Tip O'Neill Chair in Peace Studies at the University of Ulster, and is a winner of the Nobel Peace Prize, the Gandhi Peace Prize and the Martin Luther King Peace Award.

Dr Richard Freeman, the Secretary General of The European Federation of Psychologists' Associations (EFPA) will attend the conference and will give a presentation to members on developments in psychology at European level. One of the issues on which he will present is the EuroPsy (also known as the European Diploma) on which I wrote in last month's issue. If there are any others issues on which you would like him to give an update, please let me know and I can liaise with him on the matter.

A record number of papers were received this year, which has resulted in us having to decline papers that were received late. A draft timetable is now available on our website at www.psihq.ie



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Annual Conference

The Draft Programme for the 36th Annual PSI Conference will be available on the events section of our website.

Any requests for changes/adjustments to the timetable should be emailed to Conference@psihq.ie by the stated date.

I am pleased to inform members that Professor John Hume will be the guest of honour at this year's conference. Further details in relation to this and all aspects of the conference are available at www.psihq.ie