

**Submission document addressed to the Minister for Health, Mr Simon Harris TD,
concerning the proposed designation under the Health and Social Care Professionals Act
2005 of the professions of counsellor and psychotherapist**

Ms Terry Ball, Subject Leader of Department of Psychotherapy, Dublin Business School

Context

Dublin Business School is a third level education institute with a vibrant and long established Psychotherapy Department. Within this Psychotherapy Department, there are three counselling and/or psychotherapy education and training programmes; a level 8 (NFQ) BA programme which is accredited by the Irish Association for Counselling and Psychotherapy and two level 9 (NFQ) programmes, i.e., Masters Programmes. In addition, there are two related Higher Diploma programmes (level 8, NFQ) from which students may progress onto the appropriate Masters programme. The Masters and the Higher Diploma programmes are cognisant of the European Association for Psychotherapy (EAP)/Training Accreditation Committee (TAC) standards for training in Psychotherapy, including postgraduate entry requirement and a minimum four year training in a specific modality which is post undergraduate qualification.

There is a sixth programme, a Masters, specialising in the study of addiction, though without a professional clinical component.

These education and training programmes have most recently been re-approved, in May 2014, by Quality and Qualifications Ireland (QQI), based on the Generic Awards Standards, though informed by the *Draft Awards Standards for Counselling and Psychotherapy*. They were deemed to be delivered and assessed at the appropriate award standard. The programmes combine academic study, consistent with the criteria outlined in the QQI's *Awards Standards – Counselling and Psychotherapy*, with professional training and personal psychotherapeutic experience, adhering to guidelines which are cognisant of the requirements of the relevant professional bodies.

This submission document from the Department of Psychotherapy, Dublin Business School, aims to make representation to the Minister for Health, Mr Simon Harris, concerning the proposed designation of two professions, counsellor and psychotherapist, under the *Health and Social Care Professionals Act 2005*.

Introduction

The Department of Psychotherapy in Dublin Business School welcomes the opportunity to make representations to the Minister concerning the proposed designation of the professions of counsellor and of psychotherapist. The Department is particularly interested in making representations concerning all aspects related to the education and training of counsellors and psychotherapists, including the systems that will be in place for the approval of these programmes.

With a firm focus on these education and training matters, this submission will address, in order, the issues indicated by the Minister. These issues, as they appear in Appendix 1 of the Submission Invitation are:

1. Whether the professions of counsellor and/or psychotherapist ought to be subject to State regulation

2. If so, whether the professions ought to be regulated under the Health and Social Care Professionals Act 2005 or otherwise
3. If the professions are to be regulated under the 2005 Act whether it would be appropriate to regulate one or two professions under one registration board
4. The appropriate level of “grand parenting” qualifications to be set for existing practitioners having regard to the QQI Awards standards
5. The appropriate level of qualifications to be set for future applicants for registration having regard to the QQI Awards standards
6. The title or titles that ought to be protected for the exclusive use of registrants

Deliberations and Recommendations

1. Whether the professions of counsellor and/or psychotherapist ought to be subject to State regulation

The Department of Psychotherapy in Dublin Business School would welcome State regulation of the professions of counsellor and of psychotherapist on the grounds that, in its absence, there is the potential for many abuses, both in terms of delivering these services to the public and also in terms of the recognition of these professions.

The current reality is that there are rogue practitioners who set out to deceive, pretending to be adequately qualified. The more prevalent potential for abuse, however, comes from those who may have some level of qualification, may also have very good intentions but who, in fact, are not sufficiently trained to meet the challenges of the professions. Both the public and the very professions themselves need to be protected from the damage incurred by unqualified practitioners. Statutory regulation will go some significant way towards this protection.

It must be noted, however, that regulation has its limits in terms of what it can guarantee. Regulation of education and training programmes, indeed, has the potential to be counter-productive, producing, on the part of the public and the Department of Health, a false sense of absolute guarantee, and on the part of the qualifying practitioner, a potentially exaggerated confidence. For example, some training requirements will stipulate the quantity of personal psychotherapy hours, not taking into account individuality and different subjective needs. The very trainees who stop attending psychotherapy because they have fulfilled this requirement in terms of hours are often those who most need to continue their personal psychotherapy work.

The issue of requirements for education and training programmes will be addressed further below.

2. If so [re: issue 1 above], whether the professions ought to be regulated under the Health and Social Care Professionals Act 2005 or otherwise

The Department of Psychotherapy in DBS would be in agreement with the regulation of the professions coming under the *Health and Social Care Professionals Act 2005*. This Act is comprehensive and it would appear to be fit for purpose for those professions that already come under its remit.

Notwithstanding the view that statutory regulation should come under the *Health and Social Care Professionals Act 2005*, some points relating to Registration Boards for designated professions will be articulated in this submission.

The role of a Registration Board in approving education and training programmes for a given designated profession is outlined in Part 5, *section 48, subsection (2)* of the Act, stating that the Board may issue guidelines concerning the requirements for its approval of such programmes. While it is appropriate that the Board would have under its remit such powers of approval, given the diversity of modalities within the professions of counselling and of psychotherapy, however, the challenge of drawing up these guidelines will be great. Such guidelines concerning the requirements for the Registration Board's approval would need to be sufficiently generic to accommodate the different theoretical orientations which found these modalities while, at the same time, being sufficiently specific to be fit for purpose.

The Department of Psychotherapy in Dublin Business School, which runs two different Psychotherapy Masters Programmes, with theoretical foundations from two distinct modalities – one, psychoanalytic, the other, humanistic/integrative – recognises and appreciates this challenge.

The Department of Psychotherapy recommends that, for guidance in meeting this challenge, the professional bodies associated with the different modalities should be involved with the Registration Board in drawing up the guidelines concerning the requirements for the approval of education and training programmes.

It further recommends that a system be put in place to ensure ongoing dialogue between professional bodies and the Registration Board. The make-up of the Board, outlined in Part 3, *Section 28* of the 2005 Act, goes some way towards achieving this ongoing consultation, however, more representation might be required to ensure the adequate representation of the different modalities. This point is developed below.

3. If the professions are to be regulated under the 2005 Act whether it would be appropriate to regulate one or two professions under one registration board

Whether to regulate one or two professions under one registration board begs the question addressed in the CORU document, *Response to Minister for Health on Regulation of Counsellors and Psychotherapists* of whether there should be one or two professions, counselling and/or psychotherapy. This question (numbered 5a) is addressed in the CORU document. CORU suggests that this question should be postponed until there has been more definitive and clearer agreement regarding the academic standards and the standards of proficiency, i.e. clinical practice and training. In CORU's words, "Conducting this work [on academic standards and proficiency] earlier in the process could...assist in the issue of the differences in the two professions or not" (p.14).

Responding to issue 3, stated above, which the Minister wants addressed, the Department of Psychotherapy in Dublin Business School takes cognisance of topics addressed in two sections of the *Health and Social Care Professionals Act 2005*. Firstly, the makeup of the membership of a Registration Board for a designated profession as outlined in the Act (2005), Part 3, *section 28* and, secondly, the import of this membership in the matter of approving education and training programmes, as outlined in the Act (2005), Part 5, *section 48*.

From the point of view of the specific interest of this submission from the Department of Psychotherapy in Dublin Business School, the focus is on those members who are from the education and training sector. The relevant *subsections* are:

- (1) (a) (iii) which states that “one [member, elected by registrants of that profession] is to be a registrant of the designated profession who is engaged in the State in the education and training of persons with respect to the practice of the designated profession” and
- (1) (b) (iii) which states that “one [member] is to be representative of third level educational establishments in the State involved in the education and training of persons with respect to the practice of the designated profession and is nominated by the Minister for Education and Science”

The relevance of these sections to the issue (3) being addressed here is as follows.

If there is one Registration Board for the designated professions of counselling and of psychotherapy, and if there are two registers, there would still be only one elected member and one selected member on this Registration Board from the education and training sector.

The implication of having such limited representation from education and training on the Registration Board would be significant when it comes to drawing up requirements for the approval of education and training programmes (Part 5, *section 48*).

One recommendation from the Department of Psychotherapy in Dublin Business School is that, if there are two registers and only one Registration Board, there should be some system which would involve, for example, two sub-committees, one each for the two registers.

4. The appropriate level of “grand parenting” qualifications to be set for existing practitioners having regard to the QQI Awards standards

The challenge in relation to grand parenting will be to arrive at a means of ascertaining an acceptable standard of skills and practice for existing practitioners of counselling and psychotherapy professions whose specific educational awards may not have been academically validated.

The question regarding the level of grand-parenting qualifications to be set for existing practitioners is of particular relevance to education and training institutes, such as Dublin Business School which will be in a position to respond to a need that might arise in relation to attaining validated qualifications at an appropriate NFQ level.

5. The appropriate level of qualifications to be set for future applicants for registration having regard to the QQI Awards standards

A study of the *QQI Awards Standards – Counselling and Psychotherapy (2015)* indicates that level 8, that is, an Honours degree level, requires that one have the capacity to critique and analyse in relation to human development and the inevitable problems entailed in life-transitions. It also requires that there be “knowledge of major mental illnesses” (p.5) and “diverse systems of classification of psychopathology” (p.5) and that this be a ‘detailed working knowledge’. Compare this with Level 7, however, which is an Ordinary degree level, where what is assessed is the ability to simply ‘describe and outline’ and in which what is required is only ‘knowledge of...’

Level 9, that is, postgraduate level, requires the capacity to have, not only “knowledge of major mental illnesses”, but also the ability to critique and analyse these classifications. For example, level 9 requires a ‘critical and reflective understanding of...’ To achieve a level 9 qualification one must be able to “select from complex and advanced skills across a field of learning, develop new skills to a

high level, including novel and emerging techniques” (p.8). Also required is the ability to assess and manage risk factors in complex cases.

Any adjudication on appropriate level of qualifications must begin by looking seriously at these QQI criteria in conjunction with a clear and agreed understanding of the professions.

Level of qualification, however, must go beyond academic achievement as there is no guarantee that a level of intellectual ability translates automatically into insights at a personal level; sometimes, indeed, such intellectual ability is the very means of defence against these insights. This is why there must also be a requirement that the intellectual integration and assimilation of ideas must be accompanied by a requirement to work towards an equivalent level of subjective integration and assimilation, that is, insight into one’s own life and subjectivity. Personal psychotherapeutic work must, therefore, be at the very heart of training and it is imperative that it be regarded as the *sine qua non* of training.

It must be reiterated, however, that guarantees of subjective assimilation and insight cannot rest entirely on the hours spent in personal psychotherapy.

Related to the required intellectual assimilation, accompanied by ongoing personal work and assimilation, is the requirement to demonstrate an ability to apply the intellectual and personal knowledge to clinical practice. Supervision arrangements are central to the training and also to assessment of the trainee’s ability. These supervision arrangements are also a source of discerning the degree of personal insight achieved by the trainee practitioner as this will become apparent in the trainee’s practice.

The Department of Psychotherapy in Dublin Business School recommends, and supports the recommendations of professional bodies, that extensive and possibly ongoing personal psychotherapy be placed at the very heart of training programmes, and indeed practice. This is the *sine qua non* of training and practice.

It further recommends that the practice of counselling and psychotherapy, including, vitally, the supervision of this practice, be an integral part of each programme and, furthermore, that this practice be firmly rooted in, and informed by, a specific theoretical foundation, what, in CORU’s *Response to Minister for Health on Regulation of Counsellors and Psychotherapists* is called ‘a distinct body of knowledge’ (p.8).

6. The title or titles that ought to be protected for the exclusive use of registrants

The suggested titles listed in the CORU response to the Minister (p.12) include, Health and Social Care Counsellor, Social Care Counsellor, Care Counsellor, Therapeutic Counsellor, Psychotherapeutic Counsellor.

The Department of Psychotherapy in Dublin Business School recommends that the titles ‘Counsellor’ and ‘Psychotherapist’ be protected for the exclusive use of registrants.