

# **Abate Counselling & EAP Limited**

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Public Consultation,  
Professional Regulation Unit,  
Department of Health,  
Hawkins House,  
Dublin 2,  
D02 VW90

Ref ABA/Legal/0002300541

14/10/16

**RE: Submission in relation to the regulation of Counselling and Psychotherapy in Ireland.**

**Topic: Grand-parenting qualifications to be set for existing practitioners.**

To Whom It May Concern,

In response to the invitation of concerned parties to put forth views into the impending regulation of Counselling and Psychotherapy in Ireland I hereunder would like to set out my views.

Firstly, I wish to state that I welcome the regulation of counsellors and psychotherapists under the 2005 Act which will ensure that those registered would have minimum qualifications, that only registrants could use the title or titles protected under the Act, and that registrants would be subject to a range of sanctions (including suspension or cancellation of registration) in the case of a substantiated complaint of professional misconduct or poor professional performance.

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I understand that the Minister is proposing the designation under the Act of two professions (counsellor and psychotherapist) each with its own register. Those with the required qualifications could be granted registration on both registers.

I understand that the level of grand-parenting qualifications to be set by the Minister on the advice of the registration board will determine the number of existing practitioners that will be granted registration and at present there are in the region of 5000 counsellor and psychotherapy practitioners.

As an early accredited member of the IACP (Number 507), I have concerns that the grand-parenting issue needs to consider experience of individuals of longstanding experience such as myself and not just permit a QQI Awards standards to determine such an important decision as to who does or does not go onto the register of Psychotherapists.

I now set out my views on the subject matter of Grand-parenting qualifications to be set for existing practitioners.

## **Introduction**

I qualified in 2000 with a Diploma in Counselling and Psychotherapy from the Tivoli Institute after an intensive three year training. Before that time I qualified with a Diploma in Psychiatric Nursing in 1994 and worked in that field for a number of years. I am professionally accredited with the IACP as a therapist and clinical Supervisor and also registered with the Nursing and Midwifery Board of Ireland as a Psychiatric Nurse.

When I trained in the fields of both Nursing and Psychotherapy these courses in both professions were not University based. After completing my psychotherapy training in the Tivoli Institute I decided to discontinue my Psychiatric nursing career in favour of working full time as a Psychotherapist. This is my sole career since 2002 and my sole source of livelihood. I have worked in the field for the last seventeen years and I have

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a vested interest in retaining a registration as a Psychotherapist for the remainder of my career.

In 2003 I set up my EAP company Abate Counselling and EAP Ltd which provides many of the country's organisations with an Employee Counselling Service using my pool of psychotherapists and counsellors. From my own perspective as a Psychotherapist, I have always and currently maintained a 20 plus clients a week practice myself and accept referrals from Psychiatrists and GP's among other referral sources.

## **Training of Therapist in Ireland**

After I became accredited, I then went on to become a counselling and psychotherapy lecturer and/or Supervisor on many of the IACP approved Counselling and Psychotherapy training courses. These included the Tivoli Institute where I myself trained, PCI College on their BSc Counselling and Psychotherapy Degree courses for many years and most recently I was the Course Director in charge of all training on the IACP approved course in Fingal Counselling.

As I have been involved in the training of hundreds and hundreds of Counsellors and Psychotherapists in the industry I wish to make the point that my input into their training would undervalue their credentials in the event of people like myself not been placed on the Psychotherapist register under a grand-parenting clause.

## **My Concerns**

As a long standing Psychotherapist, I have concerns that the future regulation of Counselling and Psychotherapy may favour recently qualified part timers with degrees over those full time professionals such as myself who are in the industry for many years especially as many of us were involved in the training of such people now with degrees.

It is also the case that since the recession many people entered the profession expecting it to be a lucrative prospect and therefore the degree programmes benefited greatly from this influx. What then occurred was that there was an

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academic inflation, and those in the industry without degrees suffered greatly when this occurred.

There are now 5000 plus individuals who are in the industry many of which have recently qualified with degrees. The number of individuals has mushroomed since the regulatory bodies have approved more and more courses and training organisations. This number will continue to expand, overly populate and flood the profession with a volume of newly inexperienced degree graduates expecting a return on their investment.

## **Urgent need to regulate the intake of Counsellors**

With the estimate of 5000 currently in the sector it is essential that the rate of training needs to be capped or this will further over populate this sector and result in people doing the work as semi-professionals which in truth will be a disservice to the public at large. This Ministerial regulatory review must also limit/cap the increase in training courses otherwise the profession will “eat itself” up.

## **Case Comparison with Nursing Registration**

Earlier in this document I pointed out that I qualified in Nursing before the degree programme came about. All of the students on the degree programme were supervised by nurses who were Diploma trained and more experienced simply by being qualified longer in the industry.

In the case of the Nursing profession no distinction was made between those registered under diploma or degree in terms of registration. In fact the pay scales favoured those with experience and length of service over those new in the industry.

I would suggest that this sets a legal precedence in professional regulation within Ireland and this approach should therefore be applied in the regulation of Grand-parenting in Psychotherapy for long standing practitioners such as myself.

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## Legal rights under the Constitution

Furthermore, and in light of the above, I would like to point out that the Irish State has enshrined in her constitution a commitment to protect the right to work of her citizens. Article 45 (2) of the Irish constitution states that:

*“The State shall, in particular, direct its policy towards securing:– i That the citizens (all of whom, men and women equally, have the right to an adequate means of livelihood) may through their occupations find the means of making reasonable provision for their domestic needs”*

This section relates to the state’s duty to protect the rights of citizens to earn a livelihood. As a citizen, you have a right to work and to earn a living, whether you are male or female. The State is under a duty to protect your right to work and earn a livelihood from **unjust attack**.

Were it to occur, that despite my experience I was no longer able to be counted amongst the ranks of Psychotherapists it would threaten my livelihood and the livelihoods of many others like me. This would undoubtedly result in a number of legal challenges by a significant number of professionals who would have little choice under the constitution and also under EU law.

## Previous Legal challenge

A legal challenge has already been cited in Appendix 2 of the document *“Response to Minister for Health on Regulation of Counsellors and Psychotherapists.”* This case was taken in Italy by an Austrian registered Psychotherapist, (Heinrich Lanthaler 2008) who won his case.

This led to Italy having to change its regulations on who can register as a psychotherapist. This principle was based on the regulatory authority not being allowed to make its decision on the entry point to the profession and

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was based that he had the qualification as a psychotherapist to allow him to deliver the services of a psychotherapist when he applied to work in Italy.

With Italy being part of the EU, all stakeholders in any decision making process will need to be aware of this particular case prior to excluding those currently qualified to be included on a psychotherapy register. Failure to do so will result in future legal challenges under Irish and EU legislation.

## **Existing Professional Discrimination within the HSE**

As it stands it is my understanding that the HSE discriminate against accepting Psychotherapists with only Diploma training and insist that all HSE posts for counsellors are at those having degree a degree. The HSE are applying double standards here as the degree rule is waived in the case of nursing qualifications. EU law as outlined in this document may demonstrate the HSE as being incorrect in applying such criteria and this discrimination will be legally challenged in the future.

## **Conclusion**

- As a member of the IACP with an Accredited registered number of 507, I have concerns that the Grand-parenting needs to consider the experience of individuals of longstanding experience such as myself and not just permit a QQI Awards standards to determine such an important decision as to who does or does not go onto the register of Psychotherapists.
- I completed what was considered a state of the art training and at the time of training, this was accredited by the IACP. I left a pensionable Psychiatric Nursing position to set up what has now become a very successful business and as a psychotherapist I earn a living.
- Any attempt to demote this status infringes upon my livelihood under the constitution of Ireland which protects the rights of its citizens to earn a living. As it would be disserving to the public to effectively demote persons of my clinical experience from the ranks of

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psychotherapists due to educational standards that did not exist many years ago when I trained, it is incumbent on both the IACP and the Minister to support people like myself as remaining on a Psychotherapist register.

- Elsewhere in the EU (see above), Italy had to change its regulations on who can register as a psychotherapist. This principle was based on the regulatory authority not being allowed to make its decision on the entry point to the profession and was based that he had the qualification as a psychotherapist to allow him to deliver the services of a psychotherapist when he applied to work in Italy. It is incumbent on both the IACP and the Minister to support people like myself as remaining on a Psychotherapist register and to correct current professional discrimination within the HSE.
- I have been involved in the training of hundreds and hundreds of Counsellors and Psychotherapists in the industry and my input into their training (Including BSc students) would undervalue their credentials in the event of people like myself not been placed on the Psychotherapist register under a grand-parenting clause.
- By comparison with other Irish professions of which I am a member, nurses who trained in the old diploma course have not lost their status under An Bord Altranais when the Degree course came on stream. This may set a legal precedence in professional regulation of Psychotherapy within Ireland.

Although I do agree that regulation within the field is necessary, I would humbly suggest that this issue be tackled in a case by case basis where practitioners with thousands of hours of experience, CPD and supervision are recognised for their contributions thus far and for the contributions they can continue to make as the most experienced, and in my view, most qualified psychotherapists working in the field.

I would like to thank you for considering this letter as one of many you have no doubt received on this issue.

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Yours Faithfully,

A handwritten signature in blue ink that reads "Peter Ledden". The signature is written in a cursive style with a large initial 'P' and a trailing flourish.

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Peter Ledden,  
RPN, MIACP.