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Nerney's Court, Dublin 1.

Telephone: +353-1-8171500 Fax: +353-1-8171501/2/3 [www.impact.ie](http://www.impact.ie)

General Secretary: Seamus Cody

24<sup>th</sup> November 2016

Simon Harris TD  
Minister for Health  
Department of Health  
Hawkins House  
Dublin 2

Dear Minister

I attach a short submission by IMPACT as part of the public consultation on the proposed regulation of Counsellors and Psychotherapists under the Health and Social Care Professionals Act 2005.

Given our representative role over many years in respect of these professions we were surprised that we have not been consulted before now. IMPACT is not included as one of the representative organisations listed in the appendix to the CORU document.

We are strongly of the view that discussions between IMPACT and your Department in relation to the possible declaration of qualifications and pay scales within the public health system could assist the process of regulation of these professions in the wider economy. Such an engagement appears to us to be long overdue.

We would be grateful for an opportunity to meet with you or your officials in order to develop this further.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kevin Callinan". The signature is fluid and cursive, with a large initial "K".

**Kevin Callinan**  
**Deputy General Secretary**

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**SUBMISSION BY IMPACT**

**Public Consultation on the Proposed Regulation of  
Counsellors and Psychotherapists under the  
Health and Social Care Professionals Act 2005**

November 2016

## **Introduction**

IMPACT is Ireland's largest public service union. The largest division of the union is Health and Welfare. Counted among the membership is a wide range of health and social care professionals. These include members in ten of the twelve original professions falling within the remit of CORU.

Unlike a number of other unions or organisations that are concerned with a particular profession IMPACT is unique within the Irish health service in the way it represents the interests of members in such a wide range of grades, groups and categories. The union has worked to elevate the status of many health disciplines, often in tandem with a professional body, to that of a full profession. IMPACT was a long-standing advocate for statutory registration. This was a key recommendation of the report of the Expert Group on various Health Professions (April 2000). All told, IMPACT has a lot of experience of the journey towards professional regulation.

In the case of counsellors and psychotherapists IMPACT has a long history of involvement in the negotiation of their pay and conditions of employment. Given the complexities involved this has exposed the union to a knowledge of some of the professional subtleties and distinctions between these and other professions in the context of the various roles carried out within the services. The fact that this background should be well known makes it somewhat remarkable that there has been no direct approach to IMPACT to assist the process and that there is no mention of IMPACT among the long list of representative organisations set out in Appendix 3 to the CORU response to Minister for Health on Regulation of Counsellors and Psychotherapists.

For the record IMPACT represents and has represented counsellors, psychotherapists, alcohol counsellors, addiction counsellors, counsellor/therapists, directors of counselling, family therapists, play therapists and bereavement counsellors. In most cases we have enjoyed exclusive representational rights, in others we have a lead role.

This submission will address the issues identified in Appendix 1 to the Public Consultation Call for Submissions. By its nature our responses will be brief. However, IMPACT is of the view that the Minister and the process would benefit from engagement with IMPACT so that the issues can be further explored and developed in a manner that ensures maximum protection for the public within the earliest timeframe possible.

- **Whether the professions of counsellor and/or psychotherapist ought to be subject to state regulation.**

IMPACT officials and branches have experience over several decades of dealing with issues that arise in settings where counselling and/or therapeutic interventions take place. Sometimes such interventions would be desirable but are not available. The contribution of these services is invaluable but, given the vulnerability of those in need of and in receipt of them, the potential for harm is enormous. The level of risk makes the case for State regulation compelling.

- **If so, whether the professions ought to be regulated under the Health and Social Care Professionals Act 2005 or otherwise.**

Section 4(3) of the Act appears to comprehend the aims of counsellors and psychotherapists and the needs of those members of the public attending them. Accordingly, this seems like the appropriate legislation.

- **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.**

This is a very unusual situation. There appears to be an attempt to regulate the professions in the absence of the normal declaration of qualifications and particulars pertaining to positions in the public service. Heretofore, the regulation of professions has proceeded in circumstances where there were clear

arrangements governing qualifications, pay, grading etc. in place for health service/public service positions. While not all registrants were employed in the public sector this assisted the general process of ensuring that minimum standards were met and, in some cases, differentiating between the scope of professions.

It is not as if these jobs do not exist within the health and other services. They do. The problem is that the Department of health has, so far, failed to confer national approval or recognition to certain arrangements in the form of a circular letter that would address the issues involved. While this piece of work is not straightforward it is an essential prerequisite to an effective system of public protection.

The case of addressing these issues is even more urgent with the increasing use by the HSE of public monies to fund counselling arrangements or, as is often the case, to fund organisations who, in turn, are expected to deliver these services. In addition to the risk to the public the current situation constitutes a significant risk to the taxpayer.

Without clarity on current roles within the system it is difficult to offer a view on the appropriateness of the regulation of one or two professions under one registration board.

- **The appropriate level of ‘grand parenting’ qualifications to be set for existing practitioners having regard to the QQI standards.**

There needs to be some consideration of the decision to pitch both qualifications at Level 8. Certainly in the case of psychotherapy there has been a view that entry to the profession should follow an extensive training programme undertaken by graduates of other professions who have developed a particular interest or who possess relevant skills and experience.

There are important considerations too – some of which have been noted in the CORU report – with regard to the relationships with other professions including psychology (especially counselling psychology), social work and certain clinical nursing specialisms. IMPACT has particular experience in this regard.

Psychotherapy has been generally understood within the Irish health system as having five branches – cognitive behavioural therapy, constructionist therapy, couple and family therapy, humanistic and integrative psychotherapy and psychoanalytic psychotherapy. It is important that any actions in relation to regulation would not have any unintended consequences for service standards.

- **The appropriate level of qualifications to be set for future applicants for registration having regard to the QQI awards standards**

A full response to this issue is dependent on progress in relation to the two preceding points.

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

The aim of two titles – counsellor and psychotherapist – would seem to make sense. However, further consideration should be given to how existing public servants working in the broad field would be comprehended by such titles regardless of how they are described at present. IMPACT would seek to input to such an exercise.

**Kevin Callinan**  
**Deputy General Secretary**

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