

Meeting of the Joint Committee on Health
(7th March, 2017)

**Motions Proposing that both Houses of the Oireachtas approve
Draft Regulations to be made by the Minister for Health**

Opening Statement by Ms. Deirdre Walsh
Principal Officer, Department of Health

Chairman and Members of the Health Committee,

I want to begin by thanking the Chairman and the committee for inviting us here today to talk about the draft Regulations to be made by the Minister for Health designating the professions of Counsellor and Psychotherapist under the Health & Social Care Professionals Act, 2005. I would like to introduce myself and my colleague. I am Deirdre Walsh, Principal Officer, Professional Regulation Unit. The Unit forms part of the National HR Division, Department of Health. I am joined by my colleague, Aidan Tumbleton, Assistant Principal Officer.

Regulations

The Houses of the Oireachtas are being asked to approve the following Regulations in draft

1. Health and Social Care Professionals Act 2005 (Section 4(2)) (Designation of professions: counsellors and psychotherapists and establishment of registration board) Regulations 2017.

These regulations will designate the new professions of counsellor and psychotherapist under the Act and would establish one registration board for both professions each with its own register.

2. Health and Social Care Professionals Act 2005 (Section 4(7)) (Membership of Council) Regulations 2017.

These regulations are consequential to the above regulations. The designation of two new professions will create two new professional positions (for the professions of counsellor and psychotherapist) on the Health and Social Care Professionals Council. These regulations will

increase by two the number of lay positions on the Council to ensure a continuing lay majority.

Background

These regulations represent an important step in implementing the decisions of the Minister for Health that the professions of counsellor and psychotherapist will be regulated under the Health and Social Care Professionals Act 2005 and that each profession will have its own register under one registration board. The decisions were taken on foot of an initial consultation with the Health and Social Care Professionals Council followed by a wider public consultation which generated over 80 submissions.

The Act provides for the protection of the public by promoting high standards of professional conduct, education, training and competence through statutory registration of the health and social care professionals designated (currently 14) under the Act.

Regulation under the Act is primarily by way of registration of practitioners and the statutory protection of professional titles. The use of protected titles is restricted to practitioners granted registration under the Act. Registrants must comply with a code of professional conduct and ethics and are subject to “fitness to practice” rules similar to those applying to nurses, midwives and doctors. The structure of the system of statutory regulation comprises registration boards for the professions, a committee structure to deal with disciplinary matters, and the Health and Social Care Professionals Council with overall responsibility for the regulatory system. These bodies are collectively known as CORU.

As of now, there are registers established and titles protected in respect of 7 of the 10 Registration Boards appointed under CORU. This represents 13,000 registrants of a potential 25,000 to 30,000 registrants when all designated professions are registered. The remaining 3 Boards (of the 10 appointed) are actively working towards establishing their registers as soon as possible and these include Social Care Workers, Medical Scientists and Psychologists. It is intended to have two more Registration Boards established in quarter two, one being the Podiatrists Registration Board and subject to obtaining the approval by the Oireachtas of the Regulations before you today, the other being the Counsellors and Psychotherapists Registration Board. This will leave the remaining designated professions of Orthoptist and Clinical Biochemist to be progressed before work concludes on the regulation of all professions designated under the Health and Social Care Professionals Act, 2005.

As stated, counsellors and psychotherapists are not currently designated under the Act. Counsellors and psychotherapists assist with people with psychological, emotional and or mental health issues. There is concern that, in many cases, there is no statutory oversight of their competence and conduct and that some practitioners lack the qualifications and professional training needed to work with such vulnerable clients.

The regulation of counsellors and psychotherapists under the Act will ensure that those registered will have minimum qualifications, that only registrants will be entitled to 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.

Legal position

Section 4(2) of the Health and Social Care Professionals Act 2005 Act provides that the Minister for Health, after consulting with the Health and Social Care Professionals Council, and having given other interested parties an opportunity to make representations to him, may designate a health or social care profession that has not already been designated if he or she considers that it is in the public interest to do so and if specified criteria have been met.

Section 4(8) of the Act provides that regulations may be made under section 4 only if –

- (a) a draft of the proposed regulations has been laid before the Houses of the Oireachtas, and
- (b) a resolution approving the draft has been passed by each House.

Next steps

Subject to the approval of the Houses, the next steps will be to make the regulations to designate the professions and to appoint the 13 members of the registration board following the submission of suitable candidates for the Minister's consideration by the Public Appointments Service.

Once the Counsellors and Psychotherapists Registration Board has been established, and its members appointed, the board will be asked to advise the Health and Social Care Professional Council and the Minister on some of the outstanding issues to be decided. These include the professional titles to be protected by regulation under the Act and the qualifications that ought to be required of existing practitioners in order to register.

The registration board will also commence drafting the various bye-laws to allow it to establish its registers. These will include bye-laws relating to the approved qualifications that will be required of future graduates.

Following the opening of a register there will be a two-year transitional period to allow existing practitioners time to apply for registration and to satisfy the registration board that they meet the requirements for the profession.

I am happy to take questions.