

Comments on

Psychology Board of Australia (PBA) Consultation Paper
“Registration and Standards and Related Matters”
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This a public document on behalf of the APS College of Organisational Psychologists,
prepared by the College’s National Regulatory Developments Working Party (NRD WP)

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Executive Summary

This document presents a series of comments on the PBA's Consultation Paper from the perspective of organisational psychologists.

The comments acknowledge that the authors of the Consultation Paper have attempted to recognise the diversity of the profession of psychology, which includes the delivery of non-health as well as health related services, but note that the PBA will need to continue to recognise this diversity in all its practices.

The comments indicate that some proposals in the Consultation Paper entail radical and costly changes for the profession, namely:

- phasing out the 4+2 route to general registration as a psychologist,
- setting an examination for general registration,
- requiring a doctoral qualification plus one year of experience as the minimum for specialist registration,
- mandating 10 hours of individual supervision each year for psychologists to meet the requirements for continuing professional development, and
- requiring supervisors normally to be external to the supervisees' employing organisation.

The College of Organisational Psychologists welcomes further discussion of these key proposals.

Summary of Recommendations

At the end of each comment about the PBA's Consultation Paper, we have offered recommendations for the PBA to consider. These recommendations are summarised here as follows:

- The PBA establish a process for appeal against its decisions in applying the Criminal History Standard.
- The PBA recommend to government amendment of the relevant legislation to remove spent convictions, non-conviction charges, and decriminalised offenses from consideration under the Criminal History Standard.
- The PBA monitor implementation of the professional indemnity insurance standard to ensure that it does not have adverse effects on psychological practice.
- The PBA revise its proposal for continuing professional development by deleting the requirement for 10 hours individual peer consultation ('supervision' in the PBA's terms).
- The PBA consult with the Australian Psychological Society on appropriate requirements for continuing professional development.
- The PBA establish a process for appeal against its decisions in applying the Recency of Practice Standard.
- The PBA recommend to government amendments to the relevant legislation to ensure the composition of the PBA reflects the diversity of the profession.
- The PBA revise the wording of the Recency of Practice Standard to accommodate the range of roles in which psychologists are employed.
- The PBA consult widely on the proposal to introduce an examination for full general registration before reaching a decision on its value.
- The PBA revise its position on internship supervision by deleting the requirement for two supervisors and the requirement that a line manager cannot be a supervisor.
- The PBA, in deciding on the suitability of a supervised practice program, apply its core capabilities and attributes in the context of the specialist area of the profession in which the supervisee is seeking to practice.
- The PBA reconsider its recommendation that Specialist Clinical Geropsychologist be a title for specialist registration, in the light of the justification it advances for the recognition of specialist areas.
- The PBA recommend that the specialist title be Specialist Organisational Psychologist and not Specialist Industrial and Organisational Psychologist, consistent with Australian practice in the profession.
- The PBA accept the list of specialist titles as amended in terms of the preceding recommendations and not approve a more limited set without wide consultation with the profession.
- The PBA revise its recommendation on the requirements for specialist registration by replacing a professional doctorate with a professional Masters degree in the specialist area as the minimum academic qualification.
- The PBA seek evidence of the effectiveness in reducing risk to the public of the supervisor training programs presently implemented in Queensland and New South Wales before proceeding with its recommendation on endorsement of supervisors as an area of practice.
- The PBA clarify the reach of its powers given the jurisdictions of the legislation establishing it.

Purpose of the Comments

The comments in this document are a response to the invitation to comment on the very significant proposals of the PBA pursuant to implementation, in the case of the profession of psychology, of the National Registration and Accreditation Scheme (the national scheme). The frame of reference for the comments is the practice of organisational psychology in Australia.

General comments

The authors of the Consultation Paper have shown a commendable willingness to argue through issues and justify the positions reached, which should promote more considered and useful responses than might otherwise result. In places, however, proposals require further and better justification.

The Consultation Paper makes reference to wide ranging consultation (e.g., p. 1, p. 35) and open meetings in each State and Territory (e.g., p. 15). Consultation has not been as comprehensive as implied, in no small part because of the short consultation period provided (less than one month).

The Consultation Paper in places (pp. 1, 14, 17, 19) shows a welcome recognition that Psychology is a broad profession that delivers services beyond the health sector, which is the focus of the national scheme. However, greater recognition should be given to the differences in specialist knowledge, typical levels of analysis and action, and forms of intervention, so that it cannot be concluded that the PBA sees specialist differences as merely differences in the context for service delivery. They are more fundamental than that. The guidelines that will flow from adoption of the standards outlined in the Consultation Paper and the decisions of the Board in applying the standards must continue to reflect the diversity of psychological practice and the nature of the profession.

The model of the profession implicit in the paper is that of psychology in the U.S.A. Such a model is not appropriate to Australia with a different history of higher education and of health provision.

The Consultation Paper indicates that the PBA is taking on a major steering function for the profession of psychology in Australia. The central flaw in the legislation establishing the PBA was that it linked regulation with accreditation under government control. This has provided the opportunity for a more expansive approach to the profession by the PBA. The PBA needs to recognise, however, that professions depend for their vigour and emergent directions on the universities and the professional societies and not on government regulators.¹

The Criminal History Standard (pp.4-5)

This standard is common to all Boards and flows directly from the enabling legislation. As such it shows the flaws in that legislation, for example, failure to apply socially-valued legislation on spent convictions, inclusion of criminal charges and not just convictions in the criminal history, and inclusion of convictions under a criminal code since repealed in only some jurisdictions. This is not something the Boards can do anything about, in the short term at least. The statement of the standard does encourage the view that a reasonable approach will be taken to interpretation (e.g., scaling the relevance of the offence, attaching varying weight to offences). What is needed, however, is a transparent, accessible, and independent appeals system, because even with the best will there will be mistakes made by the Boards from time to time and there must be an avenue to identify and correct these.

The focus on criminal history checks takes attention away from issues that were handled under earlier legislation by tests of good fame and character. For example, the outcome of disciplinary proceedings of a professional registration board might indicate unsuitability for practice in some circumstances. Presumably, considerations of this sort are to be handled by the Boards in other ways, but the Consultation Paper is silent here.

National consistency will be difficult to achieve, given the differences across jurisdictions in regard to which offences have been decriminalised, or in other respects (e.g., "working with

¹ The National Competition Commission has consistently stressed that regulatory bodies as an agency of the "state" have a limited role in 'public protection', and should not enter into activities that are not central to that role, such as are undertaken by professional bodies. It is also appreciated that regulation is a "blunt instrument" for the achievement of social good.

children's checks"). Much remains to be done to resolve these legal and legislative differences and their potential negative impact on registrant mobility across jurisdictions.

Recommendations

1. The PBA establish a process for appeal against its decisions in applying the Criminal History Standard.

The PBA recommend to government amendment of the relevant legislation to remove spent convictions, non-conviction charges, and decriminalised offenses from consideration under the Criminal History Standard.

English Language Standard (pp. 6-7)

This is a standard common to all Boards. The requirements and exemptions are reasonable.

Professional Indemnity Insurance (pp. 8-9)

This is a PBA specific standard. It seems reasonable. However the PBA's attention is drawn to the variety of schemes for professional indemnity insurance that are available, and to the fact that frequently there is a lack of detail in the advice released to employees about their scope and limitations. Employed psychologists may unknowingly be in breach of the Board's requirements, such as in 'group coverage' schemes where funds may become exhausted by many claims. Independent practitioners may have difficulty negotiating an affordable arrangement for professional indemnity insurance. It will be important that the costs of professional indemnity insurance do not drive such practitioners out of business.

Recommendations

The PBA monitor implementation of the professional indemnity insurance standard to ensure that it does not have adverse effects on psychological practice.

Continuing Professional Development (pp.10-12)

This is a PBA specific standard. The authors of the Consultation Paper note that guidelines will be provided in due course as to how the standard is to be interpreted. These guidelines will need to recognise the diversity of the profession of psychology that the PBA says it acknowledges. The guidelines may prove to be entirely uncontroversial but it is at the point of enacting guidelines that the genuine acceptance of diversity is tested. It is useful to have a statement in the standard of the sort that 'CPD activities should be relevant to the psychologist's area of professional practice' (p.11), but the PBA needs to make good on this in its decision making.

The standard specifies 10 hours of individual supervision per year. Although the authors of the paper claim that 'most practitioners will already have established supervisory arrangements' and that as a consequence the requirement for 10 hours individual supervision will not be an 'unreasonable responsibility' (p. 32), no data are provided to support this claim. Individual supervision as part of continuing professional development is not common practice in organisational psychology and in some contexts 'commercial in confidence' considerations make it impractical.

The requirement is not justified in the paper, other than to say it is 'critical to safe and effective psychology practice' (p.32), but this is simply an assertion. The proposal for supervision at the point of generalist registration is founded on the same premise ('ongoing safe practice in psychology', p. 46), but this is in the case of a novice and inexperienced practitioner. Normally, one would expect that as competence increases the need for individual supervision decreases. Indeed the legal definition of an independent practitioner is one able to function without supervision, and such independence is generally an expectation of an external contractor supplying professional services.

The Consultation Paper uses the terms "supervision" and "peer consultation" interchangeably. It thus misses the opportunity to identify means by which self-reflection aided by discussion with and support from a professional peer might be undertaken without the surplus baggage of the term "supervision". Also missing is an explanation of how all (practising) registrants can conceivably be supervised, including those who are themselves designated supervisors.

The term “supervisor” used in the Consultation Paper does not distinguish adequately between professional supervision provided by a more senior psychologist employed in the supervisee’s organisation as a routine part of professional employment there (as is commonly done in government departments, the military, and many private sector companies), or an “external” supervisor engaged by and paid for by the (salaried-employed) supervisee in order to satisfy registration board requirements. The role relationships and expectations involved are very different. The PBA needs to separate these two forms of supervision rather than persist with generic statements that fail to capture the differences.

Further, the industrial and legal implications of the two different forms of supervision need to be examined in detail. An organisation which accepts that one of its employed psychologists has engaged their own external supervisor with regulatory responsibilities could well put itself in some legal jeopardy, or at least create uncertainty as to legal liability as well as confusion of lines of managerial responsibility and accountabilities. The supervisee would then be in a very invidious position.

The College of Organisational Psychologists fully supports the requirement for continuing professional development as a means of maintaining practice standards, but considers the need for individual ‘supervision’ to be limited, impractical, and unnecessary. It supports the approach of the Australian Psychological Society, which provides for a range of alternative methods of continuing professional development so that psychologists can use the options that are relevant and accessible in their particular geographical and professional context.

Recommendations

The PBA revise its proposal for continuing professional development by deleting the requirement for 10 hours individual peer consultation (‘supervision’ in the PBA’s terms).

The PBA consult with the Australian Psychological Society on appropriate requirements for continuing professional development.

Recency of Practice (pp.13-14)

This is a PBA specific standard. The statement in clause 3 of the requirements extends to the PBA the discretion to determine whether the quantity or type of practice in any particular case meets the standard. A transparent, accessible, and independent appeals process needs to accompany this discretion.

This is particularly true as ‘practice’ is defined partly as ‘work in clinical, administrative, research, and education fields’. Presumably ‘administrative’ is meant to include the practice of organisational psychology. What constitutes practice in this area in the mind of the PBA needs clarification, particularly the demarcation of psychological from non-psychological practice.

Related to this point is the question of whether the PBA, as it is constituted, is able to assess practice across all specialties. How will the PBA draw in expertise to inform decision making about areas of the profession where its members lack expertise now and in the future? For example, there is reference to the PBA requiring an applicant to undergo a performance assessment or examination. How and by whom would this be done?

The Consultation Paper rightly recognises that occupational title is not a reliable indicator of psychology practice. However, the reference to practice being ‘generally in roles where registration as a psychologist is a requirement’ presents problems for organisational psychologists, because many are employed in roles that do not require psychologist registration as an essential selection criterion, even though performance in these roles greatly benefits from having a psychologist perform them (e.g., Human Resource Manager, Learning and Development Coordinator). The phrase identified above may serve to limit the options of organisational psychologists seeking employment. It should be deleted or the meaning of ‘generally’ clarified.

Recommendations

The PBA establish a process for appeal against its decisions in applying the Recency of Practice Standard.

The PBA recommend to government amendments to the relevant legislation to ensure the composition of the PBA reflects the diversity of the profession.

The PBA revise the wording of the Recency of Practice Standard to accommodate the range of roles in which psychologists are employed.

Proposed Qualification Requirements for General Registration (pp. 16)

The Consultation Paper states that the PBA 'is not proposing any changes in this area' and then goes on to foreshadow the introduction of an examination for general registration² and to indicate that the PBA plans to phase out the 4+2 option for general registration 'in six years'. These are major changes with significant cost implications.

No justification is offered for an examination for the purposes of general registration. Presumably the proposal is modelled in part on the experience in the U.S.A. where passing such an examination is required for licensed practice in all states. However, its value there has been questioned (see e.g., the exchange in *Professional Psychology: Research and Practice*, 2009, 40(4)). Much more debate on the use of an examination in the Australian context is required and the PBA needs to consult further before it reaches a considered position on this.

As for phasing out the 4+2 option, according to the data cited in the Consultation Paper, this will require universities to provide about 2250 additional places in Masters courses by 2015. It is not clear where the funding for this is to come from or that universities have the capacity to expand the number of places in this timeframe. It is likely, therefore, that the 4+2 (with the newer 5+1) model will remain for some time.

The background paper provided on the content of the two years of supervised practice indicates that for some States and Territories the number of hours of supervision required will be substantially increased (almost doubled) to provide for national uniformity in this aspect. The feasibility and costs (to employers and registrants) of these changes should be more thoroughly assessed.

Further, the background papers indicate that supervisees will require two supervisors and that a line manager cannot normally act as a supervisor. Although two supervisors may be warranted in some circumstances, making it a requirement introduces a level of inflexibility that is unjustified. Requiring that a supervisor cannot be the supervisee's line manager is unrealistic, given typical employment conditions for supervisors and supervisees. These requirements need to be reconsidered.

Importantly, the background paper states that 'A supervised practice program is an alternative equivalent to the standard professional master's route of entry to the profession of psychology.' This equivalence criterion is important because professional masters programs are in specialty areas of psychology and the content and practicum requirements are directed to the development of specialised knowledge and skill in the specialty. The background paper acknowledges this when it states further that 'appropriate work roles for interns are those that involve the application of psychological knowledge, methodology, principles, techniques and ethical standards to individual clients, groups or (emphasis added) organisations across a broad spectrum'. It follows that a program of supervised practice could be directed to the development of competence in, say, organisational psychology and, given that it meets the time requirements outlined in the background paper, should be acceptable to the PBA.

To continue the point, the eight core capabilities and attributes which the background paper states are to be addressed in the supervised practice program must, in terms of the equivalence criterion, be understood in terms of the outcomes being sought, e.g., competence in organisational psychology. Given that, it would be unreasonable, for example, to require that a psychologist undergoing supervised practice directed to competence in organisational psychology develop skill in, say, an individual test of children's intelligence to meet the 'psychological assessment' or 'practice across the lifespan' capability. Similarly, it would be unreasonable to require an organisational psychologist to complete a specified number of sessions of one-on-one client therapy to meet the 'intervention' capability.

The point being made is not an academic one. Some State boards operating under current legislation currently mandate unreasonable requirements of this sort. The background paper encourages the view that this will not be expected to continue under the PBA.

The principle of equivalence is important given the diversity of the profession, but the PBA also needs to recognise the realities of placement supervision. Placements are undertaken in

² In a much more significant and regular way than may have been provided for in some previous State/Territory regulatory legislation, where it has had an irregular, "last resort" usage.

organisations ranging from solo practitioner (rarely) to (often) comparatively large psychology units, such as in military psychology or some education departments. Whatever their form, they are not set up, staffed, resourced, or managed as quasi-academic units. They cannot be expected or directed to function as such. Their core business is service delivery. They can and do provide supervised experience in their core activities. Thus a uniform set of professional training outcomes cannot sensibly (or legally) be imposed on them.

Recommendations

- The PBA consult widely on the proposal to introduce an examination for full general registration before reaching a decision on its value.
- The PBA revise its position on internship supervision by deleting the requirement for two supervisors and the requirement that a line manager cannot be a supervisor.
- The PBA, in deciding on the suitability of a supervised practice program, apply its core capabilities and attributes in the context of the specialist area of the profession in which the supervisee is seeking to practice.

Proposal for Specialist Registration (pp. 17-20)

Four points can be made about this proposal: the argument on which it is based; the implications of setting the high standard proposed; the list of specialties included in the proposal; and the implementation of the grandparenting aspect of the proposal.

The argument

The argument for specialist registration is made primarily on the basis of the threat to the public posed by the treatment of mental health disorders by unqualified practitioners and not in terms of the nature of the profession, specialised since its inception and necessarily and increasingly so in the face of the rapid growth and specialisation of knowledge in psychology. Presumably the argument based on threat is considered more persuasive in convincing the Health Ministers that specialisation is needed, because as the authors of the paper admit 'the proposal may contribute to the restriction of competition' (p. 20). The problem with the argument based on threat is that it may lead to a situation where some specialties are recognised and others not. Introduction of such a 'caste system' into the profession should be strongly resisted, to the point where specialist registration for only some specialties should be rejected by the PBA.

The implications

The second point to be made about this proposal has to do with the benchmark for specialist recognition that the PBA proposes, viz., the award of a doctorate in the speciality followed by one year of approved supervised practice.

It is difficult to reconcile a benchmark that lengthens the period of training by at least one year with the authors' claim that 'this proposal is not expected to impact on the costs of educating psychologists or on the supply of psychologists' (p. 18). There will be significant costs to universities in providing additional places at the doctoral level and additional costs to psychologists completing further university study, both in fees and income foregone. The output from such high-level courses into the profession would almost certainly reduce very significantly compared with the current pathways to registration.

The use of the doctorate as the qualification for specialist registration seems to be another instance where experience in the U.S.A. is used as the model for the profession in Australia.

If it is being proposed as the model, it is not appropriate given the differences in higher education and social policy in the two countries. For example, the basis for doctoral training in psychology in the U.S.A. and Australia differs considerably, because the purposes of the undergraduate degree and the standards reached in completing it in Australia and the U.S.A. differ in the two countries. As for social policy, universal access to health care has been accepted in this country for many years, while the U.S.A. still struggles to find political consensus on the issue. In this regard, it would be a perverse outcome if the introduction of the doctoral requirement as part of the national scheme were to have the effect of limiting the access to psychological services the present government is seeking to expand.

Specialties and titles

The list of specialties proposed in the Consultation Paper is essentially that currently recognised by the Australian Psychology Society (APS) with the addition of clinical geropsychology. A specific argument for the introduction of this specialty is not adduced. Rather, a general argument is made that the specialties identified are already established, that APAC approved courses recognising these specialties are in place, and that a precedent for them exists in the specialist title legislation in Western Australia. None of this is convincing as far as the inclusion of clinical geropsychology is concerned. It is hardly an established specialty, there being only one APAC approved course with this title in the country (at the University of Queensland). APAC approved courses recognise other specialties that do not make it in to the list advanced in the Consultation Paper, e.g., clinical forensic and clinical (child specialisation). The Western Australian precedent of specialist title legislation does not include clinical geropsychology. The PBA may be of the view that with an ageing population this is a specialty of the future but it does not say that and opens itself to a charge of arbitrariness in including it.

The use of the term Industrial and Organisational Psychologist to refer to members of the specialty known in Australia as organisational psychology deserves comment. The joint designation is used in the title of the Society of Industrial and Organisational Psychology (SIOP), which represents organisational psychologists in the USA. The title of the Society is, however, currently under review, with a majority of SIOP members favouring the title Society of Organisational Psychology. The title Industrial and Organisational Psychologist is not used in Europe or by the British Psychological Society. In Australia its use is confined to the title of a conference organised by the Australian Psychological Society once every two years. It is not used in any specialist doctoral program approved by APAC. The more common usage in Australia is the shorter 'organisational psychologist' or 'organisational psychology'. This is the title used by the specialist College of the Australian Psychological Society, and the College recommends this be the nomenclature used by the PBA.

Implementation of the grandparenting provisions

The Consultation Paper indicates that in the transition phase full membership of the relevant College of the Australian Psychological Society or assessment of eligibility for full membership will be taken as equivalent for specialist registration. Whereas the members of a College can be readily identified, eligibility for membership requires deliberation, which involves an increased workload for College officers who work voluntarily. The College of Organisational Psychologists will assist in implementation of the PBA's proposal if approved, but would welcome the opportunity to discuss the details of this aspect of implementation with the PBA.

Recommendations

- The PBA reconsider its recommendation that Specialist Clinical Geropsychologist be a title for specialist registration, in the light of the justification it advances for the recognition of specialist areas.
- The PBA recommend that the specialist title be Specialist Organisational Psychologist and not Specialist Industrial and Organisational Psychologist, consistent with Australian practice in the profession.
- The PBA accept the list of specialist titles as amended in terms of the preceding recommendations and not approve a more limited set without wide consultation with the profession.
- The PBA revise its recommendation on the requirements for specialist registration by replacing a professional doctorate with a professional Masters degree in the specialist area as the minimum academic qualification.

Endorsement of Psychology Supervisors (pp.21-24)

The proposal for identifying supervision as an area of practice requiring endorsement by the PBA will require Ministerial approval for implementation. This is an unusual formulation regarding "area of practice" including that it appears to run across the various specialties, but it may have merit, more fully explained and sensitively applied.

The argument for it made in the Consultation Paper is in terms of the risk to the public that

follows from poor supervision. Anecdotal evidence for this is referred to but not adduced.³ Nor is any evidence provided to support the value of a training program, of the sort proposed, in reducing risk to the public, although mandatory training is in place in Queensland and New South Wales. Good public policy does not flow from a focus only on the prevention of accidents or deliberate breaches of professional standards or codes, which are comparatively rare. Such instances typically are situation-specific or person-specific, and generalisations can rarely be made from them to universal “best practice” dimensions.

We commend further consideration of this aspect of the Consultation Paper.

Recommendations

The PBA seek evidence of the effectiveness in reducing risk to the public of the supervisor training programs presently implemented in Queensland and New South Wales before proceeding with its recommendation on endorsement of supervisors as an area of practice.

Range of Coverage of PBA Policies:

The following important questions remain unanswered, given that the PBA is not established under Commonwealth legislation. Are Commonwealth-employed psychologists covered by the PBA? Are State/Territory-employed psychologists covered? Are overseas psychologists visiting Australia for service-delivery purposes covered? By “covered” we mean required to register, conform to PBA standards and expectations including continuing professional development and professional indemnity insurance, and be subject to the proposed complaints avenues and penalties?

Recommendations

The PBA clarify the reach of its powers given the jurisdictions of the legislation establishing it.

Concluding Comment

The Consultation Paper goes some of the way to recognising the diversity that is the profession of psychology. The PBA will need to keep this diversity firmly in mind in issuing guidelines that follow from the standards and proposals outlined in the paper, if adopted.

As a new board, the PBA not surprisingly shows enthusiasm to innovate, and should be supported in its efforts to address the complex issues that national regulation poses. But it will need to find its place in professional affairs and not usurp the roles that need to be played by universities and professional societies. Indeed it will be only by continual, cooperative problem-solving effort by all stakeholders, in a spirit of ‘co-regulation’, that satisfactory progress will be possible.

To conclude, a number of specific proposals in the Consultation Paper are acceptable to the College of Organisational Psychologists, but others require substantial modification. The College welcomes further discussions about them.

³ There is also quantitative data that about 70% of complaints to Psychology Registration Boards around Australia are made by disgruntled losing protagonists in Family Court cases, sometimes as an expression of grievance, sometimes more calculatingly, in an effort to increase the chance of a successful appeal by discrediting the psychologist and her or his evidence, and sometimes as a reflection of practitioner inexperience in this difficult line of work. If so, there is little room in an explanatory sense for inadequate supervision as a major causal variable.