
Licensing Individuals and Organisations for the Family Law Division

Background Report & Rationale Behind the Licensing Process

September, 2005

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2: Introduction

Amongst the tasks set out for the Family Law Council (hereafter referred to as the 'Council'), is the ability to recognise and give due recognition to individuals or organisations who can offer professional counselling services that can be incorporated into the Family Law Act (hereafter referred to as the 'Act').

The largest single resource for the Act, is the identification, recognition and employment of qualified counsellors offering professional level psychological skills to many aspects of the Act, such as family and child counselling, reconciliation and pre-marriage and guidance counselling. At the time of writing this report (September, 2005) Fiji does not have enough people within Fiji who have qualifications that meet international standards to offer these services. Nor does Fiji have the financial resources to buy-in this expertise. Instead a scheme has been proposed which identifies different levels of expertise, some of which does not require the level of training or experience to be a fully qualified 'counsellor'. The innovative character of the Act provides for much 'counselling' at different levels outside of the Family Law Division.

The remit of the Council is, aside from informing the Attorney General on any aspect or nature pertaining to the Act, the ability to acknowledge people as being able to operate in the Family Law Division framework, hereafter referred to as 'licensing'.

This background report goes into some of the rationale and philosophy behind identifying different skill levels of counselling to enable members of Council to understand the *flavour* of the licensing process. It is envisaged that this would become increasingly pertinent when the Council encounters license applications that appear to fall into "grey areas" (see Section 3 & 12). But it will also provide a resource for newer members of the Council as they come to replace existing members.

This report is **not** however, a guide on how to process applicants applying for licenses to work within the Family Law Division. There is a separate manual for the Council called the *Family Law Council License Application Manual* which contains a clear set of guidelines to identify and award certification of individuals and organisations at an appropriate level.

3: A Practical Ethos to the Family Law Act

There is a temptation in any civil society, to perceive any legislation as simply a rote set of procedures and regulations to apply and follow in a mechanistic fashion. However, particularly with legislation such as the Act, the onus is to recognise that the legislation can and should act as a set of legal guidelines that *enable* the country's citizens to pursue a better quality of life despite difficult circumstances such as separation or divorce. This

is particularly true for children of a relationship that is undergoing severe stress or strain. The whole purpose of the Act, is to ameliorate the negative effects children undergo if the parents do dissolve their relationship. However, Fiji's Act is notable by making reference to both marriage reconciliation and even potentially pre-marriage guidance and counselling. Regardless of why Fiji has these unusual aspects within it's own Family Law Act (in contrast to others in Australia, New Zealand or the United Kingdom for example), there is no *a priori* reason why it should not be part of the Act. Furthermore these 'quirks' are potentially opportunities to cast the net far wider into the community, than simply residing within the salaried bounds of the court system under Family Law Division.

The potential of the Act then, is to allow Fiji's community to participate in preserving the well being of relationships and particularly parental relationships. It would be sad if the Act was interpreted in such as way to be elitist and exclusive. There needs to be some latitude to recognise that individuals or organisations that have not crossed every single 't' and dotted every 'i', can still be entirely valuable contributors to the intentional goodwill of the Act.

On the other hand, there is considerable caution required when recognising that the Act has strong implications for giving recognition to individuals who can have an enormous impact on the well being on Fiji citizens. Of course the expectation is that this impact will be entirely positive. However, if someone is unqualified or inexperienced, or both, then the danger to do great harm within society is very real. Because of this potential to be very damaging, the Act does need to be interpreted in a way that protects Fiji's citizens from the ravages of such inexperienced individuals – regardless of their good intentions.

And this is where Council has such a crucial role to play. It is pivotal in trying to achieve a balance between allowing genuine people within the community to contribute to the Act, and yet at the same time protect Fiji's citizens from poor or outright dangerous people to give out inappropriate advise. This balancing act is summarised in Table 1.

	Potential Benefit to Society	Potential Cost to Society
Conservative interpretation of the Act	protects against inexperienced counsellors giving poor or dangerous advice	excludes too many individuals so that there are virtually no 'qualified' counsellors to contribute to the Act
Liberal interpretation of the Act	makes the community more inclusive and participatory in the workings of the Act.	allows inexperienced or even charlatans to pose as 'counsellors' and do great damage to the lives of individuals.

Table 1: Benefits & Costs in interpreting who is and who is not recognised as counsellors in the Family Law Act.

One of the ways to help the Council achieve this balance, is to identify different skill levels of counselling which can contribute to the Act. This is desirable because it is recognised that relationships that need outside help or advise, differ in their needs and levels of counselling skills required. A couple that would like some advise on how to manage minor disagreements within their relationship, is different from an embittered couple that is seeking a formal divorce with the division of material goods and different parental access to children. In the ideal world the Act would help identify and match the counselling skill levels appropriate to the level of concern in the relationship. Timely and appropriate counselling for the minor disagreement couple, may help to prevent them eventually becoming an embittered couple seeking a formal divorce.

Later in this document (Section 12) there is a more detailed explanation of what happens when applications fall into “grey areas”, that is, it is unclear which category an application fall into. It comes towards the end of the document because understanding is likely to be clearer once all the previous issues have been discussed such as the licensing levels of both individuals and organisations. However, it maybe important to note here that one of the main purposes of this document is to help the Council to make decisions about applications when they fall into such “grey areas”.

4: Terminology

To be precise, clarification is needed to understand the different words that refer to the overall process of recognition within the Act. Such as *licensing*, *certification*, *accreditation*. These are spelt out in more detail in table 2 below.

Individuals apply for a <i>License</i> :	refers to the ability for an individual to act as a ‘counsellor’ as defined in the Family Law Act. This is essentially what the individuals need to acquire before they can be employed under the Family Law Act.
NGOs or professional bodies apply for a <i>License</i> as a <i>Licensing Body</i> for individuals:	An organisation can also apply for a 'license' to hand out Family Law Council licenses.
<i>Certification</i> :	an additional level of specialisation that refers to counselling of a specific nature. Examples might be ‘child counsellor’, or ‘family counsellor’.
<i>Accreditation</i> :	is the process by which an educational organisation delivers an approved training course that meets the licensing standards.

Table 2: Terminology used to recognise individuals or organisations within the Family Law Act.

An individual seeks a *License*. They may in addition receive *Certification* to practice a specialisation. A separate organisation may apply for a different kind of *License* to become a *Licensing Body* of individuals. Individuals as part of their licensing

requirements, will find it easier to apply if their training and/or qualifications and/or endorsements, come from an *Accredited* body (such as a University or a professional body).

These are terms that are internationally recognised.

5: Overview of the Family Law Division Structure & Function

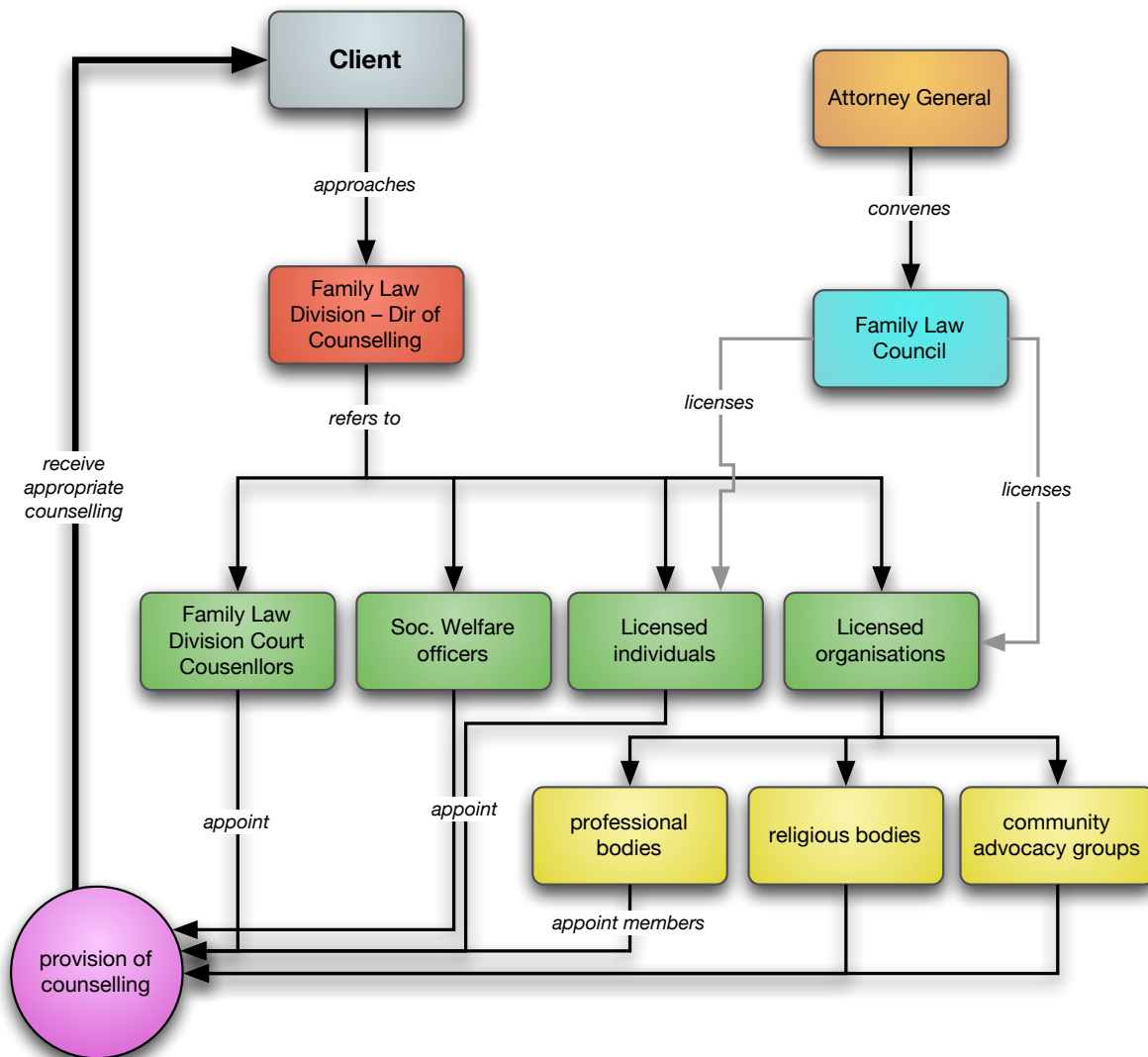


Figure 1: Schematic overview of the individuals and organisations involved in the Family Law Act offering clinical counselling services. The Family Law Council is identified by an white oblong on the right hand side close to the bottom.

The Council is identified by the second shape down from the right just below the Attorney General who convenes it, and whose composition is supposed to help the Attorney General get representative opinions and concerns expressed about the Act.

There is no requirement that any members of the Council be qualified counsellors or be intimately involved in the counselling profession, although it would unusual if there was no member that had some training in the area. The Government's Public Service

Commission will be concerned with the training and qualifications of the civil servants employed in the function of Family Law Division counsellors. For all practical purposes they will be following the same professional criteria in identifying counsellors as the Council does.

5.1: Family Law Act Remit Extends Beyond Divorce

Potentially the Act can be interpreted to provide not only counselling services for couples separating, but also for couples seeking marriage guidance as well as reconciliation and even pre-marriage guidance counselling.

5.2: Community Counselling Partners

The unusual aspects of the Act is that there is potential to engage the community in the its' process. Pragmatically, this is because the resources of the newly emerging Family Law Division are going to be smaller than would be required, or that could be reasonably sustained in the future. But there are excellent reasons why this would be desirable in any case. Essentially, the potential to engage the community can not only take the work load off the Family Law Division in terms of the separation counselling, but it can also most likely provide the services that are more likely to be marriage guidance & counselling services and even pre-marriage counselling. Following the wisdom that *'Prevention is better than cure'*, the importance of the community's input cannot be over emphasised. If couples endure the perceived stigma of seeking intervention through the Law Courts (even with the new Act), then this is normally a tacit admission that the relationship has broken down most likely irreparably so.

There are already existing groups that are providing counselling services both for marriage and pre-marriage. Religious bodies particularly provide some sort of pre-marriage guidance - even if for the most part the counselling is likely to spell out the institution of marriage as a function of the religion (rather than the personal pragmatics of living together as a married couple). Other church based groups or non-government organisations such as the Fiji Women's Crises Centre, offer counselling for people within existing marriages. One could alienate these pre-Act groups by suggesting that the Family Law Division is the 'only way to go' – or one could embrace them as part of the whole Act's resource base. The latter has been the recommendation to fully engage and embrace the community as a holistic solution to minimising the harm in families undergoing severe stress and strain.

If the community is embraced, that does not mean that the counselling services currently being offered are all of a uniform standard. Instead a path to fully fledged Family Law Division counsellor should be identified, with various community partners being acknowledged as having the requisite skills to offer different skill levels of counselling, and with identified pathways to build on an existing skill level.

5.3: Reconciliation within the Act

Although normally the Family Law Division is concerned primarily with the process of separation, the specific concerns of Fiji's religious groups has provided a specific mention of utilising the Family Law Division as a vehicle for reconciliation. This is not necessarily a bad thing particularly when there is currently few resources to access qualified professional marriage guidance counsellors within the community. However, recognising that emotional divorce and separation precedes legal separation, means that in reality the chances of a reconciliation occurring once a partnership has reached the Family Law Division, are slender. It also means that particular sensitivity and training is required of the Family Law Division officers so that they recognise when they should or should not attempt to pursue an avenue of reconciliation.

5.4: The Role of Organisations with a Professional Interest in Counselling

There is also provision for the input from Professional Bodies within the Act. These would be organisations that are in some way concerned with counselling and can provide some sort of expertise on the matter. They have been identified within the Act as providing an alternative set of standards that could be recognised as a Family Law Counsellors as well as being represented on the Council itself.

6: Accrediting Educational Institutions

What has not been recognised implicitly in the Act, is the role that educational bodies have in providing counselling skill training. This should not be confused with the ability for an organisation to potentially be a licensing body (i.e. one that can confer a license to be recognised by the Council).

A professional organisation may have enough expertise to recognise the qualifications of an individual applying for a license. However, that does not mean that the professional body can provide adequate training in the area of counselling. This is a highly specialised skill that goes beyond simply 'being' a trained counsellor. As an analogy, being able to recognise a valid driving license, is not the same as being qualified to teach someone how to drive.

7: Decisions made by the Council – Reminder

To reiterate a point made already in Section 3, Table 1, the decisions that that Council make can have serious consequences. When the Council makes a decision to recognise individuals or organisations – it can have serious consequences. A *worst case scenario* might show a future newspaper headline that read “*Woman Commits Suicide – Told to Reconcile by Family Law Division Counsellor*” because an unqualified person was given the status of a Family Law Division counsellor.

Prior to explaining what the counselling levels are and levels of licensing is, it is worth repeating here that these are *guidelines* to aid the Council, they are not laws and regulations. The Council needs to be constantly questioning itself when it makes a decision to recognise (or not) an individual or organisation, whether they have found the right balance between being too liberal, or being too conservative. Being too conservative carries the risk of excluding 'grass root' counsellors who have a vast amount of experience in counselling situations but who may not have the paper qualifications that confers international recognition as a counsellor. Being too liberal could allow recognition to be given to individuals or organisations that are under-qualified, or inexperienced and therefore can (inadvertently) bring about real dangers to Fiji's citizens being giving out inappropriate or poor counselling.

8: Counselling Skill Levels Identified and Named

When deciding how to recognise by title, the different functional levels of the counsellors, the titles need to reflect some sort of international compatibility. That is, it would serve no purpose to designate someone as a 'Family Counsellor' in Fiji when in fact their professional skill level would not be recognised in any other country. This would not only serve to heighten a perception that Pacific Island countries have 'loose' standards, but could and would raise false expectations with those citizens who have experience or knowledge of Family Law Counsellors from abroad; either personal experience or from family and friends abroad.

Six levels of counselling skills have been identified; they are, in increasing levels of skills:

1. Life Skills Coach;
2. Skilled Helper;
3. Family Law Intermediator;
4. Family Law Trainee Counsellor;
5. Family Law Counsellor;
6. Family Law Senior Counsellor.

The following table, indicates approximately what each level of identified skill level, an identified individual is capable of and possibly the organisation or body that they would be working in.

Title	Approximate skills description	Approximate Employment/Location
Life Skills Coach:	someone who has had a minimum set of skills training to let them become someone who can effectively listen to people and offer general or rudimentary advice on overall life skills strategies. Life Skills Coaches would be probably primarily offering pre-marriage guidance counselling.	Religious organisations. NGO's concerned with Families.

Skilled Helper	someone who has had a relatively intense formal training, or perhaps they have had considerable vocational experience, which enables them to give grounded guidance & counselling. Skilled Helpers are probably most likely to give help in marriage guidance' or reconciliation counselling	As above. Commercial companies offering professional counselling services.
Family Law Intermediator:	someone with qualifications that allows them to offer effective impartial but relevant mediation between parties who are having difficulty negotiating an agreement. They have a minimum background legal training relevant to the Family Law Act.	The minimum skill level of Family Law Division 'counsellors'. Welfare officers in Social Welfare. Senior nursing and prison staff. Other Governmental Officers
Family Law Trainee Counsellor:	someone who has had the theoretical and practical training as a counsellor, and who is under a qualified supervision programme in their career track to become a qualified counsellor.	Family Law Division
Family Law Counsellor:	someone who would be acknowledged as having the core training and qualifications as an internationally recognised 'counsellor'.	Family Law Division
Family Law Senior Counsellor:	A counsellor, who has had further training to be able to offer professional supervision and advice for counsellors.	Family Law Division

Table 3: Identified operational skill levels of psychological skills in counselling contexts for the Fiji Family Law Act.

These operational titles identify the skill levels used, rather than their formal job titles. The identification of formal skills required for each level, is outlined in the *Family Law Council License Application Manual*.

One of the aspects about this graduated approach is that virtually everyone that has a concern or interest in maintaining families or reducing the harmful effect of families undergoing significant stresses and strains, can be embraced as part of the Act. The first level the '*Life Skills Coach*' is very easy to complete. This provides the *ramp* onto which a person can start to get further qualifications in counselling.

The relative ease by which a person can be licensed as a *Life Skills Coach* should not be a cause for concern as long as people who seek counselling skills from such people **clearly** understand the level of counselling that such individuals can and cannot offer (see Section 9). So the underlying ethos of the different identified skill levels is that the community is virtually guaranteed at being able to offer some level of counselling relevant to the Act. Furthermore, a clear career path is laid out to encourage individuals to up-skill themselves.

8.1: Skill Level Detail & Explanations

8.1.1: Life Skills Coach

A *Life Skills Coach* is someone who can: listen objectively; communicate effectively; offer practical common sense advice without placing too much personal values on a client.

Most probably these are basic skills that could be taught in a weekend workshop. There is no formal assessment other than that course participants would have attended the whole course.

These individuals can be thought of as 'good listeners'. This is not to belittle the incredible effect of such fundamental skills can have on the well being of clients. Since the Life Skills Coach is taking a more passive role, there is only a tiny chance that they can offer bad 'advice' to the detriment of the client's well being. Hence, this qualification not requiring any formal evaluation.

This level is there to provide as easy a 'ramp' onto official recognition as possible which acknowledges the many individuals who have been required to offer 'counselling' skills to the best of their ability.

Such individuals would most likely be religious priests and ministers, nursing staff and prison wardens. The logic is that since these people are probably already effectively counselling – some instruction on how to be a good listener and how to refrain from overlaying one's own personal judgements to the client, can only enhance what these 'applied' individuals are already doing. There is also the much stronger chance that once such individuals feel that they have been given recognition via this relatively easy path, they are more likely to continue onto a more advanced counselling skill courses.

It is also there to provide an easy introductory course to anyone interested in counselling & guidance skills. These skills are at the heart of effective counselling.

As long as the applicant for a Life Skills Coach license is clear in their understanding that they must announce what they can (and cannot do) with clients, then there is little potential harm that they can do. Therefore if there is a leaning one way or the other to awarding a license or not, the Council should consider leaning towards a liberal judgement (i.e. when in doubt, award the license). Once the Council has awarded a number of organisational licenses to bodies that can give out licenses as the Council's proxy, the expectation is that the Council is unlikely to be processing many individual applications; that is most of the applications will be handled by licensed organisations (see section 10).

8.1.2: Skilled Helper

This level is one in which 'real' counselling skills are applied, on the foundations of being a good listener and communicator. As such real problems can be presented and addressed. The counsellor plays a stronger active role in this process. Therefore the potential to 'get it wrong' is much greater than in the *Life Skills Coach* position. Hence this is the first position in which the training requires formal evaluation as to their abilities to offer basic counselling advice. The Council should err on the side of caution for the position of *Skilled Helper* and above (see section 10).

Briefly stated a *Skilled Helper* has undergone an intensive course on the theory and skills required for introductory counselling. Basic areas covered include: an understanding of the *Skilled Helper's* own personal values and attitudes; exposure to and some practice with basic skills required in counselling. a basic understanding of major personality theories (psychodynamic, behavioural, cognitive & humanistic); an understanding of basic ethical principles when engaged in providing professional counselling. See *Family Law Council License Application Manual* for a detailed description.

8.1.3: Family Law Intermediator

The term *Intermediator* is used specifically to avoid confusion with the term *Mediator* which is used exclusively in Australian Family Law Courts to mean someone with some formal legal training in addition to their counselling skills training.

This person has done supplemented the instruction at the *Skilled Helper* level by doing a practical course that has a minimum of 40 hours supervised counselling. They have also explored further aspects of counselling skills and theory such as case management; domestic violence, suicide and addictions.

This level of skill counselling must be considered to be the minimum requirement that someone has in order to be employed as a Family Law Division counsellor, once the Family Law Division has been operating for a number of years. In the initial start up phase, it is unlikely that there will be sufficient people to have attained this level of skilled training, but this should be considered to be the 'target' that Family Law Division officers would be up-skilled to as soon as possible. A review of this being the minimum standard should be conducted after a number of years of operation. The review should take place no later than by the end of 2010, which would mean that the courts had operated for a full five years. See the next section for the *Family Law Trainee Counsellor*.

8.1.4: Family Law Trainee Counsellor

This counsellor has a degree in Social Work, Psychology or Counselling (undergraduate or postgraduate). Two courses of which would have dealt specifically with counselling skills; one of them directly related to couples and family counselling. They would have also completed a course on *Human Development*, and another in *Professional Orientation*.

The latter is a course (or component of another course) that deals with issues such as moral behaviour, ethical standards, professional practices and bodies set up to provide such standards; counselling and obligations to the legal practice (of the land); the interaction between the professional counselling practice and legal practices.

If not in immediately, but in the not too distant future (say by 2011) Family Law Division, would in fact have to have the minimum entry requirements for this position. In between the time of implementing the act and this time, the focus would be for the Family Law Division to up-skill their existing staff to this minimum level.

8.1.5: Family Law Counsellor

This person builds upon the foundation of the *Family Law Trainee Counsellor*, by having undergone a minimum of 500 supervised hours of counselling; 160 of which would have been directly related to couple and family counselling.

After the initial start up period this is the formal level that one would envisage qualified Family Law Division counsellors to be at (say 2011). Most likely the actual Family Law Division Court would consist of *Family Law Counsellor Trainees* as applicants who had just joined the Family Law Division and *Family Law Counsellors*.

8.1.6: Family Law Senior Counsellor

An important aspect of clinical counselling, is the importance of having proper supervision. This is the level that is able to provide mentored supervision (as opposed to peer supervision).

This person is the same as a *Family Law Counsellor*. In addition this person would have taken a recognised qualification that allows them to act as a clinical supervisor to counsellors.

8.2: Certification

In addition there are at least two speciality counsellors that is relevant to the Family Law Division which can be given *certification* above and beyond their license. The Family Law Act refers to these two specialisations as if they were one and the same, but in fact they need to be considered different depending on the kind of counselling required. They would have to already qualify as a *Family Law Counsellor* and then have additional training to cover the area of specialisation.

8.2.1: Child Counsellor

A Family Law Counsellor with certification in *Child Counselling*, is a counsellor who specialises in counselling for children and youth. A better way to understand this position is to consider why or when such an individual is required above and beyond a Family Law Counsellor. This occurs when the well being of a child is impacted to a significant degree and the conditions are **not** appropriate for a generic *Family Law Counsellor* or a *Family Law Counsellor* with certification in *Family Counselling*. For example:

1. When there is violence associated with the separation (against the child or one of the parents).
2. When there is significant trauma associated with separation – regardless of how much the parents are trying to solve this as amicably as possible.
3. When there is significant trauma associated with the separation because the parents are confrontational in trying to establish custody.

In other words any time the individual well being, dignity or mental and physical safety appear to be at risk for a child, there may be a real need for specialist counselling and this is provided for by someone with certification in *Child Counselling*.

These counsellors are most likely (but neither exclusively or automatically so) to be required when the parental relationship has broken irretrievably so.

8.2.2: Family Counselling

A *Family Law Counsellor* or above, with certification in *Family Counselling*, is a counsellor who specialises in the well being of the family as a unit. This does not mean that such a counsellor ignores the needs of an individual, but rather that they consider these needs relative to the needs of the whole family. These individuals have a strong role to play when the family seems to be totally interconnected so that the actions and emotional well being of one individual has an immediate impact on the rest of the family.

These counsellors (but not exclusively or automatically so) are probably most required when the family still appears to be a viable or recognisable unit. The parental couple may be ready and willing to reconcile, in which case this specialist counsellor has a focus to try and prevent repeat behaviours that almost led to the break up of the family. On the other hand the parental couple may decide to dissolve but they agree to make the well being and healthy development of their joint children of paramount importance. Such a family would be interested in getting specialist guidance to help the family re-adjust to a new social dynamic.

9: Care to not Raise Expectations at Different Counselling Levels

There is one caveat to this scheme of the different counselling levels working correctly, and that is the public as clients and consumers of the counselling skills need to be educated as to what each level of counsellor is capable of and what they are not capable of in their professional capacity. This is clearly why there is a strong need for extensive marketing of the Family Law Act and the officers, organisations and institutions that serve the Act, needs to be carried out. However, there is a complimentary method in which prior to engaging in a professional counsellor-client relationship, the prospective client is explained at what level of counselling they can expect from a given counsellor. This might include an indication of a ceiling beyond which a counsellor cannot offer any

professional help. This might be done as an inclusive package in which the rights of the client in a counselling relationship should be explained anyhow (e.g. the right to withdraw from the relationship, the right to expect total confidentiality, but also the obligation of a counsellor to report matters that relate directly to criminal law, etc.).

This is something that the Director of Counselling of the Family Law Division's office would probably write up as pro-formas for counsellors to always go through and announce with every new client in the context of a Family Law Division encounter. That is regardless of what level a counsellor is operating at, *Life Skills Coach* through to *Family Law Senior Counsellor*.

10: Concerns for Organisations as Licensing Bodies

The Act provides opportunity for organisations to apply for recognition to identify individuals as suitable counsellors that could work in the Family Law Division context. These would normally consist of professional bodies that have some real world connection with counselling. Relevant organisations might deal with (in no particular order): counselling, psychology, womens' issues, social work, medical work, religious instruction or forensics. Concrete examples might be a professional Association of Counsellors (currently at the time of writing no such organisation exists), or the Fiji Women's Crisis Centre.

The Council needs to consider two major issues when such an organisation applies for recognition: the ability to make an accurate assessment of applicants ability at different counselling skill levels; a suitably detailed description of the internal mechanisms that accurately documents and records the decision making process for each application. They are dealt with in more detail below.

10.1: Assessing the Ability to Recognise Levels of Counselling

The first is that the different bodies are likely to be able to offer the ability to identify suitable individuals up to specific levels of expertise. A religious body is unlikely to have sufficient expertise or qualifications as a non governmental organisation (NGO), to identify skill levels that are at the *Family Law Intermediator* or above (although there may be specific individuals within the religious body that can do just that). A professional body such as as one devoted specifically to psychology, counselling or social welfare, is however, likely to offer expertise in identifying skill levels up to the highest level for the Family Law Division (and beyond). In other words NGOs should be applying for recognition to identify to a specific level of expertise. The Council needs to consider what level an organisation can identify applications to in the scheme of Family Law Division counsellors.

10.2: Assessing Internal Mechanisms

The second consideration for the Council is in the ability to assess the internal mechanisms that the NGO employs to not only identify individuals, but to maintain an accurate record of that application which is both secure to all those outside of either the Council or indeed the NGO itself, but at the same time allows the Council to access the actual application if they needed to, or wished to do an audit on the applications, or the application process. A *worst case scenario* could be that apparently a poor judgement leads to tragic consequences, and it is ascertained that the counsellor was certified by an NGO that had been given recognition to give certification, but the NGO had lost or misplaced the application and credentials of the individual.

The Council therefore needs to embrace a set of procedures which guarantee that the professionalism and accountability of such a professional body is foolproof, since this body will be given a license to act as the Council's proxy with all the potential risk that this could entail by individuals being one level removed from the application process to the Council. Should some tragedy occur, the blame will fall squarely on the Council's shoulders unless it can be demonstrated that more than adequate procedures were followed.

10.3: Auditing a Professional Body's License

Since the concerns and possible fall-out of a professional body's capability to adequately identify and license individuals, the Council needs to audit their capability on a regular (annual) basis. If nothing substantial has changed since their last review, this can be a relatively straight forward 'rubber-stamp' exercise. However, if key personnel change or their internal procedures of processing and handling applications within their body change, then their license needs to be reconsidered.

11: Educational Organisations Applying for or Recognised as an Accrediting Body

Educational organisations that apply for status as an accredited teaching organisation have to fulfil a number of diverse criteria that reflect:

- the physical infrastructure of the teaching environment;
- suitably qualified staff;
- appropriate staff to student ratios (the ratios are smaller than conventional courses due to the intensive one-on-one training required);
- a curriculum that covers the core areas;
- an appropriate means of assessing the proficiency level of its students;
- have the means to make relevant literature relevant for students;

- has appropriate and suitable arenas to place students in practical sessions that can be properly supervised.

This is a short summary of the requirements of an institution wanting accredited status when teaching at the level of *Skilled Helper* and above. There are currently (at the time of writing this document) only a limited number of educational organisations that are likely to fall into this category either now or in the near future: the University of the South Pacific, the Fiji School of Medicine and possibly the Fiji Institute of Technology. If, or when these organisations apply for accredited status, it is advisable that a specialist in teaching counselling skills be seconded to the Council to help make an accurate assessment in awarding accredited status. There is a good chance particularly in the beginning of the Act, that such a person would have to be seconded from overseas. The Council might consider proposing that the institution shoulders the total or part costs of bringing in such a specialist, since they have much to gain by being awarded accredited status.

In addition, the Council might consider seconding a member of the educational organisation to facilitate the processing of the application after a cursory scan of their submitted application appears to meet the majority of the criteria. Accreditation standards need to be stringent in their application but often there needs to be some leeway in how criteria are interpreted. The application will proceed in a much smoother manner if the Council has a member of the organisation on hand to answer any questions that arise and, if needs be, convey the concerns accurately back to the organisation.

In other words everyone benefits if an organisation can gain an accredited status, and to facilitate that, having a co-opted member from the organisation to help iron out vagueness or hard to interpret parts of the application (such as assessing the placement of students in practicums), should go some considerable way to preventing the application being bogged down in slow turgid back-and-forth communications clarifying *dotted 'i's and crossed 't's*.

12: Application “Grey Areas”

Regardless of the amount of checks and balances that are put in place, there will always be an application (of either an individual or organisation) that falls into a grey area; either to accept them or not, or to award a license at a particular level or one below/above it. How does one reconcile the fact that a religious leader has been working as a grass roots counsellor and has an established record of providing sound counselling advice – and yet the same individual may not have formally recognised qualifications? At the same time, a different individual may have all the right formal qualifications and yet they have demonstrated a practical inability to provide appropriate counselling at the

level that their qualifications suggest they ought to? Similarly, an organisation may have been offering counselling skill training that is recognised by the community as being appropriate and valuable and yet they do not 'fit' the right structure as a formal training institute; and this is contrasted with a full blown tertiary institution that has an impressive list of Professors and 'academic-ese', and yet their counselling graduates are known to be of unimpressive or downright poor quality.

Whilst counselling skill levels have been identified with considerable operationally identified criteria – in the end these are only guides. The Council must then exercise sound judgement to evaluate the abilities of individuals or organisations to contribute positively (or not) to the overall aim and ethos of the Act.

13: The Need for Marketing Counselling Levels

As previously mentioned, as 'smart' as the gradated approach to different levels of counselling is, it will not make sense to the general public if they do not understand the differences and instead have false hopes and expectations associated with any officer appointed by the Council as being a recognised counsellor. But as this document points out, the potential to bring about effective counselling will depend very much on the degree of training and/or experience a counsellor has received. No amount of good intentions of an individual can make up for this. The public needs to be made aware of these differences.

Since the Council has duties other than recognising individuals or organisations, it is appropriate that the Council should ensure at a base minimum, that the skill levels of the different identified counsellors is sufficient to not raise false hopes and expectations.

14: Conclusion & Summary

It is clear that the role that the Council has in giving due recognition to individuals to act as counsellors within the Act, is not only a large one, but in many respects it is a pivotal one. There needs to be a fine balance between making sure that individuals or organisations are not given licenses to practice in the Family Law Division beyond their qualifications and/or experience; and making sure that the process of giving due recognition does not become elitist, restrictive and therefore small in scope and effectiveness in reaching society.

To help achieve this balance, six identified skill levels are proposed as guides to help the Council give due recognition to individuals who can give appropriate counselling advice depending on the needs of the couple. The levels have been constructed in a way that

provides an easy 'ramp' onto a potential career track that ends up with a highly skilled and appropriately trained Family Law Division counsellor. The aim is to allow society to actively participate in the implementation of the Act where appropriate.

In addition, the Council needs to recognised two different types of organisations. One which is seeking to apply for a license to be a licensing body itself. The other is an organisation that provides training that the Council recognises as being appropriate and relevant to the skills required of the different counselling skill levels.

A second document, *Family Law Council License Application Manual*, gives a more details set of checks and balances to help guide the Council in making decisions.

This document acts as both a primer to licensing within the Act, but also as a potential resource to help the Council make decisions for applications that fall into “grey areas”, by understanding something of the rationale and decision making process in constructing the licensing options as they have been presented.

Appendix I: Composition of Expert Panel

The guidelines and criteria set out in this document is not the opinion of a single individual. Rather this document a result of consultations with an *Expert Panel* convened by the CEO of Social Welfare, Woman & Poverty Alleviation. The composition was made on the basis of trying to achieve a balance between practitioners in the field, academics involved in teaching counselling and professional bodies who have an inherent concern with counselling. Membership and titles outlined below, were the ones current at the time of consultations.

The consultations occurred over a two month period towards the end of 2004. The terminology used in this report, and the operational defined criteria used in the *Family Law Council License Application Manual* are a direct collaborative consensus by this Expert Panel.

Name	Brief Synopsis of Expertise
Dr. Clarence Auxier	Lecturer in Counselling, University of the South Pacific.
Dr. Miryellie Cruz	Child Psychiatrist at the Fiji School of Medicine
Ms. Emele Duituturaga	CEO, Ministry of Women, Social Welfare and Poverty Alleviation; President of the <i>Fiji Association of Social Workers</i> .
Ms. Lien Finau	Peace Corps Volunteer, Medical Social Worker establishing a crisis counselling training programme at the Colonial War Memorial Hospital.
Ms. Gaylene Osborne-Finekaso	Psychology Lecturer, University of the South Pacific; Secretary of the <i>Oceania Psychology Register</i>
Ms. Selina Kuruleca	Member of the <i>Fiji Association of Social Workers</i> .
Ms. Pauline Phillips	Project planner for the Australia/Fiji Law and Justice Sector Program and advisor to the Implementation of the Family Law Act.
Ms. Elenoa Puamau	Lecturer in Public Health, Fiji School of Medicine; President of the <i>Oceania Psychology Register</i>
Dr. Robin Taylor	Research Psychologist; Consultant advisor to Social Welfare on the implications of the Family Law Act.