ICPHAA

Irish Counselling, Psychotherapy & Allied Healthcare Professionals Association

COMPLAINTS, FITNESS TO PRACTISE & DISCIPLINE

Complaints Panel Information

How ICPHAA forms Complaints Panels and Appeals Panels, who sits on them, how they stay impartial, and how they reach fair, reasoned decisions.

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EFFECTIVE	9 November 2026	NEXT REVIEW	9 November 2027
POLICY OWNER	ICPHAA Board of Directors		

Complaints Panel Information

APPLIES TO	Members of ICPHAA Complaints Panels and Appeals Panels, the ICPHAA Registry, and the parties to any complaint heard under the Complaints Procedures.
VERSION	1.0 · effective 9 November 2026 · next review 9 November 2027
POLICY OWNER	ICPHAA Board of Directors
CONTACT	ICPHAA Registry · admin@icphaa.ie

AT A GLANCE

- Panels are appointed by the ICPHAA Board of Directors and include practitioner and lay perspectives.
- No panel member may have any connection with the parties or prior involvement in the case.
- Panels decide on the evidence, on the balance of probabilities, and give written reasons.
- Outcomes must be proportionate and directed at public protection, not punishment.
- Panel members keep all case information confidential and are supported in their role.

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1. Purpose and scope

This policy explains how the Irish Counselling, Psychotherapy & Allied Healthcare Professionals Association (ICPHAA) forms the panels that decide complaints about its members, and how those panels make decisions. It is intended both for panel members and for complainants and members who want to understand who will decide their case and how.

It applies to Complaints Panels convened under the Complaints Procedures and to Appeals Panels that hear appeals against complaints decisions. The same principles of independence, impartiality and reasoned decision-making apply to the Disciplinary Committee under the Disciplinary Procedures and to decisions under the Fitness to Practise Policy.

2. The role of a Complaints Panel

A Complaints Panel is convened for each complaint that proceeds to formal investigation. Its role is to:

- consider the investigating officer's report and the parties' responses;
- decide whether to hold a hearing and, if so, to conduct it fairly;
- make findings of fact on the balance of probabilities;
- decide whether the facts found amount to a breach of the ICPHAA Code of Conduct for Members or other ICPHAA standards;
- decide on a proportionate outcome, or refer the matter to the Disciplinary Committee where it may amount to serious misconduct; and
- give its decision in writing with reasons.

A Complaints Panel may also review, at the complainant's request, a decision by the Complaints Administrator not to take a complaint forward.

> **LIMITS OF A PANEL'S POWERS**
>
> ICPHAA is a voluntary professional membership association, not a statutory regulator. Panels can make decisions only about a person's membership of ICPHAA. They cannot award compensation, impose fines or prevent anyone from practising in law.

3. Who sits on a panel

Panel members are appointed by the ICPHAA Board of Directors from people who have agreed to serve. Each Complaints Panel has an odd number of members, so that it can reach a majority decision, and includes:

- at least one qualified and experienced counsellor or psychotherapist;
- at least one lay member who is not a practising therapist, so that the public interest is represented; and
- a Chair who is a senior practitioner with knowledge and experience of ethical and complaints procedures in the helping professions.

Where a complaint concerns an allied healthcare member or an accredited role category, such as addiction, trauma or bereavement support work, the Board aims to include a panel member with relevant experience of that field or, where that is not possible, the panel may obtain independent expert advice.

An Appeals Panel is made up of three people who had no involvement in the original investigation, hearing or decision, formed on the same principles.

4. Independence and conflicts of interest

The impartiality of panels is fundamental to the fairness of the process and to the confidence that members and the public can place in it.

1. Before a panel is confirmed, each proposed member is told the names of the parties and declares any personal, professional, financial or other connection with them, including through a shared training provider, employer, supervisor or practice.
2. Anyone with a connection that could reasonably be seen as affecting their impartiality does not sit on the panel.
3. The parties are told who will sit on the panel and may raise a concern about a panel member's impartiality, with reasons, before the panel begins its work. The concern is considered and a decision given in writing.
4. If a conflict comes to light during a case, the panel member declares it immediately and, where necessary, steps aside.
5. No one who investigated a complaint, acted as Complaints Administrator in it, or sat on the original panel may sit on an appeal in the same matter.

Panels act independently in reaching their decisions. They are not directed by the Board in any individual case, although they work within ICPHAA's published procedures and may seek independent legal advice on procedural or legal questions.

5. How panels reach decisions

Panels follow a structured approach so that decisions are consistent and can be understood by everyone involved.

1. **The facts.** The panel decides what happened, based on the evidence before it, applying the balance of probabilities: whether something is more likely than not to have occurred.
2. **The standard.** The panel decides whether the facts it has found amount to a breach of the ICPHAA Code of Conduct for Members or other ICPHAA standards that applied at the time.
3. **Seriousness.** The panel considers how serious any breach is, including the harm or risk of harm to clients, whether the conduct was isolated or part of a pattern, and whether it raises concerns about the member's current fitness to practise.
4. **Mitigating and aggravating factors.** The panel weighs factors such as the member's insight, remorse and steps taken to put things right, their previous record, the vulnerability of those affected, and any abuse of trust.
5. **Outcome.** The panel chooses the least restrictive outcome that adequately protects the public and upholds standards, starting from the least serious option and moving up only as needed.
6. **Reasons.** The panel records its decision and the reasons for it, addressing the main arguments made by each party.

Decisions are reached by majority where the panel is not unanimous. The panel's deliberations are private and confidential, and the written decision is the decision of the panel as a whole.

6. What to expect at a hearing

Not every complaint needs a hearing; a panel may decide a case on the written evidence where that is fair. Where a hearing is held:

- both parties are given reasonable notice of the date, format and location, and the hearing may take place in person or online;
- all evidence the panel will consider is provided to both parties in advance;
- the Chair explains the procedure at the start and makes sure that everyone has a fair opportunity to be heard;
- each party may present their case, call witnesses and respond to the other party's evidence;
- each party may be accompanied by a support person, colleague or legal representative;
- reasonable adjustments are made for anyone who needs them; and
- the Chair may take steps to protect vulnerable witnesses, for example by allowing questions to be put through the Chair.

The decision is sent to both parties in writing, with reasons and information about the right of appeal, within the timeframe set out in the Complaints Procedures.

7. Conduct, confidentiality and support for panel members

Panel members are expected to:

- prepare thoroughly and read all case papers before the panel meets;
- treat all parties with courtesy, dignity and respect;
- keep all information about a case strictly confidential, during and after the case, and handle papers securely in line with the Data Protection Acts 1988–2018 and the GDPR;
- return or securely destroy case papers when the case concludes; and
- not discuss the case with the parties or anyone else outside the panel.

ICPHAA provides panel members with an induction to these procedures and to the principles of fair decision-making, and with refresher guidance when procedures change. Panel work can be demanding, and panel members may draw on their own supervision, with due regard to confidentiality, and on support from the Registry.

8. Records of decisions

The Registry keeps a record of each panel's membership, the declarations of interest made, the decision and the reasons. Decisions are recorded under the Records of Decision Policy and form part of the register of complaints described in the Complaints Procedures. Where a decision changes a member's status, the public directory and verification service at www.icphaa.ie/verify-certificate are updated without delay.

9. Monitoring and review

The consistency and fairness of panel decisions are reviewed under the Quality Assurance Policy, using anonymised information about outcomes, timeliness and appeals. Learning is shared with panel members to support consistent decision-making. The ICPHAA Board of Directors owns this policy. It is reviewed by the review date shown in the document control table, and sooner if law, statutory regulation or professional practice changes. Questions about this policy can be sent to the ICPHAA Registry at admin@icphaa.ie.

READ ALONGSIDE

- Complaints Procedures
- Disciplinary Procedures
- Fitness to Practise Policy
- Conflict of Interest Policy
- Records of Decision Policy
- Public Protection Policy

DOCUMENT CONTROL

VERSION	DATE	CHANGE	APPROVED BY
1.0	9 November 2026	Reissued in the ICPHAA policy framework (replaces the former ICPA version).	ICPHAA Board of Directors

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