ICPHAA

Irish Counselling, Psychotherapy & Allied Healthcare Professionals Association

REGULATION, LAW & DATA PROTECTION

Irish Regulatory Policy

How Irish and European law and the developing statutory framework apply to ICPHAA members and to the Association, and what members must do to practise lawfully in Ireland.

REFERENCE	ICPHAA-POL-22	VERSION	1.0
EFFECTIVE	9 November 2026	NEXT REVIEW	9 November 2027
POLICY OWNER	ICPHAA Board of Directors		

Irish Regulatory Policy

APPLIES TO	Every ICPHAA member in every membership category, and the Association's Board, Registry, Accreditation Department, staff and volunteers.
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

- ICPHAA is a voluntary professional association, not a statutory regulator; membership is not statutory registration.
- Each member is personally responsible for making sure their practice complies with Irish and EU law.
- Key obligations cover data protection, child and adult safeguarding, Garda vetting, equality, consent and capacity.
- CORU is introducing statutory registration for counsellors and psychotherapists; members should follow CORU's own guidance.
- ICPHAA guidance supports members but is not legal advice; seek independent advice on specific legal questions.

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1. Purpose

Counselling, psychotherapy and allied healthcare practice in Ireland takes place within a detailed and changing legal environment. This policy explains how that environment applies to members of the Irish Counselling, Psychotherapy & Allied Healthcare Professionals Association (ICPHAA) and to the Associ-

ation itself. It sets out the main legislative requirements members must understand, explains how the developing statutory regulation of counselling and psychotherapy relates to ICPHAA membership, and describes how the Association supports members to practise lawfully.

The policy forms part of the ICPHAA policy and procedure framework. It sits alongside the ICPHAA Code of Conduct for Members and is read together with the Regulatory Compliance Policy, which explains how compliance is monitored, and the Emerging Regulation (CORU) Policy, which deals in more detail with statutory registration.

2. Scope

This policy applies to:

- every ICPHAA member, in every membership category: Student Member, Pre-Accredited Member, Accredited Member and Accredited Member & Supervisor, the accredited role categories (Accredited Counsellor, Accredited Addiction Counsellor and Accredited Addiction / Trauma / Bereavement Support Worker) and Allied Healthcare members;
- members' professional activity in every setting, including private practice, employment, voluntary work, online and telephone work, supervision, training and research;
- the ICPHAA Board of Directors, the Registry, the Accreditation Department and anyone acting on the Association's behalf, in so far as the policy describes the Association's own legal obligations.

This policy is a summary for guidance. It does not replace the legislation itself, the guidance published by the bodies responsible for that legislation, or independent legal advice.

3. ICPHAA's place in the Irish regulatory landscape

ICPHAA is a voluntary, not-for-profit professional membership association. It sets professional standards for its members, accredits members against published requirements, offers a route for concerns about members to be raised and decided fairly, and supports members' professional development. It is not a statutory regulator. It does not license anyone to practise, and ICPHAA membership is not statutory registration.

Several public bodies have statutory functions that touch on members' work. Members should know who they are and follow their published guidance:

BODY	RELEVANCE TO MEMBERS
CORU	Ireland's regulator for health and social care professionals under the Health and Social Care Professionals Act 2005. CORU is introducing statutory registration of counsellors and psychotherapists.
Data Protection Commission	Supervises compliance with the General Data Protection Regulation (GDPR) and the Data Protection Acts 1988–2018, and receives notifications of personal data breaches.
Tusla – Child and Family Agency	Receives reports of concerns about the welfare and protection of children under the Children First Act 2015.
National Vetting Bureau of An Garda Síochána	Operates Garda vetting for people whose work involves children or vulnerable persons, under the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016.
Health Service Executive (HSE)	Publishes the National Safeguarding Policy for adults at risk and the HSE National Consent Policy, which set recognised standards for practice with adults.

> **DESCRIBING YOUR MEMBERSHIP**
>
> Members must never describe ICPHAA membership as a licence or as statutory registration, and must not suggest that ICPHAA has government recognition or statutory powers.

4. Statutory regulation of counselling and psychotherapy

The Health and Social Care Professionals Act 2005 provides for the statutory regulation of designated health and social care professions by CORU. Counselling and psychotherapy are being brought within that framework, and statutory registration of counsellors and psychotherapists is being introduced by CORU. Statutory regulation brings a public register, protection of professional titles for registrants, and statutory standards of conduct, education and fitness to practise.

ICPHAA supports statutory regulation as a means of strengthening public protection and public confidence in the professions. The Association aligns its standards, accreditation processes and governance with good regulatory practice and keeps members informed of developments. However, CORU alone decides who may be registered, on what terms and by when. ICPHAA membership or accreditation does not confer, and cannot guarantee, CORU registration.

Members must follow CORU's own published guidance and timelines. The Emerging Regulation (CORU) Policy sets out the practical steps members should take to prepare.

5. Key legislative requirements for members

The following summary highlights the legislation most likely to affect members' day-to-day practice. It is not exhaustive and is not legal advice.

Data protection

Members in independent practice are data controllers for their client records under the GDPR and the Data Protection Acts 1988–2018. They must have a lawful basis for processing personal data, and an additional condition for health and other special category data; give clients clear privacy information; keep records secure; respond to requests from clients exercising their data protection rights; and, where required, notify the Data Protection Commission of a personal data breach within 72 hours of becoming aware of it. Members employed by an organisation normally process records on their employer's behalf and must follow its policies. The Legal & Data Governance Policy gives fuller guidance.

Children First

The Children First Act 2015 places a legal duty on mandated persons to report to Tusla any knowledge, belief or reasonable suspicion that a child has been harmed, is being harmed or is at risk of being harmed, where the concern meets the thresholds set out in the Act. Members must establish whether they fall within the categories of mandated persons listed in the Act and, if so, comply with the duties that follow. Every member, whether or not a mandated person, should report reasonable concerns about a child's welfare to Tusla in line with Children First guidance.

Adults at risk

Members follow the HSE National Safeguarding Policy for adults at risk of abuse, take concerns seriously, record them carefully and refer them to the appropriate service, discussing them in supervision where it is safe to do so.

Garda vetting

Members whose work involves relevant work or activities with children or vulnerable persons must be vetted where the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016 require it. The Garda Vetting Policy explains ICPHAA's approach.

Equality

Members must not discriminate against clients or prospective clients on any ground protected by the Equal Status Acts 2000–2018, including gender, civil status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community. Where a member lacks the competence to work with a particular client, they refer the client on, and the referral itself must not be discriminatory.

Consent and capacity

Informed consent is required before therapy begins and throughout it. The Assisted Decision-Making (Capacity) Act 2015 requires practitioners to presume capacity, to support people to make their own decisions and to respect their will and preferences. The HSE National Consent Policy is a recognised reference point for good practice.

Mental health law

Members working with people with serious mental illness should understand the Mental Health Act 2001 in so far as it affects their clients, including the circumstances in which involuntary admission may arise, and know the local routes to urgent psychiatric care.

Protected disclosures

The Protected Disclosures Act 2014 (as amended) protects workers who report relevant wrongdoing. Members who employ or engage others should understand its effect, and members themselves may rely on it where it applies.

6. How ICPHAA supports lawful practice

The Association supports members to understand and meet their legal obligations by:

- publishing policies and guidance that reflect current Irish and European law and pointing members to the authoritative guidance of the responsible public bodies;
- informing members of significant legal and regulatory developments through member communications and the website, www.icphaa.ie;
- including legal and ethical content in CPD events and in the standards it sets for accredited training;
- seeking qualified legal advice on matters affecting the Association itself, including significant policy changes, contractual commitments and situations that carry legal risk.

ICPHAA cannot give legal advice to individual members. Members with a specific legal question should seek independent legal advice and may also consult their professional indemnity insurer.

7. The Association's own legal obligations

The ICPHAA Board of Directors is responsible for making sure the Association complies with the law that applies to it, including the law governing its legal form and governing document, data protection law, equality law, employment law where it engages staff, and health and safety law. The Board oversees this through the compliance arrangements described in the Regulatory Compliance Policy and the Financial Risk & Compliance Policy, and reviews the Association's policies when the law changes.

8. Responsibilities

Members

- Understand the legislation that applies to their own practice and keep their knowledge up to date.
- Comply with the law, the ICPHAA Code of Conduct for Members and ICPHAA policies.
- Seek independent legal advice, and supervision, when a legal or ethical question arises.
- Represent their ICPHAA membership accurately and never as statutory registration.
- Follow CORU's published guidance and timelines on statutory registration.

ICPHAA

- Keep this policy and related guidance accurate and current.
- Inform members promptly of significant legal and regulatory changes.
- Comply with the law in the Association's own operations and seek legal advice where needed.

- Respond fairly and proportionately where a member's practice may not comply with the law.

9. Breaches and concerns

A failure by a member to comply with the law in the course of professional practice may also be a breach of the ICPHAA Code of Conduct for Members. Concerns are handled under the Complaints Procedures and, where relevant, the Fitness to Practise Policy and the Disciplinary Procedures. Where a matter falls within the remit of a public body, such as Tusla, the Data Protection Commission or An Garda Síochána, ICPHAA will direct the person raising it to that body and will cooperate with it as the law requires.

Anyone with a concern can contact the ICPHAA Registry at admin@icphaa.ie. A member's current status can be checked at www.icphaa.ie/verify-certificate.

10. Monitoring and review

The ICPHAA Board of Directors owns this policy. It is reviewed by the date shown on the cover, and earlier where legislation, statutory regulation or professional practice changes in a way that affects it. Suggestions for improvement are welcome at admin@icphaa.ie.

READ ALONGSIDE

- ICPHAA Code of Conduct for Members
- Emerging Regulation (CORU) Policy
- Regulatory Compliance Policy
- Legal & Data Governance Policy
- Safeguarding & Duty of Care Policy
- Garda Vetting 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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