ICPHAA

Irish Counselling, Psychotherapy & Allied Healthcare Professionals Association

REGULATION, LAW & DATA PROTECTION

Regulatory Compliance Policy

The framework through which ICPHAA and its members meet their legal, regulatory and professional obligations, how compliance is monitored, and how non-compliance is addressed fairly and proportionately.

REFERENCE	ICPHAA-POL-24	VERSION	1.0
EFFECTIVE	9 November 2026	NEXT REVIEW	9 November 2027
POLICY OWNER	ICPHAA Board of Directors		

REGULATION, LAW & DATA PROTECTION · ICPHAA-POL-24

Regulatory Compliance Policy

APPLIES TO	Every ICPHAA member, and the Association's Board of Directors, 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

- Compliance with the law and with ICPHAA standards is a condition of membership, not an optional extra.
- Members confirm compliance at each renewal and must tell ICPHAA promptly about changes that affect their practice.
- The Association keeps a register of its own legal and regulatory obligations, overseen by the Board.
- Non-compliance is addressed proportionately, with support to put things right wherever the public is not at risk.
- Detailed steps are set out in the separate ICPHAA Compliance Procedures.

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1. Purpose

Compliance with the law and with professional standards is a basic obligation of the Irish Counselling, Psychotherapy & Allied Healthcare Professionals Association (ICPHAA) and of every member in the conduct of their practice. It protects clients, supports public confidence in the professions, and protects members and the Association from avoidable legal and reputational risk.

This policy sets out the framework through which compliance is achieved. It explains the obligations that apply to the Association and to members, how compliance is checked, and how ICPHAA responds when something is not right. The practical steps are set out in the ICPHAA Compliance Procedures. The legal obligations themselves are summarised in the Irish Regulatory Policy.

2. Scope

This policy covers:

- the conditions of membership that relate to compliance, for every membership category;
- the obligations of members under Irish and European law in their professional practice;
- the Association's own legal and regulatory obligations as an organisation;
- the arrangements for monitoring compliance and responding to non-compliance.

It does not deal with complaints from clients or members of the public about a member's conduct. Those are handled under the Complaints Procedures.

3. Principles

ICPHAA's approach to compliance rests on the following principles.

- **Public protection first.** The safety and welfare of clients and the public come before the convenience of the Association or its members.
- **Prevention before enforcement.** Clear standards, good information and early support are the most effective ways to secure compliance.
- **Proportionality.** The response to non-compliance reflects its seriousness, its risk to the public and the member's willingness to put it right.
- **Fairness.** Members are told what is expected of them, have a chance to respond to any concern, and receive reasons for decisions.
- **Consistency.** Similar situations are treated in a similar way, and decisions are recorded so that consistency can be checked.
- **Learning.** Patterns of non-compliance are used to improve guidance, training and policy.

4. The Association's compliance obligations

ICPHAA operates within a legal environment that includes the law governing its legal form and governing document, data protection law, equality law, employment law where it engages staff, health and safety law and the law of contract. The ICPHAA Board of Directors is collectively responsible for the Association's compliance. To discharge that responsibility, the Board:

- maintains a register of the Association's principal legal and regulatory obligations, showing for each one who is responsible, how compliance is achieved and when it was last checked;

- receives regular compliance reports from the Registry and the Accreditation Department;
- seeks qualified legal advice on significant policy changes, contractual commitments and matters that carry legal risk;
- makes sure that ICPHAA policies are reviewed when the law changes;
- records and learns from any compliance failure, including personal data breaches, in line with the Legal & Data Governance Policy and the Financial Risk & Compliance Policy.

5. Members' compliance obligations

Each member is individually responsible for making sure that their professional practice complies with the law and with ICPHAA standards. As conditions of membership, members must:

- practise in line with the ICPHAA Code of Conduct for Members and ICPHAA policies;
- comply with the legislation that applies to their practice, including data protection law, the Children First Act 2015, the National Vetting Bureau (Children and Vulnerable Persons) Acts 2012–2016 where their work requires vetting, the Equal Status Acts 2000–2018, the Assisted Decision-Making (Capacity) Act 2015 and the Mental Health Act 2001;
- meet the supervision, CPD and practice requirements for their membership category set out in the ICPHAA accreditation requirements published by the Accreditation Department, with supervision provided by a clinical supervisor who meets ICPHAA's supervisor criteria;
- hold current professional indemnity insurance appropriate to their practice;
- represent their membership category, qualifications and status accurately, and never as statutory registration;
- follow CORU's published guidance on statutory registration and protected titles.

Members working within organisations

Members who work for an employer, an agency or a voluntary organisation must follow that organisation's lawful policies as well as ICPHAA standards. In most cases the two will be consistent. Where a member believes that an organisational policy or instruction would require them to act contrary to the law or to the ICPHAA Code of Conduct for Members, they should raise the matter within the organisation, discuss it in supervision and, if it cannot be resolved, seek advice. Following an employer's instruction does not relieve a member of their own professional responsibility for the care they provide.

6. Declarations and notifications

At each membership renewal, members complete a declaration confirming that they continue to meet the conditions of membership and the requirements for their category. Members must keep the evidence that supports their declaration and provide it if asked.

Members must also tell the ICPHAA Registry promptly, at admin@icphaa.ie, about any change that may affect their membership or their fitness to practise, including:

- a lapse in, or material change to, professional indemnity insurance;

- a change in supervision arrangements that means the requirements for their category are not being met;
- a criminal charge, caution or conviction, or an adverse vetting outcome;
- a finding, sanction or restriction imposed by another professional body, regulator or employer in relation to their practice;
- a health matter that is significantly affecting their ability to practise safely;
- a claim or legal proceedings arising from their professional work.

Members who are unsure whether a matter needs to be notified should contact the Registry for guidance, or notify it anyway. It is always better to notify a matter that turns out not to need action than to leave unreported a matter that does.

Notifying a change is a sign of professional responsibility. ICPHAA will deal with notifications fairly and in confidence, and a prompt, honest notification will be taken into account in any decision that follows.

7. Monitoring compliance

ICPHAA monitors compliance through:

- the renewal declaration completed by every member;
- checks of supporting evidence, including periodic sample checks carried out by the Accreditation Department;
- the information members provide when applying to move to a different membership category;
- concerns and complaints received about members, analysed for patterns as well as handled individually;
- the Association's own internal review of its compliance register.

The Compliance Procedures describe how each of these checks is carried out.

Monitoring is not only about individual members. The Registry and the Accreditation Department report to the Board, in anonymised form, on the overall results of renewals and compliance checks: how many members were checked, what kinds of shortfall were found and how they were resolved. Where the same difficulty arises for many members, for example uncertainty about a particular requirement, ICPHAA treats it as a sign that its own guidance needs to be clearer and acts on it, through updated guidance, member communications or CPD.

8. Responding to non-compliance

Where non-compliance is identified, ICPHAA responds proportionately. In most cases the first step is to explain the issue to the member, offer guidance and agree a reasonable period to put it right. Depending on the circumstances, ICPHAA may also:

- place the member's renewal on hold until outstanding evidence is provided;
- agree conditions, such as additional supervision or specific CPD, with a date for completion;

- refer the matter for consideration under the Fitness to Practise Policy or the Disciplinary Procedures where it is serious, repeated or not remedied.

In deciding on the right response, ICPHAA considers all the circumstances, including:

- the nature and seriousness of the non-compliance and any actual or potential harm to clients;
- whether it was deliberate, careless or the result of circumstances outside the member's control;
- whether the member notified ICPHAA themselves, cooperated fully and showed insight;
- what the member has already done to put matters right;
- any previous compliance issues;
- the need to maintain public confidence in the professions and in ICPHAA's standards.

> **WHERE THE PUBLIC MAY BE AT RISK**
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> Where information suggests a risk of serious harm to clients or the public, ICPHAA will act promptly under the Fitness to Practise Policy and, where the law requires or permits, inform the appropriate public body.

9. Responsibilities

WHO	RESPONSIBILITY
ICPHAA Board of Directors	Owns this policy; oversees the Association's compliance register; makes sure policies remain lawful and current.
Accreditation Department (led by the Accreditation Manager)	Publishes the accreditation requirements; checks evidence of compliance with category requirements; advises members on how to meet them.
ICPHAA Registry	Administers renewals, declarations and notifications; keeps compliance records; is the first point of contact at admin@icphaa.ie.
Members	Comply with the law and ICPHAA standards; make accurate declarations; keep supporting evidence; notify relevant changes promptly.

10. Concerns, monitoring and review

Anyone who believes that this policy is not being applied fairly or consistently can raise the matter with the ICPHAA Registry at admin@icphaa.ie. A member's current status can be checked at www.icphaa.ie/verify-certificate.

The Board reviews this policy by the date shown on the cover, and earlier where changes in law, statutory regulation or practice require. The review takes account of what the Association has learned from renewals, compliance checks and concerns received.

READ ALONGSIDE

- Irish Regulatory Policy
- Compliance Procedures
- Emerging Regulation (CORU) Policy
- Professional Standards & Accreditation Policy
- Insurance & Liability Policy
- Fitness to Practise 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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