ICPHAA

Irish Counselling, Psychotherapy & Allied Healthcare Professionals Association

COMPLAINTS, FITNESS TO PRACTISE & DISCIPLINE

Disciplinary Procedures

The formal, fair procedure through which ICPHAA investigates and decides allegations of serious professional misconduct by members, including sanctions, appeals and record keeping.

REFERENCE	ICPHAA-POL-20	VERSION	1.0
EFFECTIVE	9 November 2026	NEXT REVIEW	9 November 2027
POLICY OWNER	ICPHAA Board of Directors		

Disciplinary Procedures

APPLIES TO	All ICPHAA members, in every membership category, for conduct in professional practice and, where relevant, in personal life.
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

- Members facing disciplinary action are told the allegations and evidence, and have time and the right to respond.
- Cases are decided by an independent Disciplinary Committee that includes a lay member.
- Interim suspension is possible only where there is an imminent risk, with reasons and regular review.
- Sanctions are proportionate, from a warning to removal from membership, and can be appealed.
- ICPHAA can act only on membership; it cannot prevent anyone from practising in law.

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1. Purpose and principles

These Disciplinary Procedures provide the formal framework through which the Irish Counselling, Psychotherapy & Allied Healthcare Professionals Association (ICPHAA) investigates and decides allegations of professional misconduct, ethical breaches and conduct incompatible with membership. They exist to protect the public, to uphold the integrity of the counselling, psychotherapy and allied healthcare professions, to maintain confidence in ICPHAA, and to make sure that everyone involved is treated fairly.

The procedures follow the principles of natural justice, procedural fairness, transparency and proportionality. Every member who is the subject of disciplinary proceedings has the right to:

- know the nature of the allegations and the evidence on which they are based;
- respond fully to the allegations;
- be accompanied or represented; and
- have the case heard and decided by an impartial committee, with a right of appeal.

These rights are fundamental and cannot be waived.

> LIMITS
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> ICPHAA is a voluntary professional membership association, not a statutory regulator. Disciplinary sanctions relate only to membership of ICPHAA. ICPHAA cannot prevent anyone from practising in law, award compensation or impose fines.

2. Scope and relationship with other procedures

These procedures apply to all ICPHAA members, in every membership category. They cover conduct in professional practice and conduct in personal life where it has a direct bearing on fitness to practise or on the reputation of the profession.

The disciplinary process is distinct from, but closely linked to, the Complaints Procedures and the Fitness to Practise Policy. Proceedings may begin through any of the following routes:

- referral by a Complaints Panel after it has considered a formal complaint;
- referral by the ICPHAA Board of Directors where it receives credible information raising serious concerns about a member's conduct or fitness to practise; or
- self-referral by a member who believes their own conduct may require disciplinary consideration.

In every case, proceedings must be based on credible information sufficient to justify formal investigation. Where criminal proceedings or an investigation by another body are under way, ICPHAA may pause its own process, but it will still take any interim action needed to protect the public.

3. Grounds for disciplinary action

Disciplinary action may be taken where there is credible evidence that a member has breached the ICPHAA Code of Conduct for Members or has otherwise acted in a way that is incompatible with continued membership. The principal grounds, which are not exhaustive, are:

- serious or persistent breach of client confidentiality outside the recognised limits;
- any form of sexual, emotional, financial or psychological exploitation of a client;
- practising while impaired by alcohol, drug misuse or a health condition that affects professional functioning;

- falsification or misrepresentation of qualifications, experience, membership status or client records;
- failure to maintain the supervision or CPD required for the member's category;
- failure to comply with mandatory reporting obligations under the Children First Act 2015 or other legislation;
- conviction of a criminal offence that raises concerns about fitness to practise;
- conduct that brings the professions into disrepute; and
- persistent non-compliance with ICPHAA policies, conditions or decisions.

Threshold

Not all breaches are equally serious. Minor or administrative breaches may be resolved informally, for example by advice or a reminder. Formal disciplinary proceedings are used where the conduct, if established, would be likely to show that the member has fallen significantly short of the standard expected of an ICPHAA member, or that their fitness to practise is impaired.

4. The Disciplinary Committee

The ICPHAA Disciplinary Committee is convened to investigate and decide disciplinary matters. It exercises its decision-making functions independently and is not directed by the Board in individual cases, although it works within these procedures and ICPHAA's governing framework.

- The Committee has at least three members, appointed by the ICPHAA Board of Directors, none of whom has any personal or professional connection with the parties.
- It includes at least one qualified and experienced counsellor or psychotherapist and at least one lay person who is not a practising therapist, so that the public interest is represented.
- The Chair is a senior practitioner with knowledge and experience of disciplinary and ethical procedures in the helping professions.

Committee members must act independently and impartially, declare any actual or potential conflict of interest at the earliest opportunity, and step aside where a conflict exists, in line with the Complaints Panel Information policy. The Committee may seek independent legal advice on procedural or legal questions.

5. Starting proceedings and interim suspension

1. **Notice.** On referral, the member is notified in writing, with a clear statement of the allegations, the evidence on which they are based, and a copy of these procedures.
2. **Time to respond.** The member is given at least twenty-one working days from the date of notification to prepare a written response.
3. **Representation.** The member may seek legal advice and may be accompanied by a legal representative, trade union representative or colleague at every stage.

4. **Support.** The notice includes information about sources of support, recognising that disciplinary proceedings can be very stressful.

Interim suspension

Where the information indicates that a member's continued practice poses an imminent risk to the safety of clients or the public, the ICPHAA Board of Directors may impose an interim suspension of membership until the proceedings conclude. An interim suspension is a protective measure, not a finding against the member. It is notified to the member in writing with reasons; the member may make representations against it; and it is reviewed at regular intervals not exceeding sixty days. While it is in place, the member's directory and verification status reflect the suspension.

6. Investigation and hearing

Investigations are thorough, objective and respectful of the rights and dignity of everyone involved. The Disciplinary Committee may appoint an investigating officer, who must act independently and have had no prior involvement with the parties, to gather evidence, interview witnesses and prepare a written report for the Committee.

Evidence placed before the Committee may include:

- written statements from complainants and from the member;
- documents, including client records, correspondence and professional documentation, handled with due regard to client confidentiality;
- witness evidence from colleagues, supervisors or others;
- expert clinical evidence where the Committee considers it necessary; and
- evidence of any previous findings, sanctions or concerns relating to the member.

Hearings are ordinarily held in person, at a location set by the Committee, but may be held remotely or in a hybrid format where in-person attendance is not reasonably practicable. All evidence the Committee will consider is disclosed to the member in advance. The member may present their case, call witnesses, question witnesses and challenge the evidence against them. The Committee makes its findings on the balance of probabilities.

7. Findings and sanctions

At the end of its deliberations, the Committee may find that:

- the allegation has not been established and no further action is required;
- the allegation has been established at a level that warrants advice or a formal warning rather than a more serious sanction;
- the allegation has been established and specified sanctions are appropriate; and/or
- the matter should also be referred to a statutory body, such as An Garda Síochána, Tusla or CORU, where this is required by law or necessary to protect the public.

SANCTION	EFFECT
Formal written warning	Recorded on the member's file.
Training or development requirement	Specified additional training or professional development, completed within a set timeframe.
Conditions, including enhanced supervision	Requirements attached to membership, which may include specifying the supervisor.
Suspension of membership	Membership suspended for a defined period, with removal from the public directory.
Conditional reinstatement	Membership restored after suspension, subject to conditions.
Removal from membership	Membership ends and the member is removed from the public directory.

Sanctions may be combined. Each must be proportionate to the seriousness of the conduct, taking into account the vulnerability of those affected, whether the conduct was isolated or part of a pattern, any mitigating or aggravating factors, the member's response to the proceedings, and the public interest. The decision is sent to the member in writing, with reasons, within five working days. Where membership status changes, ICPHAA updates the public directory and verification service and may notify relevant bodies.

8. Appeals

A member who receives a disciplinary sanction may appeal to the ICPHAA Appeals Panel within twenty-eight days of receiving the written decision. A complainant may also appeal where they consider the sanction manifestly inadequate. Appeals are made in writing to admin@icphaa.ie and must set out the grounds clearly. The grounds of appeal are:

- a material error of fact in the Committee's findings;
- a procedural error that materially prejudiced the outcome;
- a sanction that is disproportionate to the findings; or
- new and significant evidence that was not available at the original hearing.

An appeal is not a rehearing; it is decided on the grounds submitted. The Appeals Panel consists of three people who had no involvement in the original proceedings. It may uphold, reduce, increase or substitute the sanction, or send the matter back to the Disciplinary Committee for reconsideration. Both parties are told the outcome in writing with reasons. The decision of the Appeals Panel is final within ICPHAA's internal processes, without affecting any rights the member may have under Irish law.

9. Records, confidentiality and transparency

All records of disciplinary proceedings, including evidence, correspondence, hearing records and decisions, are kept securely for at least ten years from the date of the final decision. Where findings of serious misconduct have been made, records may be kept for longer where this is necessary and proportionate. Records are processed in line with the Data Protection Acts 1988–2018 and the GDPR.

Information about disciplinary proceedings is disclosed only where required by law, where necessary to protect the public, where requested by a relevant statutory or regulatory body with a lawful basis, or with the consent of the parties. Everyone involved in administering the proceedings is bound by strict confidentiality, and a breach of that confidentiality is itself treated as a serious matter.

To support public confidence, ICPHAA may publish aggregate, anonymised information about disciplinary outcomes, without identifying anyone involved. The wellbeing of members and complainants is considered throughout, and information about support is provided.

10. Monitoring and review

The operation of these procedures, including fairness, timeliness and consistency of outcomes, is monitored under the Quality Assurance Policy and reported to the Board. The ICPHAA Board of Directors owns these procedures. They are reviewed by the review date shown in the document control table, and sooner if law, statutory regulation or professional practice changes. Questions can be sent to the ICPHAA Registry at admin@icphaa.ie.

READ ALONGSIDE

- Complaints Procedures
- Complaints Panel Information
- Fitness to Practise Policy
- Public Protection Policy
- ICPHAA Code of Conduct for Members
- Records of Decision 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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