

**Sexual encounter by psychologist with  
client while counselling client's partner  
(00HDC08029/00HDC10721, 21 June 2002)**

*Psychologist ~ Counselling ~ Standard of care ~ Compliance with ethical standards ~ Professional boundaries ~ Sexual relationship ~ Dual relationship ~ Right 4(2)*

A complaint was made by a psychologist about the services provided to a woman by another registered psychologist. The woman's former partner also complained about the services they received.

The complaint was as follows:

- 1 The registered psychologist counselled the woman's partner. The psychologist betrayed the trust of the woman's partner by having a sexual encounter with the woman while continuing to counsel him.
- 2 The sexual encounter occurred at a particularly vulnerable time in the lives of both the woman and her partner as she had recently had a termination of their pregnancy.
- 3 The woman's partner felt betrayed because the psychologist did not disclose to him his sexual encounter with the woman but continued to counsel him.
- 4 During counselling sessions the woman's partner disclosed his feelings about his relationship with the woman, not knowing about the sexual liaison between his partner and the psychologist. The psychologist did not declare a conflict of interest or refer him to another counsellor.

The psychologist was held to have breached Right 4(2) of the Code by:

- 1 having sexual relations with a client — it was irrelevant that there was only one sexual encounter, it was unplanned, and the woman no longer had a relationship with her partner;
- 2 failing to protect the woman's welfare at a time of vulnerability;
- 3 betraying the trust of the woman's partner — the psychologist had a professional obligation to disclose the sexual encounter and the conflict of interest to the woman's partner, rather than protect the woman's confidentiality;
- 4 failing to promptly inform the woman's partner of the sexual encounter;
- 5 failing to terminate his professional relationship with the woman's partner — once the behaviour had occurred, the psychologist should have immediately disqualified himself from further counselling to either the woman or her partner.

The Commissioner referred the matter to the Director of Proceedings. The New Zealand Psychologists Board found the psychologist guilty of professional misconduct and ordered that his name be removed from the register for an indefinite period. The Board also ordered publication of the psychologist's name and details of the case, and payment of 40% of the costs and expenses incidental to the inquiry.