

**Professional and ethical boundaries
in a counselling relationship
(03HDC16962, 14 March 2006)**

School counsellor ~ Secondary school ~ Response to pupil with drug, alcohol and self-harming problems ~ Professional boundaries ~ Vicarious liability ~ Rights 2, 4(1), 4(2)

A woman complained about a school counsellor who provided counselling and support to her teenage daughter. The daughter was struggling with complex issues, including deliberate self-harm, drug and alcohol abuse, family relationships and difficulties with motivation.

The counsellor took on issues that she did not have the skills or expertise to manage. She did not set clear boundaries around the professional relationship and ultimately it became a relationship of dependency. This later developed into an intense personal relationship between the counsellor and the student whereby they made plans to move to a new area together.

It was held that the counsellor's actions were unprofessional and unethical, and in breach of Rights 2, 4(1) and 4(2). Additionally, because the Head of Department and school principal were aware of the inappropriate relationship between the counsellor and the pupil, and did not intervene, the school was found to be vicariously liable for the counsellor's actions.

The school counsellor was referred to the Director of Proceedings, who issued proceedings in the Human Rights Review Tribunal seeking remedies on behalf of the daughter. Following the counsellor's admission that a sexual relationship had developed out of the counselling relationship, the Tribunal made the following orders by consent:

1. A declaration that the actions of the counsellor were in breach of Right 2 of the Code in that she failed to provide healthcare services that were free from sexual exploitation.
2. Damages of \$25,000 to be paid to the consumer for humiliation, loss of dignity and injury to feelings.
3. Damages of \$10,000 to be paid to the consumer for the flagrant disregard of her rights.
4. Costs of \$5,000 to be paid to the Director of Proceedings.
5. Prohibition on publication of the consumer's name.

This case highlights the fact that people who approach counsellors for counselling services are often vulnerable. Counsellors need to take extreme care to establish the boundaries of the new relationship at the outset. If any doubt is raised about the counsellor's ability to counsel the client within acceptable professional boundaries, a referral should be made. The consumer's trust of a counsellor is paramount and must not be exploited.