



Violation of professional boundaries results in referral to Director of Proceedings

23HDC00633

The Deputy Health and Disability Commissioner has referred a mental health support worker to the Director of Proceedings to assess if further action should be taken.

In today's decision, Dr Vanessa Caldwell noted that serious violations of professional boundaries by the support worker which affected a vulnerable woman, necessitated this decision.

Dr Caldwell also found the worker had breached the Code of Health and Disability Services Consumers' Rights (the Code) when she knowingly entered into a relationship with her client's ex-partner and failed to disclose it, or end her professional relationship with her client. "Ms B failed to comply with ethical standards and the standards required by her employer," she said.

The events came to light when the woman became suspicious after her ex-partner referred to information only the support worker knew of. She asked to be removed from the support worker's service and complained to the support worker's employer – a mental health service provider. The service investigated the woman's complaint and apologised to her. The support worker subsequently resigned.

Dr Caldwell said of the service "At the time of the events, the service had policies and procedures in place that appropriately guided support workers on the expectations required of them in terms of conflicts of interest and how best to manage and protect the patient's private information."

Dr Caldwell has recommended the support worker apologise to the woman and undertake mentoring with a senior colleague for at least a year. Evidence of these actions are to be provided to HDC. She also recommended that the service review its Code of Conduct and Integrity Policy to give greater guidance on professional boundaries.

Since the disclosure, the service has provided staff with a refresher course on confidentiality, privacy and conflicts of interest, and updated its Code of Conduct and privacy consent forms.

5 July 2024

Editor's notes

Please only use the photo provided with this media release. For any questions about the photo, please contact the communications team.

The full report of this case can be viewed on HDC's website - see HDC's '[Latest Decisions](#)'.

Names have been removed from the report to protect privacy of the individuals involved in this case.

The Commissioner will usually name providers and public hospitals found in breach of the Code unless it would not be in the public interest or would unfairly compromise the privacy interests of an individual provider or a consumer. More information for the media, including HDC's naming policy and why we don't comment on complaints, can be found on our website [here](#).

HDC promotes and protects the rights of people using health and disability services as set out in the [Code of Health and Disability Services Consumers' Rights](#) (the Code).

In 2022/23 HDC made 592 quality improvement recommendations to individual complaints and we have a high compliance rate of around 96%.

Health and disability service users can now access an [animated video](#) to help them understand their health and disability service rights under the Code.

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