



## **Counsellor breaches trust and boundaries – referred to Director of Proceedings by Commissioner**

**21HDC02793 & 21HDC02985**

An addictions counsellor has breached the Code of Health and Disability Services Consumers' Rights (the Code) to two clients for being unprofessional and unethical, not maintaining professional boundaries and abusing her position of trust.

In a report released today, the Deputy Health and Disability Commissioner has referred the woman to the Director of Proceedings to investigate if legal action should be taken.

Dr Vanessa Caldwell also found the counselling service, of which the woman was a director, breached the Code for not operating services that met professional and ethical standards. Another director, the counsellor's husband who is also a counsellor, breached the Code for not providing ethical or professional services.

The clients complained to the Addiction Practitioners' Association of Aotearoa NZ – dapaanz - about the counsellor's conduct. It investigated and upheld their complaints specific to the breach of ethical boundaries. It referred its finding to HDC. The counsellor was de-registered, and her membership revoked.

The breaches relate to several occurrences with both clients. The counsellor sent them images of her recent breast augmentation, and asked for personal favours, including asking one woman to provide and serve drinks for her wedding and the other to house-sit for her. There were multiple examples of personal interactions between the counsellor and one of the women, outside the therapeutic relationship.

The counsellor also did not keep clinical records of her treatment or provide treatment plans for the women. The other director was also found to have sent an inappropriate message on social media to one of the clients when he discovered she had complained to dapaanz.

Dr Caldwell said any relationship between a patient and a health professional involved trust, even more so when people are vulnerable, regardless of whether the professional is registered. Of one instance she said, "Mrs C held a position of trust, and there was a substantial power imbalance in her relationship with Ms B. Mrs C grossly abused this position of trust when she took advantage of Ms B for her own gain."

Dr Caldwell has made a range of recommendations which include both directors individually apologising to the women, and for the counsellor to undertake

independent clinical supervision and for her supervisor to report to HDC every six months for two years, to ensure it is satisfied the counsellor is working within the ethical standards expected of a counsellor or coach. She also recommended for the counselling service to develop a complaints policy to be reviewed by independent dapaanz approved practitioner.

9 September 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 group 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.

[Read our latest Annual Report 2023](#)

Learn more: [Education Publications](#)

### **For more information contact:**

*Communications team, Health and Disability Commissioner*

Email: [communications@hdc.org.nz](mailto:communications@hdc.org.nz), Mobile: +64 (0)27 432 6709