

Sexual relationship with client (02HDC11760, 28 April 2004)

Psychologist ~ Recent former client ~ Compliance with ethical standards ~ Professional boundaries ~ Sexual relationship ~ Rights 2, 4(2)

A gynaecologist complained on behalf of a female patient that a psychologist had had an inappropriate sexual relationship with her, including moving into her home. The 60-year-old woman disclosed the relationship during a routine consultation with the gynaecologist. He noted that she was extremely distressed and he suggested that she make a formal complaint. She was reluctant to do so but later wrote to disclose the identity of the psychologist to the gynaecologist, who then made the complaint.

The woman initially visited the psychologist after experiencing a number of traumatic events in her family. She said that she was aware “early on” of the psychologist’s interest in her, and that she had responded to his signals, which she described as “flirtatious”. The woman and the psychologist then entered into a sexual relationship. There is disparity about whether the consultations ended at this point or earlier, or indeed continued, as client notes appear to have been made for only one session, and diary entries are inconclusive.

About five months later the psychologist moved into the woman’s house as her partner, but left approximately two months afterwards. During this period he was receiving treatment for depression and anxiety, and the woman assisted in caring for him. She reported experiencing continuing anxiety, panic attacks and insomnia as a result of the relationship.

The psychologist was held to have breached Rights 2 and 4(2), as he should have known that a sexual relationship with a recent former client was unethical and had the potential to cause her harm. His actions were unprofessional and exploitative, and cannot be excused by his ill-health. It is a responsibility of psychologists to provide structure and safety within their professional relationships and, if unfit to do so, to withdraw from practice.

The psychologist also breached Right 4(2) and the Code of Ethics for psychologists and psychotherapists, in not keeping adequate records of the consultations.

The complaint was referred to the Director of Proceedings, who decided not to issue proceedings.