

**Relationship between a counsellor and
former client of an alcohol and drug clinic
(01HDC09143, 3 October 2002)**

*Counsellor ~ Public hospital ~ Standard of care ~ Ethical standards ~
Alcohol and drug services ~ Professional boundaries ~ Sexual relationships ~
Complaints procedure ~ Rights 4(2), 10(4)*

A woman complained about the services provided to her by a counsellor and a public hospital. The complaint was that (1) the counsellor at the Alcohol and Drug Clinic initiated a sexual relationship with the woman, which left her feeling worse after treatment, and (2) the public hospital failed to facilitate a fair, speedy and efficient resolution of the complaint.

The Commissioner reasoned that counselling and psychotherapy are amongst the most intense therapeutic relationships, and can commonly result in transference where the consumer idealises the therapist; therefore, scrupulous attention to the maintenance of professional boundaries is required.

The counsellor breached Right 4(2) when she permitted a former client to become a flatmate, because it was likely that the client would need the assistance of the drug and alcohol service again in the future, even though (1) the current counselling relationship was finished, (2) the counsellor had said she would never counsel the woman again, and (3) there was no conclusive evidence of a sexual relationship.

The hospital breached Right 10(4) by omitting to regularly advise the woman about the progress of her complaint, but was not vicariously liable for the counsellor's breach because the hospital's Code of Conduct was sufficient to guide staff in appropriate conduct.