

**Inappropriate relationship with client  
(08HDC14245, 27 February 2009)**

*Psychologist ~ Inappropriate relationship ~ Right 4(2)*

A woman made a formal complaint about the relationship between her former husband and his psychologist. The psychologist denied that she had had an intimate relationship with her client. In contrast, a number of witnesses provided evidence that suggests they commenced an intimate relationship either prior to, or soon after, the ending of the professional psychologist/client relationship.

It was held that, on the balance of probabilities, an intimate and sexual relationship developed between the psychologist and the man. Due to the counselling relationship, there was an inherent power imbalance between them, as the man's emotional vulnerability was exposed during therapy. It is incumbent on the psychologist to set and maintain boundaries, both during the relationship and after, and in this case the psychologist failed to satisfy her responsibilities, and breached Right 4(2).

The psychologist failed to provide honest and full responses, contrary to her professional requirements, breaching Right 4(2).

The psychologist was referred to the Director of Proceedings. The Director considered the matter and decided to lay a charge of professional misconduct against the psychologist before the Health Practitioners Disciplinary Tribunal, which heard the matter in December 2009.

In a decision dated 11 December 2009 the Tribunal found the psychologist guilty of professional misconduct and subsequently imposed the following penalties:

- (a) Cancellation of her registration as a psychologist;
- (b) The condition that before she may apply for registration again she must undertake to the satisfaction of the Psychologists' Board education on the importance of maintaining appropriate professional boundaries, the dynamics of violent relationships, the Code of Ethics and the need for supervision and candour in supervision;
- (c) Censure;
- (d) A fine of \$5,000; and
- (e) Costs totaling \$18,000.

The Director decided not to instigate a proceeding in the Human Rights Review Tribunal.