

**Sexual relationship between a counsellor and client
(09HDC01937, 1 April 2011)**

Counsellor ~ Sexual relationship ~ Sexual abuse history ~ Boundaries ~ Fiduciary obligations ~ Ethical standards ~ Rights 2, 4(2)

A woman first received counselling services from a counsellor in 2000. She alleged that she and the male counsellor entered into a concurrent professional and intimate relationship in 2003 which continued until 2006.

The counsellor acknowledged that he did have a short-lived sexual relationship with the woman, but denied that this was at the same time as he was providing counselling services. He asserted that after ceasing to provide counselling services in mid-2004, a close friendship continued to develop, but it was not until mid-2006 that sexual encounters occurred. He also submitted that he had experienced ongoing bouts of delirium after surgery in 2003, resulting in lack of insight, awareness, and memory of the events in question.

The counsellor was aware of the complex issues surrounding the woman's particular history of sexual abuse. She was extremely vulnerable, and trusted and relied heavily on the counsellor. There was an obvious power imbalance. The counsellor abused that power.

The counsellor expressed shame and regret, and acknowledged wrongdoing. He apologised and reimbursed the fees the woman had paid to him. He acknowledged that his duty of care as a counsellor did not end just because the counsellor/client relationship, in his view, had ended.

It was held that by engaging in a sexual relationship, the counsellor did not maintain appropriate boundaries and therefore violated his fiduciary obligations. Consequently, his actions were inappropriate and unethical, and he exploited his client's vulnerability, breaching Rights 2 and 4(2). The counsellor undertook never to practice again.