

**Counsellor named after failing to meet HDC recommendations  
(20HDC01793)**

The Health and Disability Commissioner (HDC) has taken the unusual step of naming an Auckland counsellor who has failed to carry out any of the recommendations made in a June 2022 decision.

In that decision Deputy Health and Disability Commissioner Dr Vanessa Caldwell found Mr Neil Oliver of Auckland Counselling Clinic had breached Rights 4(2) and 10(3) of the Code of Health and Disability Services Consumers' Rights (the Code) during his therapeutic relationship with a woman.

Dr Caldwell found that Mr Oliver had failed to act with care and respect during his session with the woman, and recommended the counsellor provide a written apology to the woman, and attend training on ethics, professional boundaries, therapeutic communication, establishing rapport and trust with patients, and counselling for patients who have experienced sexual assault.

She also recommended the counsellor develop a robust complaints procedure and update his marketing material to be transparent about not being registered with New Zealand Association of Counsellors (NZAC).

HDC has been in contact with Mr Oliver several times to advise him the recommendations were overdue.

“In our most recent communication of 20 September 2023, I advised Mr Oliver that I intended to amend my published decision on this investigation to name him and Auckland Counselling Clinic and reflect that he had not met my recommendations. As of 1 November, Mr Oliver has not replied with a valid reason for why I should not name him.”

“In failing to meet any of my recommendations, Mr Oliver has failed to comply with his legal obligations under the Code to provide an appropriate standard of care and demonstrated a lack of commitment towards improving his practice,” Dr Caldwell said.

HDC is considering taking further action against Mr Oliver for his inaction. It has also subsequently received a number of other complaints regarding Mr Oliver which are currently being investigated.

“We do encourage anyone who has received substandard treatment from a practitioner to contact HDC if they wish to submit a complaint. We also recommend people check the credentials of any health and disability service provider before they seek treatment – this includes checking their registration status online.”

Dr Caldwell's decision can be found here [www.hdc.org.nz/decisions/latest-decisions](http://www.hdc.org.nz/decisions/latest-decisions).

[ends]

Editor's notes

The full report of this case will be available on HDC's [website](#). Names of other individuals involved in this case have been removed from the report to protect their privacy.

The Commissioner will usually name 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 and HDC's naming policy 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 2021/22 HDC made 402 recommendations for quality improvement and providers complied with 98% of those recommendation.

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