

**Importance of written therapeutic contracts, clear counselling models, and
communication between counsellor and client
19HDC02371**

The Deputy Health and Disability Commissioner has found a counsellor in breach of the Code of Health and Disability Services Consumers' Rights (the Code).

Dr Vanessa Caldwell found the counsellor in breach of Right 4(1) of the Code which requires that services are provided to consumers with reasonable care and skill.

The counsellor failed to provide her client with any written contract outlining the type of service offered, the counselling models used and administrative information. The counsellor did not communicate at all with another provider who was also working with the client to ascertain appropriate roles in her care. Further, the counsellor lacked the training and skills needed to support this client.

Dr Caldwell also noted several other concerns, including the inappropriate use of out-of-session communication via text message and changes to the counsellor's scope and focus of counselling without consultation with the client.

Dr Caldwell stated, "By holding herself out as a counsellor and providing counselling services for a fee, the counsellor is required to meet the ethical standards of a professional counsellor. The ethical principles set out in the NZAC Code of Ethics provide a sound reference point in establishing the ethical standards that should apply in these circumstances."

Dr Caldwell did not find the counselling service in breach of the Code. "In my view the failings identified were matters of individual practice and not directly the result of shortcomings in the counselling service's systems," she said. "Accordingly, I find the counselling service did not depart from the appropriate standard of care."

Dr Caldwell recommended a number of actions in response to the breach:

- For the counsellor to provide an apology to the client.
- That the counsellor consider membership with the New Zealand Association of Counsellors, or similar, engage in regular individual supervision and undertake communication training.
- For the counselling service to evaluate its complaints process and respond to complaints written by professionals who are assisting the complainant.

Following the complaint the counsellor informed the Health & Disability Commissioner that changes have been made to the practice as a result. This includes updating the policy and procedure booklet, devising a new client/counsellor contract and obtaining supervision around multiple relationships to mitigate issues that may arise.

27 February 2023