

Sexual relationship between support worker and mental health consumer
16HDC00439, 29 June 2017

Support worker ~ Mental health support service ~ Boundaries ~ Sexual relationship ~ Standards ~ Rights 4(2), 2

A woman resided at flats operated by a mental health support service (the service) for housing people recovering from mental illnesses. The woman was vulnerable and had a history of depression with episodes of self-harm. She required support when she was becoming unwell.

A support worker, who had received training on boundaries and relationships on a number of occasions during his employment with the service, engaged in a sexual relationship with the woman. At some point during this relationship, the support worker became the woman's primary support worker. She fell pregnant, but the relationship ended prior to the birth of the child.

The service was unaware of the sexual relationship, but became concerned about the support worker spending too much time with the woman and not always accounting for his whereabouts. It addressed this through a formal disciplinary process. One outcome was that the support worker was to undertake further boundary training, but the support worker did not complete this. The service was not aware of this until several months later.

The support worker initially denied the relationship to HDC but subsequently acknowledged that there was a sexual relationship.

Findings and recommendations summary

It was held that the support worker failed to comply with ethical standards, and the standards required by his employer, by having an inappropriate personal and sexual relationship with the woman. Accordingly, he breached Right 4(2). His conduct was sexually exploitative and, accordingly, he also breached Right 2.

Adverse comment was made that the service was unaware of the support worker's failure to complete the further boundary training until several months later. It was recommended that it develop and implement its proposed new training package concerning boundary issues, and introduce a system that ensures and documents that those staff identified as requiring refresher training receive it within three weeks.

The support worker was referred to the Director of Proceedings for the purpose of deciding whether any proceedings should be taken. The Director decided not to issue proceedings.