

Authorising Committee:	Board
Responsible Committee:	Committee for Professional Practice
Document Code:	EG12 PPP Zero tolerance policy on proven sexual boundary violations

Purpose

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) strives for excellence and equity in the provision of mental healthcare. To realise this vision and to continue to earn the community's trust in the profession, the RANZCP seeks to cultivate and maintain the highest ethical standards. This policy serves to maintain those high standards, by outlining the RANZCP's zero tolerance policy on proven sexual boundary violations.

Background

Good medical practice relies on trust between doctors and patients and their families. It is always unethical and unprofessional for a doctor to breach this trust by entering into a sexual relationship with a current or former patient, regardless of whether the patient has consented to the relationship or not.

In psychiatry, the obligation to avoid unethical or unprofessional behaviour is particularly important because of the intense therapeutic relationship with patients and the powerful emotional forces that can be released during treatment.

The RANZCP considers sexual relationships between psychiatrists and current or former patients are never acceptable and constitute unethical behaviour. This is set out in Principle Two of the RANZCP *Code of Ethics* (5th edition) (RANZCP, 2018).

The RANZCP has a 'zero tolerance' policy to proven sexual boundary violations. This RANZCP policy came into effect, and was applicable from, May 2011.

Definitions

A 'proven sexual boundary violation' refers to:

- a final determination or finding by the relevant Medical Board or Council that a practitioner has committed a sexual boundary violation, as interpreted by the relevant Medical Board or Council;
- a restriction(s) or condition(s) imposed, or the suspension or termination of a practitioners' registration to practise by the relevant Medical Board or Council due to a sexual boundary violation, as interpreted by the relevant Medical Board or Council.

'Zero tolerance' means that the RANZCP will not tolerate a proven sexual boundary violation of any kind between psychiatrists and their current or former patients regardless of whether they were consensual.

The RANZCP's zero tolerance policy applies to all Fellows, trainees and affiliates of the RANZCP, and those seeking to engage in RANZCP activities as set out below.

Zero tolerance policy

In light of the RANZCP's position on proven sexual boundary violations, the following applies:

- If a Fellow, trainee or affiliate is found to have committed a proven sexual boundary violation by a regulatory authority, the RANZCP will revoke their Fellowship or membership by a Board approved process.
- The RANZCP will not allow reinstatement of any Fellow, trainee or affiliate who has been found to have committed a proven sexual boundary violation by a regulatory authority and:
 - whose Fellowship or membership has been revoked as a consequence of committing a proven sexual boundary violation;
 - who has resigned as a consequence of committing a proven sexual boundary violation.
- The RANZCP will not accept applications from practitioners who have been found to have had a previous proven sexual boundary violation applying to:
 - become trainees, supervisors of trainees, Fellows or affiliates of the RANZCP
 - engage the RANZCP Continuing Professional Development (CPD) Program. Practitioners found to have had a previous proven sexual boundary violation cannot nominate the RANZCP as a CPD Home or access services such as remediation.
 - participate in any other RANZCP activity.

Further information about what constitutes sexual boundaries between doctors and patients can be found in the Medical Board of Australia's *Sexual boundaries in the doctor-patient relationship* and the Medical Council of New Zealand's *Sexual boundaries in the doctor-patient relationship*.

Additional resources

Australian Medical Association (2019) *Maintaining Clear Sexual Boundaries Between Doctors and Patients and the Conduct of Patient Examinations*. Available at: <https://www.ama.com.au/position-statement/maintaining-clear-sexual-boundaries-between-doctors-and-patients-and-conduct>

Medical Board of Australia (2018) *Sexual boundaries in the doctor-patient relationship*. Available at: <https://www.medicalboard.gov.au/codes-guidelines-policies/sexual-boundaries-guidelines.aspx>

Medical Council of New Zealand (2018) *Sexual boundaries in the doctor-patient relationship*. Available at: <https://www.mcnz.org.nz/assets/standards/e8fb8a0ff4/Sexual-boundaries-in-the-doctor-patient-relationship.pdf> .

Royal Australian and New Zealand College of Psychiatrists (2018) *Code of Ethics*. 5th edition. Available at: <https://www.ranzcp.org/clinical-guidelines-publications/clinical-guidelines-publications-library/code-of-ethics>

Disclaimer

This information is intended to provide general guidance to practitioners, and should not be relied on as a substitute for proper assessment with respect to the merits of each case and the needs of the patient. The RANZCP endeavours to ensure that information is accurate and current at the time of preparation, but takes no responsibility for matters arising from changed circumstances. information or material that may have become subsequently available.

REVISION RECORD

Contact: Executive Manager, Policy, Practice and Research

Date	Version	Approver	Description
05/2011	1.0	Board GC2011/03 R33	Adopted
03/2016	2.0	B2016/03 R	Revised

© Copyright 2024

Royal Australian and New Zealand College of Psychiatrists (RANZCP)

This documentation is copyright. All rights reserved. All persons wanting to reproduce this document or part thereof must obtain permission from the RANZCP.