

PSYCHOLOGISTS REGISTRATION BOARD
OF VICTORIA

Re: Robb Stanley [2003] PRBD (Vic) 6

Reasons for Decision

Decision of: Dr D List, President
Professor V Anderson
Ms H Bancroft
Adjunct Professor L Rodopoulos

The Psychologist attended before the Board

Date of Hearing: 16 June 2003

Date of Decision: 16 June 2003

THE DECISION OF THE BOARD IS THAT:

The application for re-registration of the former psychologist, Robb Stanley, is refused pursuant to s6(2)(a) of the Psychologists Registration Act 2000 (Vic) on the basis that the character of Mr Stanley is such that it would not be in the public interest to allow him to practise as a registered psychologist.

- [1] The Psychologists Registration Board convened on June 2003 to determine whether Mr Robb Stanley, formerly a registered psychologist, should be re-registered¹.
- [2] By a decision of 29 November 2000 a panel of the Board², constituted by Dr Freckelton, Ms Arnott, Ms Hudson, Mr Tymms and Dr Doherty, Mr Stanley was found to have engaged in conduct discreditable for a psychologist by reason of having committed infamous conduct in that
- (a) From in or about January 1994, during the course of his professional relationship with Ms M, and in the context of professional consultations, he engaged in acts of physical intimacy with Ms M, including hugging and kissing.
 - (b) From in or about April 1994, he had a sexual relationship with Ms M which involved acts of sexual intercourse and physical intimacy.
 - (c) From in or about January 1994, he failed to terminate the professional relationship when the fact or possibility of sexual, romantic or emotional attractions between himself and Ms M became apparent.
 - (d) To the extent that these matters took place after the termination of that relationship, they occurred within an inadequate period of time thereafter.

The panel found that the proscribed relationship lasted between early 1994 and early 2000.

- [3] The complainant, Ms M, told the Panel that the reason why her physiotherapist referred her to Mr Stanley was for a mixture of acquisition of pain management techniques and to address her stress and depression. Mr Stanley attended before the Board on the first day of the hearing and was represented by experienced counsel. However, on the succeeding day, part the way through cross-examination of the complainant, he sought, and was denied leave to resign his registration.
- [4] At the hearing in 2000, through his counsel Mr Stanley suggested that the complainant was embittered by the cessation of the relationship, this being the motive for her making the accusation that her personal relationship commenced during the currency of the professional relationship. He admitted to the sexual relationship, however, contending that it took place some months after the termination of the therapeutic relationship.

1 The hearing came before four members of the Board, this constituting a majority of the five members appointed as of 16 June 2003.

2 *Re Stanley* [2000] PRBD (Vic) 8.

[5] Amongst other things, counsel for Mr Stanley accused Ms M of conduct amounting to the criminal offences of theft, burglary, money laundering, drug dealing, social security fraud, attempting to pervert the course of justice and perjury. The contention was advanced that she was a “woman spurned” and that she would stop at nothing to destroy Mr Stanley’s professional standing³. Importantly, no evidence at all was adduced in support of these extremely serious allegations. The Board was informed that Mr Stanley would give evidence⁴ to a variety of effects. However, he did not do so and in these circumstances the Board accepted the denials by Ms M of the propositions advanced on Mr Stanley’s behalf.

[6] The hearing panel commented of Ms M, who is no longer alive, that she was

candid, honest and impressive as a witness. There were matters in respect of which she could have made more damaging assertions and matters in respect of which she could have made further allegations in the knowledge that she would not be cross-examined about them. She did not do so. While it was apparent that she harbours considered anger toward Mr Stanley, the Board found Ms M to be a credible witness and it accepts the substance of her allegations against Mr Stanley.⁵

[7] The panel found that:

Ms M was a vulnerable person. She had sustained a workplace injury and had not succeeded effectively in reintegrating into the work force. A pain management programme had not worked for her and she had been referred for psychological assistance. She was stressed and depressed. She also had a range of personal issues that understandably preoccupied her, including the state of her marriage, in respect of which she sought psychological assistance on in excess of 30 occasions over a period of a little over a year. During this difficult period in her life she need nurturing and support. She was extremely vulnerable. It was at this time, and through no fault of hers, and from the position of trust of a registered psychologist that Mr Stanley entered into a personal relationship with his client and then his immediately ex-client. The Board has no doubt that Mr Stanley’s professional peers of good repute and competency would regard his behaviour as both disgraceful and dishonourable, worthy of outright castigation. While there are instances of such impropriety which are more heinous - involving clear instances of rape, or of clearly intentionally predatory conduct - Mr Stanley’s conduct is completely unacceptable to the profession of psychology and would have been so viewed in 1994.⁶

3 *Re Stanley* [2000] PRBD (Vic) 8 at [23].

4 See Transcript, at p50.

5 *Re Stanley* [2000] PRBD (Vic) 8 at [24].

6 *Re Stanley* [2000] PRBD (Vic) 8 at [29].

- [8] By a letter dated 23 April 2003 Mr Stanley applied to be re-registered. He claimed that the relationship between him and Ms M had only lasted five years, by contrast with the express findings of the 2000 panel. He stated that he understood and accepted as appropriate the reasons for cancellation of his registration and acknowledged that “my conduct at the time of the hearing *may have appeared* to be erratic and unsatisfactory” (emphasis added). He stated that in his application he had not “attempted to refer to any matters that may have mitigated to any extent the gravity of my misconduct.”
- [9] Mr Stanley informed the Board that after his de-registration he resigned from his position in the Department of Psychiatry at the University of Melbourne, as well as concluding his membership of professional societies. However, in May 2002 he successfully applied for a senior lectureship in research in his former department. He told the Board that over the previous year he has co-ordinated and conducted research including into the study of chronic neuropathic pain in spinally injured patients, as well as having co-ordinated two of the Department of Psychiatry’s psychotherapy training programmes, taught psychotherapy and supervised professional practitioners in their psychotherapy. He explained that he had co-authored a book on clinical hypnosis, written various book chapters and given presentations at several international conferences.
- [10] Mr Stanley informed the Board that he has given his time in a voluntary capacity since being de-registered to a variety of professional associations and explained that he has assisted in the organisation of several professional conferences within his areas of expertise. He also stated that in the period he had completed a doctoral thesis which is currently awaiting assessment by examiners.
- [11] He told the Board that he had obtained psychotherapy assistance since being de-registered from the consultant psychiatrist, Dr Barrie Kenny. However, he did not provide a report from Dr Kenny.
- [12] Mr Stanley adduced in support of his application statutory declarations to his being of good name and character from Graham Burrows, James Olver, Ethel Barton, Sarah Marley-Hamm, and Barry Markey. The Board noted that Mr Stanley has published learned papers with Professor Burrows since 1980. It also received letters of support on Mr Stanley’s behalf from:

- Dr Susanne Gyorki, dated 20 February 2002, who stated that she asked Mr Stanley to supervise her when she was studying for her counselling degree at La Trobe University and has remained under his supervision since commencing practice as a psychologist;
- Sandra Boughton, dated 5 May 2003, a clinical psychologist, who stated that her observation of Mr Stanley's relationship with Ms M was that it was the relationship of a mutually caring, supportive and committed relationship between fiances;
- Camillo Lorio, dated 10 February 2003, the Professor of Psychiatry in the Faculty of Medicine at the University of Rome;
- Caroline McGrath, dated 7 May 2003, a psychologist at the Austin Hospital;
- Megan McQueenie, undated, Executive Director of the Mental Health Foundation of Australia, writing on behalf of Professor Graham Burrows;
- Christopher Mogan, dated 4 May 2003, Head of Psychology at the Melbourne Clinic, who indicated that Mr Stanley proposed not to practice privately, and urged the Board to view Mr Stanley's application with compassion;
- Walter Bongartz, dated 28 April 2003, a Professor of Psychology at the University of Konstanz, Germany;
- Leonard Rose, dated 27 April 2003, Director of the Melbourne Pain Management Centre, who stated that he knew Mr Stanley to be "truly sorry for the breaches he is said to have committed and feel sure that he would never place himself or any client in such a position again";
- Peter Bloom, 27 April 2003, Clinical Professor Psychiatry at the University of Pennsylvania School of Medicine, who indicated that "During the past many months, Mr Stanley has expressed his concerns to me and his desire to redress his mistakes. These expressions of sadness and determination never to repeat the actions for which he lost his registration are heartfelt and consistent with the integrity of the man I have known for so long."

[13] The Board also heard from Mr Stanley. He informed it of a variety of circumstances he said were pertinent to his relationship with Ms M. He told an extraordinary story which was significantly inconsistent with the account provided on oath by Ms M to the panel and which was partially the subject of cross-examination in 2000. Its details do not need to be recited for present purposes. However, aside from a remarkable set of allegations he made against the now deceased Ms M, which, of course, she is unable to refute, the Board found it significant that his account of the commencement of his intimate relationship with Ms M was as follows:

"[In August 1994] she let herself into my room in the middle of the night ... I was somewhat intoxicated, woke up to find her in my bed. Once a sexual relationship had started there was very little I could do to retrieve the situation."

Thereby, it appears that Mr Stanley sought to portray himself as out of control in relation to making a sensible and professional decision, both at the time of finding her in his bed

and subsequently as he allowed the relationship to develop.

- [14] Mr Stanley maintained that he had been in no position to run his case before the Board in 2000 because the complainant had broken into his office, stolen key documentation, and forged other materials. In short he said he was “set up”. In addition, he said he could not go to the police about Ms M and, anyway, he still loved her, although he broke off the relationship with her, which was what prompted her complaint to the Board. He stated that his counsel, Mr Beach, informed him that he was not entitled to a closed hearing. In addition, he claimed that his barrister made several mistakes and that he (Mr Stanley) had been threatened physically on the second morning of the hearing and thereafter.
- [15] Asked what had been wrong with his entering into a relationship with Ms M, Mr Stanley replied that he had been in a position of trust, “potential power” and that otherwise it was professionally unacceptable. He said that it was unacceptable for the profession and for the public in part because “there is always a power relationship in any therapy situation”.
- [16] Mr Stanley stated that he had panicked at the whole situation and should have spoken to his supervisor about it. However, he said that on the night Ms M came into his room he did not feel he had any responsibility for what occurred, save for being too intoxicated to call security. As for afterwards, he said, “I suspect then afterwards I have some responsibility for letting the relationship then develop but as I say I was somewhat - I don=t know what - really what to do at that state.”
- [17] Mr Stanley said that he had not completed any courses on ethical matters since being de-registered save that he himself had taught such a course. He said that since being de-registered he had seen “a handful of patients pro bono who I’d been seeing prior to the Board’s decision. I gave them access to the Board’s decision and I also gave them access to a written statement of my side of the story if you like.” However, he had insisted on their returning to him this written statement.
- [18] Mr Stanley said that, if permitted, he proposed to see patients in the hospital context. He said that he had been very traumatised by the past years and he did not want to get into the position where people would be able to tell lies about him again.

[19] Mr Stanley contended to the Board that he believed he still had a great deal to offer to the profession of psychology in terms of education and therapy. He said that he believed he retained the confidence of his colleagues and said that a number of people had “known about this situation over several years, prior to the Board’s deliberations in 2000.”

Decision of the Board

[20] A panel of this Board found Mr Stanley to have engaged in the highest category of unprofessional conduct in 2000 arising out of a lengthy relationship with Ms M, a client and then a former client. Mr Stanley chose to opt out of the 2000 hearing process part the way through the hearing. This was after his counsel made a series of allegations against Ms M, which she rejected absolutely. He called no evidence, provided no corroboration for the allegations made by his counsel and made no submissions, his experienced counsel withdrawing on his instructions from the hearing.

[21] Before the Board in 2003 his presentation was characterised by rationalisations and incredible accusations that were wholly unaccompanied by supportive evidence. He contended that his barrister before the panel of the Board in 2000 had made errors and had advised him that he was not entitled to a closed hearing. In this he lacked plausibility. If the grounds that he adverted to in 2003 had been advanced in 2000, it is apparent that he would at least have had a reasonable argument for the hearing proceeding without being open to members of the public. This would have enabled him to canvass the kinds of matters to which he alluded in 2003.

[22] Most concerning to the Board in 2003 is the absence of any real acceptance on Mr Stanley’s part of the impropriety of his conduct or of his responsibility for the relationship having come into being. His abrogation of guilt by contending that he was the passive victim of the sexual advances of his client, and then that in their aftermath there was nothing that he could do but continue to submit (in the face of the risk of a complaint to the Board), defies commonsense and has left the Board with a real concern that if this is his attitude toward boundary issues, he could well repeat his behaviour with Ms M with another vulnerable client.

[23] Mr Stanley has fallen a significant way short of satisfying the Board that he has reclaimed himself. His conduct between 1994 and 2000 was seriously reprehensible but he does not recognise it as such and before us sought to minimise it and explain it away, with no genuine recognition that such behaviour in itself causes great damage to clients. It is apparent that Mr Stanley has made significant contributions to his profession, particularly in the area of hypnosis and as an academic. However, for the present these contributions have been outweighed by the disrepute into which he has unfairly brought psychology by his egregious and extended breach of boundaries. In addition, for present purposes it is his sexual and ethical indiscretions that are in issue, not the quality of his work as an academic. Until such time as he comes to terms with his own responsibility for the sexual and romantic relationship with Ms M, it is not appropriate that he resume the privileges that accompany the status of a registered practitioner.

[24] It is the view of the Board that Mr Stanley continues to exhibit serious flaws of character incompatible with being a registered psychologist. In particular, he has exhibited little by way of real insight into his extensive boundary violation with Ms M, he continues to minimise his responsibility for it and he has little appreciation of the impact that it is likely to have had upon his client.

[25] The application for re-registration of the former psychologist, Robb Stanley, is refused pursuant to s6(2)(a) of the Psychologists Registration Act 2000 (Vic) on the basis that the character of Mr Stanley is such that it would not be in the public interest to allow him to practise as a registered psychologist.



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Dr D J List
President