

Te Poari o ngā Kaihaumanu
Hinengaro o Aotearoa

The Psychotherapists Board
of Aotearoa New Zealand

Letter writing guidance for Psychotherapists

Being asked to write letters on behalf of a client is something that all registered psychotherapists will face in their practice. This short paper outlines issues to consider when responding to these requests, and the limitations of such letters. This matter was brought to prominence in a Report by the Deputy Health and Disability Commissioner, specifically "Case 19HDC02417" where letters written by a psychotherapist and a psychiatrist formed part of the complaint.

**Please note this advice does not supersede or supplant any agency specific policies or approaches to report or letter writing, or contracts such as the ACC Sensitive Claims supplier and provider contracts, where specific medico-legal assessments are made as part of assessments and treatment.*

Issues to consider

It is a routine part of clinical practice for clients to request letters from their psychotherapist to assist them with legal matters. This may, for instance, be to support their claims in the family court, to help them regarding driving charges, domestic violence charges, or employment matters.

There are anecdotally several approaches to requests for letter writing: from those who may choose to not write letters for clients at all, through to requirements to do so as part of day-to-day work in various agency settings.

This paper does not take a position on whether or not psychotherapists should write letters for clients, but merely outlines the issues to consider when doing so.

Of note, there are no strict exclusions in the Indemnity Insurance provided via the NZAP when it comes to offering opinions about a client's behaviour, as long as the clinician is qualified to offer the opinion and is operating within their scope of practice.

The central issue when it comes to making such representations in writing is to ask oneself "What is the evidence that I have to make such a statement?" If the client is asking you, for example, to state they are abstinent from alcohol, how do you know this? What evidence do you have for this? If it is based only on your sessions with the client and their conversations with you, is this evidence?

This is different from *whether you believe them* which is a therapeutic relationship matter. It is entirely possible to believe the client's statements, at the same time as having no independent evidence to support their claims.

It may be appropriate to seek the client's permission to collect collateral information to support the provision of a written statement, or it may also be worth considering simply stating, for example: "the *client states in sessions* that they have ceased all use of alcohol and are abstinent."

It is also not a requirement that a registered psychotherapist write letters as part of treatment, and it is perfectly reasonable to take the position that you will not write letters for any reason, for clients.

It may also be worth considering any such request being discussed as part of supervision.

Furthermore, if there is a request for affidavits or formal documents for use in a court proceeding, then it would be strongly encouraged to consult before providing such documents, including use of the on-call legal advice available via the NZAP group- indemnity insurance.

Summary

As psychotherapists we will be asked to provide letters to support clients in various contexts, as part of our routine work. These requests should be carefully considered, and it is well within the rights of a psychotherapist to not agree to offer opinions in writing.

If a psychotherapist does provide a written opinion on a matter, consideration needs to be given as to the difference between what you believe and what you can evidence, and as such, representations should be limited to that which we can evidence as true - for the protection of ourselves, our clients and the wider community.