

# PRACTICE GUIDE

## The role of a support person

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### Support person defined

A support person is someone nominated by a child or a parent who can provide emotional support and reassurance. A support person is usually someone who is known and trusted by the child or the parent, and chosen by the child or parent to support them.

A support person is not a legal advocate or representative and is not to speak on behalf of the child or parent, or intervene in, or influence the conversations or decision making. A support person may be a child or parent's family member, friend, or from their ethnic, religious or cultural background.

A child or parent can ask to have a support person at any stage of Child Safety intervention, it will be up to the CSO and senior team leader to determine if the support person's presence is appropriate for example, you may need to consider

- the nature and purpose of discussions
- the information to be disclosed or shared
- any safety concerns for the child, family or staff.

It is not appropriate for the alleged person responsible for the harm to be a support person for the child or a parent.

When a support person is involved in an investigation and assessment, they need to be:

- informed of their role, that is, to attend to the personal support needs of the child or parent
- informed of the requirement for confidentiality, in accordance with the Child Protection Act 1999, section 188

### Independent person (entity) defined

The purpose of an independent Aboriginal and Torres Strait Islander person is to facilitate the meaningful participation of the child and child's family in making a significant decision. Essentially the Independent Person is to help the child and the child's family have their say.

The *Child Protection Act 1999* outlines that all reasonable efforts **must** be made to arrange an Independent Person for a child and/or family.

The role of the Independent Person

- An independent person facilitates the child and family's meaningful participation in decision making.
- An independent person does not make decisions for the family or contribute their own viewpoint.
- An independent person may provide context and explain cultural factors impacting the family.
- The court may request the views of the independent person.

**The following table outlines the differences between a support person and an independent person:**

	<b>Legislated</b>	<b>Subject to confidentiality</b>	<b>Role</b>
<b>Support person</b>	No	Yes (s188 of CPA)	Provide emotional support and reassurance
<b>Independent person</b>	Yes (s6 and Schedule 3 of CPA)	Yes (s187 of CPA)	<ul style="list-style-type: none"> <li>• Facilitate participation</li> <li>• Help child or family have their say</li> <li>• Provide cultural context</li> </ul>

(CPA means *Child Protection Act 1999*)

### **Interviewing children**

The role of the support person for a child during an interview is to

- ensure that information is understood by the child
- attend to the personal support needs of the child

Where it is considered that a support person may affect the child's interview, the following actions can be taken to reduce the suggestibility of the child:

- ask the child whether they are comfortable with the support person present
- seat the support person behind the child, out of the child's line of sight and out of reach of the child
- advise the support person not to talk or make any actions that may disturb or influence the child
- advise the child that the support person is not be consulted during the interview process

### **Interviewing parents**

The role of a support person for a parent during an interview is to:

- ensure that information is understood by the parent
- attend to the personal support needs of the parent
- assist in ensuring that the investigation and assessment process is fair and accountable

## **Version history**

**Last reviewed: September 2019**