

APPENDIX E

Tips for a conversation with a child victim survivor or parent who is not a perpetrator

Model Conversation with a child victim survivor of family violence, or parent who is not a perpetrator

Part 5A explicitly recognises the precedence of a child's right to be safe from family violence over any individual's rights to privacy. When explaining the impact of Part 5A to child victim survivors and/or a parent who is not a perpetrator, it is important to highlight that the purpose of the Scheme is to promote the safety of victim survivors.

Consent is not required from any person prior to sharing information that is relevant to assessing or managing a risk of family violence to a child. This includes information about a child, their parent who is not a perpetrator, the perpetrator or any third party.

In order to provide effective support it is crucial for service providers to build and maintain relationships of trust with children and the parent who is not a perpetrator. An important way of achieving this is through open and transparent communication. This means making it clear that new information sharing laws permit relevant information to be shared about any person, without seeking consent, for the purpose of assessing or managing family violence risk to a child. Practitioners already have conversations about limitations around confidentiality in relation to sharing information under other laws, including the *Children, Youth and Families Act 2005* and privacy laws.

These conversation points should be considered as a guide for your conversation with child victim survivors and/or their parent who is not a perpetrator. These prompts can be adapted for practitioners in a variety of

roles. Not all points need to be addressed — your professional judgement is essential to determine how to discuss Part 5A with clients in individual circumstances.

To check the victim survivor understands, consider the following approaches:

- provide examples of when their information would be shared and for what purpose, to provide context to the discussion
- check in multiple times to confirm the child victim survivor or parent who is not a perpetrator understands what has been said, possibly asking them to repeat the information if you are concerned they do not understand
- tailor this conversation to child victim survivors or parents who are not perpetrators where English is their second language; where a cognitive impairment is present; and/or where capacity is impaired for any reason.

When having a conversation with a child victim survivor or a parent who is not a perpetrator, consider the following prompts:

The Scheme

- information sharing laws have recently changed
- under the new laws, information sharing can occur to assess and/or manage your (or your child's) risk of family violence
- the Scheme is in place to promote your safety (or the safety of your child)
- information sharing allows organisations to work collaboratively to assess and manage your safety (or your child's safety), to reduce the burden on you

- I acknowledge this is a difficult time for you. The Scheme is in place to support you (and your child), not to create further stress.

General

- I recognise the steps you have taken to protect your child from family violence.

Consent

- if your information is relevant to assessing and/or managing a risk to your child, your consent is not legally required to share information
- while your consent is not legally required, where it is appropriate, safe and reasonable to do so, your views will be sought over how and when your information is shared
- wherever possible, you will be informed that your information is shared.

Reassurance

- if it is not possible to speak with you before sharing your information, I will tell you as soon as possible afterwards
- information will not be shared with the perpetrator of family violence
- the safety of family members that are not perpetrators will also be taken into account in safety planning.