

Working with clients* who have experienced domestic and family violence

Best practice guidelines for conference chairs

1. The safety of clients, children and workers is paramount

1.1 *When facilitating a conference and domestic and family violence is raised, the conference should be a 'shuttle' conference*

Practice points:

- Before the conference starts, ask both solicitors if domestic and family violence is an issue or whether any domestic and family violence protection orders (or breaches) exist.
- If domestic and family violence has been raised as an issue, explain Legal Aid Queensland's policy about shuttle conferences to both solicitors and then arrange for separate rooms.
- Before the conference starts, confirm if the client alleging the domestic and family violence wants to proceed on a shuttle basis or on a face-to-face basis.
- Check with Legal Aid Queensland's conference organisers for another room.
- Only return to a face-to-face conference if the aggrieved person chooses to and if you are sure they feel no pressure to do so.
- Ensure both clients are comfortable with the physical environment before the conference starts.

1.2 *The issue of domestic and family violence is never mediated*

1.3 *Take appropriate precautions for the clients' safety*

Practice points:

- Ensure no identifying documents/ files are left in view or are able to be accessed by any of the parties during a conference.

1.4 *Take appropriate precautions for your safety*

Practice points:

- If you are working at a Legal Aid Queensland office, know where the distress buttons are in the interview and conference rooms.
- If you are working at a Legal Aid Queensland office and a physical incident occurs, complete a workplace health and safety incident report, notify Legal Aid Queensland and make a file note.
- If a client threatens you, notify Legal Aid Queensland, the appropriate authorities or a colleague and make a file note.
- Ensure your own safety as you leave the building.

1.5 *Reality check any proposed contact orders when the conference ends.*

Practice points:

- Use the risk assessment pro-forma.
- Has the client underestimated the risk of future domestic and family violence?

2. Violence is a crime whether it occurs in public or in private

2.1 *Give clients appropriate information about their legal options to address domestic and family violence*

Practice points:

- If a client is unrepresented, be aware of their legal and referral options.

3. Actively involve clients in assessing their own legal needs and making decisions about their future

3.1 *Fully inform clients about the conference process*

Practice points:

- Use plain English, avoid legal jargon.
- Check the client understands your information.
- Do not pressure a client to accept an agreement.
- Let the client make up their own mind.
- Ensure the client has a full understanding of agreement's terms and implications.

3.2 *When mediating, let the client make up their own mind*

Practice points:

- Consider ending the conference if you believe a client cannot negotiate due to fear or other factors.

4. All clients should be treated with respect

4.1 *Do not be judgemental in your response when hearing a client's experience of domestic and family violence during a conference*

Practice points:

- Listen and respond respectfully and behave sensitively when clarifying or asking for further details of alleged abuse or domestic and family violence or cultural practices.

5. Legal Aid Queensland's services should be accessible and equitably delivered to all clients affected by domestic and family violence

5.1 *Ensure cultural issues are addressed during the conference*

Practice points:

- Do not make assumptions about a client based on their cultural background.
- Trained interpreters should be used if you think language is an issue.
- Legal Aid Queensland will fund interpreters.
- Always check that a client from a non-English-speaking background is comfortable to proceed without an interpreter, even if they have declined one a previous occasion. Attempt to make the necessary arrangements so the conference can proceed, such as organising a telephone interpreter.
- Use separate interpreters wherever possible if both parties to a dispute are from non-English speaking backgrounds (subject to funding constraints), particularly with a shuttle conference.
- Consider getting an interpreter of the same gender as the client and check whether the client has any preference.

6. Develop and maintain your knowledge of the social context of domestic and family violence including power, control and gender

6.1 *Be aware of the different contexts and complexities involved with domestic and family violence when facilitating an agreement.*

Practice points:

- Be aware that domestic and family violence is very emotional and a person may be using very subtle control and manipulation of the process.
- Attend relevant professional development opportunities to keep your knowledge base current.
- Ensure you know or can find out about appropriate support services, eg regional domestic violence services, refuges, sexual assault services, children contact centres.
- If in doubt contact a relevant Legal Aid Queensland specialist unit eg Women's Legal Aid, domestic violence unit, family law social work team.

* Clients are all parties to a dispute.