# COVID-19 coronavirus: Good practice guide for meeting with children via technology

The COVID-19 coronavirus pandemic in Australia has created risks related to in-person contact that could potentially have serious consequences. This means that legal services have had to adapt how they meet and communicate with clients – both adults and children – by using technology when face-to-face meetings are not possible.

This guide is particularly for lawyers working with child clients in child protection, family law and youth crime proceedings, but much of the content may be relevant for those working with adult clients as well.

Many children are very familiar and comfortable with technology with much of their education and communication taking place online. Many older children have access to their own devices.

There are various platforms available to lawyers to facilitate communication with a child via technology.

Meeting high school aged children via technology may be appropriate in a significant proportion of cases. Dependent on the maturity of the child, their familiarity with technology and current home situation, there may be upper primary children who it would also be appropriate to meet remotely. While there may be some exceptions, there will generally be major limitations and risks incurred when conducting meetings via technology with younger children, and considerable caution needs to be exercised when this is undertaken.

This guide sets out important considerations for child representatives when planning for and conducting meetings with a child via technology.

* For child protection matters, it should be read in conjunction with the VLA guide [*Representing children in child protection proceedings*](http://www.vla.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-representing-children-in-child-protection-proceedings-guide.pdf).
* For family law matters, it should read in conjunction with the VLA factsheet [*The Role of the Independent Children’s Lawyer*](https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-resource-the-role-of-an-independent-childrens-lawyer.docx)*.*
* For youth crime matters, it should be read in conjunction with the [*Guide to Assessing Capacity and Taking Instructions from Children*](https://www.legalaid.vic.gov.au/sites/www.legalaid.vic.gov.au/files/vla-resource-guide-to-acting-for-children-in-the-criminal-division-of-the-childrens-court.docx).

## Deciding whether to meet via technology

Before arranging to meet a child using technology you should seek relevant information from the child protection practitioner or youth justice or other support worker if any to assist you in deciding how best to do this, and to identify any major barriers that may present issues in communicating effectively. The factors that should be explored/considered include:

* The child’s age, stage of development and maturity;
* The child’s language capability and oral competency;
* Whether there is a need for an interpreter;
* The family’s/child’s access to technology;
* The level of parental or carer support for the remote process;
* The child’s access to a private environment;
* The nature of the issues in dispute;
* The potential risks to the child;
* The potential value of the information that the child may provide (for best interests representation).

Following consideration of the above factors, you may assess that an in-person meeting is strongly preferable in order to effectively represent the child. If this is the case, you will need to discuss this with the child, their parent/carer, and/or the child protection practitioner to make sure there is agreement, and arrangements can be made safely. Considerations for meeting in person include:

* What the current health and quarantine status of the child and family is;
* What is an appropriate, safe and accessible location for the meeting to occur;
* What travel options are available for the child;
* What the current Government restrictions are.

There is no expectation that an in-person meeting take place if the child or the lawyer feels uncomfortable due to health and safety concerns.

If a face to face meeting is planned:

* Ensure personal hygiene practices are undertaken, both for yourself and the child (having hand sanitiser available is a good idea)
* Maintain recommended social distancing.

Depending on the meeting approach that is agreed to, and the options for timing and travel (if required), there may be some delay in you meeting a child client for the first time. If this is the case, you will need to ensure that the likely length of delay and the reason for it is communicated to the court. Liaise with the court registry and the other parties (via their lawyer if represented) to agree the best way to do this.

## Be aware of the child’s environment

Meeting with children remotely may mean that they are not in “neutral” territory. For example, they may be in a parent/carer’s home, in youth justice or police custody. It also means you will not have as much control over the environment the child is in and this includes being less able to support the child.

If the child’s school is raised as an option, whether for an in person or via technology meeting, you will first need to speak with the Principal to ask whether they would be willing to facilitate the meeting and whether they have the facilities and equipment required for the meeting to take place.

### When thinking about the child’s environment consider:

* Are there any risks to the child?
* Does the child have a disability that needs to be considered?
* Are there ways for you and/or the parent, carer, or other responsible adult to minimise distractions for the child?
* For a younger child, can you ask that there be crayons and paper or other simple tools in the room to engage the child?
* How will the child be set up with the technology? For example, can they interact with you if they are at a desk in front of a desk top computer?
* If there is a sibling group how does that work in the environment the child is in?

## Deciding on the technology platform

Video technology is preferable to a phone call when meeting a child remotely because:

* It allows the child to see your face
* It means you and the child are on an equal footing as both have environments you can share with each other
* Depending on the location, it allows you to get a better sense of the environment the child is in
* It provides visual cues not available on the phone
* The visual aspect can make it easier to engage with the child
* It has novelty value which a child might enjoy
* A video meeting may enable you to see if there is a parent or another person (a sibling) in the background
* It can provide a sense of safety for the child, because they know you can see them.
* You can see the interaction between siblings, parents/carers and the child prior to your meeting.

Video technology such as Skype, WhatsApp, Facetime (on compatible devices) and software Apps such as Microsoft Teams are all options. Microsoft Teams allows the child to attend the meeting using a computer, tablet or smart phone. Zoom can be used if supported by your workplace.

You can communicate directly with an older child to gauge the best option for them and ensure they have the support of an appropriate adult if they need assistance.

Where possible, the child should be facilitated to use their own device and the meeting link and instructions should be provided to the child directly if they have access to their own email. This reduces the likelihood of parental or carer interference. In many matters, this will not be possible, and the parent/carer or other responsible adult will need to play a role in receiving the meeting invitation and setting up the meeting.

If this is the case, you will need to explain to the parent/carer that your conversation with the child/ren needs to be confidential, and that they will need to leave the room and allow the child to speak privately with you after they have set up the video technology. Consider liaising with the child protection worker and/or the parent’s lawyers to have them reinforce this message if needed.

### Some things to consider:

* What technology options are available to the child at the proposed location?
* Can the responsible parent/carer use the technology platform you propose using for that meeting?
* Is it possible for the child to have a test run using the platform?

Should any of the parties raise concerns about the location or technology platform proposed for the meeting, where reasonable and practicable, an alternative meeting location or technology could be proposed and agreed to by the parties.

*Warning: Be aware that some video conferencing technology may be able to be used to record without your consent. Familiarise yourself with the user guidelines and privacy terms of the technology platform before proposing or agreeing to it.*

## Advance preparation for the meeting

* Make sure you have a mobile number for the parent/carer, support worker or other adult responsible for the child’s welfare at the location where the meeting is to take place. You may need to call on them for assistance, for instance if the video platform fails, or if the child is being distracted by noisy siblings outside the door, or is distressed and needs to be attended to.
* You should agree on rules for how and when the meeting starts, is conducted and finishes to ensure a safe and co-operative process and hand-over experience for the child. For instance, if there is a sibling group you may initially ask that all the children be present so you can introduce yourself and then advise that you will need to speak to the children individually and in private at which time the rest of the siblings will need to leave the room until it is their turn for a private meeting.
* If you are meeting with a child who is in foster care you will need to make sure that DHHS or the Agency have communicated with the carers about how the meeting will run. For these children it may be that you speak with them while they are at home with their carers or from the DHHS office, if it is an option. You will need to consider which is a more appropriate location (and also the willingness of the carers to facilitate a meeting in their home). There will likely be advantages and disadvantages to each choice.
* Make sure you communicate to the parents, older children and/or the person who is facilitating the meeting for the child that you do not consent to the meeting being recorded and that it is prohibited by law.

## Setting up and starting the meeting

### Before the meeting commences:

* Set your camera up so that the child gets a close and clear image of you and can make eye contact with you;
* Have a practice run with a friend or colleague to make sure that the framing and lighting are satisfactory, test the volume and pace of your speech, and to ensure you’re comfortable with what is visible in your background.

### If you are meeting with a sibling group:

* Consider starting your meeting with all of the children together to introduce yourself;
* Introduce yourself and briefly discuss the purpose of the meeting with all of the children together;
* Discuss the order of who you will speak to first and the importance of allowing that meeting to be a private meeting between yourself and each child; THEN
* Ask the remaining siblings to leave the room and speak to one child at a time in private.

### At the start of each individual meeting:

* Ask the child to use headphones if they have some available;
* Check with the child that they can see and hear you well. Before you discuss confidential information check that you can hear the child without the need for the child to speak loudly or yell;
* Put your video window to full screen to maximise the size that the child appears, and ask the child to do the same;
* Ask the child to switch off any other devices around them to avoid distractions. This will also help minimise the risk of having meetings audio recorded from a separate device;
* Consider agreeing to a non-verbal signal that they can give you if they begin feeling uncomfortable or wish to end the meeting but are not comfortable telling you that with words.

### Remember to regularly:

* Reassure the child that you can hear them clearly and that you are paying attention to what they are saying and check that they can still hear you well;
* Reflect and check that you understand what they are saying/feeling;
* Check to see if they have any questions;
* Check in with the child about whether they are still feeling comfortable, or if they need a break;

Be conscious of how the child is coping with the meeting. When you meet a child in person, you can get cues from their body language which can indicate if they are uncomfortable. You may need instead to ask the child how they are feeling throughout the meeting and tell them they can leave the meeting if they wish to or need to.

## Tips on building rapport via technology

Your body language and tone might not translate the same way as it does in an in-person meeting, but it is just as important in a video conference meeting and is part of how you build rapport.

### Some suggestions on building rapport via technology:

* You can adjust your screen backgrounds on many video apps and engage the child to try this on their end and chat about their choices. Or you may want to have interesting pictures up in your background. If you want the child to let you in to their world you should consider the benefit of sharing something from your world.
* Ask the child to show you their own environment/the room. Be aware that younger children may be distracted by noises from beyond the room such as siblings or parents/carers behind the door. Understanding the environment not only helps with rapport building but it also allows you to be satisfied as best you can that there is no other person in the room. See more tips on this later.
* Ask them what their experience has been with attending school remotely using technology and reciprocate with your own experiences doing this for work.
* You may pick up from their environment topics to engage in and discuss with each child to help with rapport building. For instance, a musical instrument, games they like to play or sport memorabilia and what their sporting interest may be.
* You need to have a range of interesting things that you can show for the different age ranges. For example, ask a younger child to bring pencils and draw during the meeting.

*Warning: if you are concerned about what may happen to the drawing after your meeting then perhaps avoid this or discuss with the child whether they have a way of privately disposing of them.*

## Tips on ensuring the confidentiality of the meeting

* Make sure that you ask about the room that the child is in and where possible have the child show you around it first. You may not always be able to convince the child to show you around the room, however you may notice the child looking away in a certain direction during the meeting which together with other cues may alert you that the child is not alone in the room.
* In sibling groups, you may find it hard to ensure the children aren’t being mischievous by staying in the room or coming in and out of the room during your private meeting. You may even be alerted to it by the child you are meeting with who may tell you that there are siblings in the room.

*Warning: Make sure that all confidential information is hidden from view and that your background is clear of files and folders with client case details or whiteboards with confidential information. Some video Apps like Microsoft Teams allows you to blur your screen background.*

## Wrapping up the meeting

Most meetings will end naturally. You should discuss in advance with the parent/carer or adult who facilitated the meeting what will happen when the meeting ends.

Make sure you discuss whether another meeting will take place and set out the rules for the next meeting when communicating.

### If you are terminating a meeting because of a privacy concern:

* Tell the child and parent, carer or other responsible adult that you will need to arrange a follow up meeting. Avoid making the child feel uncomfortable or that they have done something wrong;
* Don’t question or confront the child about your suspicions. Sometimes letting the child have their say without interruption allows them to feel heard, which may make it easier for them to tell you what they want you to know next time;
* You may need to find an excuse to conclude the meeting (e.g. saying there is someone knocking at your door and you need to go);
* Explain that you may need to arrange another follow up meeting with them before ending the meeting;
* Be prepared to address your concerns with the other parties or the court.

## Planning for further meetings

One meeting may not be enough when meeting via technology. Be careful not to put too much pressure on yourself and the child to cover everything in one meeting. It may be unrealistic to expect that a child will share openly with you on your first meeting and this may be more so if they are meeting you for the first time via video.

Consider having regular, shorter meetings to check in with the child instead of having one long meeting to cover everything, especially if:

* You need more time to work on building rapport and trust;
* There are distractions or concerns about lack of privacy;
* The child may not have felt like talking to you on the first occasion;
* The child gets distressed during a meeting. Normally we would take them back to their parent or carer. We need to have put in place a contingency plan prior to the meeting for these situations. Request and have provided, the parent’s or carer’s mobile number so you can contact the parent or carer to alert them that the child is distressed so that they can attend to the child.

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