

## Fact Sheet:

# Support People

### What is a support person?

A support person is someone who is able to assist with your welfare and wellbeing before, during and/or after your CJC appointments, including at pre-mediation and mediation. A support person is someone who has a calming influence for you and can help you get the best out of your time with CJC.

### When might you need a support person?

Some of the situations where a support person may be needed could include:

- A person has a disability.
- A person is very anxious about attending mediation.
- Children and young people taking part in mediation should generally have a support person.

### Who can be a Support Person in mediation?

Support people can either be someone you have a personal or professional relationship with, such as:

- Family member or other relative
- Friend
- Carer
- Social Worker
- Disability Support Worker
- Family or Youth Worker
- Case Manager

### Who is not suitable to be a Support Person?

Some people are not suitable to take on the role of a support person, such as:

- If they are actually involved in the dispute themselves
- They add a power imbalance to the mediation
- The other person does not agree for their involvement in the actual mediation room
- They are a family member or friend who is involved in another related dispute, which is not the subject of the mediation on the day.
- If on the day of the mediation, the mediator/s think the support person is disrupting or hindering the mediation.

### What if CJC requests I bring a support person?

In some exceptional situations CJC will request that you bring a support person to the mediation as there is a concern for your welfare and wellbeing.

Concerns will most likely have arisen during your individual contact with CJC where you may have disclosed information, or presented in a way whereby CJC believes you need additional support or you may be at some level of risk participating mediation without support. Examples may include history or currency of, but not limited to:

- Mental Health (depression, bipolar)
- Suicidal thoughts
- Substance use (alcohol, drugs etc)
- Domestic or Family Violence

### Why does the other person need to agree on who I bring as my Support Person to mediation?

Everyone involved in mediation needs to feel comfortable and safe, which includes having a say in who is present at the mediation.

CJC wants to ensure that if a support person is requested, that this person represents a calm and positive influence during the mediation, and does not inflame the situation just by merely being in the same room.

CJC will liaise between all parties to negotiate the suitability of support people. CJC will make the determination on the suitability of a support person and how they can be involved.

### What information does the support person need?

In most cases we will rely on you to pass on information to your support person, such as this fact sheet.

In some cases CJC may need to have contact with your support person directly to provide them with more specific information about being a support person and what they can expect in mediation.

## What type of support can the support person provide during mediation?

Support people can take on several roles during the mediation. Support people can be physically present in the mediation, be waiting outside or available via phone

- **Observer Support Person:** This is where your support person will sit in the mediation room with you but will not be able to contribute to the mediation 'joint' discussion when all parties are in the room.
- **Advocate Support Person:** This is where your support person will be invited to contribute at relevant times during the mediation. The 'invitation' to contribute comments is made by the mediators. The support person does not have equal time or status as the main parties to the mediation. The advocate support person might be from a service such as a case worker.
- **Disability Support Person:** This is where the support person takes on a specific purpose within the mediation such as assisting with hearing impairment, literacy issues, speech and other communication assistance.
- **External Support Person:** You may not feel it necessary (or comfortable) for your support person to be in the mediation. In such circumstances, your support person can sit in the waiting areas and during breaks you will be free to talk with your support person.
- **Phone Support Person:** Some support people may not be physically able to attend the venue or commit to the 3-4 hours of mediation. A party can arrange for their support person to be available via phone to call during breaks in the mediation.
- **Time limited Support Person:** With all the above options, the Support Person may not need to be involved in the whole mediation; they might just be present for the first hour until you feel comfortable. Alternatively, there may be a topic of conversation where it is appropriate for them to be in the room; or leave the room during some discussions.

## What if I have my mediation scheduled, but on the day my support person is not available?

The importance of the support person being in attendance on the day will depend on whether CJC has determined that their presence is essential or not.

Prior to your mediation, CJC will have advised you if your support person is essential. If the support person is not available on the day, then your mediation may be postponed until your support person is available.

Mediators will consult with you on the day to determine whether mediation should go ahead or not or if the mediation can be postponed until a time when your support person is available.

## Can I bring a support person to the mediation without advising CJC?

You need to advise CJC before your mediation if you would like a support person with you. CJC needs to know who the person is and what role you would like them to have at the mediation.

CJC will then be able to check-in with the other party to see if they are comfortable with who you are bringing to the mediation and what role they will have.

If CJC does not know that you are bringing a support person to the mediation then the mediators will most likely not allow the support person into the mediation.

## Does CJC provide you with a support person?

No. You will need to choose your own support person and make arrangements for them to attend and preliminary interviews and/or mediation session. However, CJC staff may be able to link you with appropriate services if you don't have a support person in mind.

### For more information about CJC

Freecall: **1800 990 777**

Email: [cjc@justice.nsw.gov.au](mailto:cjc@justice.nsw.gov.au)

Visit the CJC website at [www.cjc.nsw.gov.au](http://www.cjc.nsw.gov.au)

If you **have a hearing or speech impairment**, contact us through the National Relay Service on 1800 555 677 and ask for 1800 990 777.

If you require an **interpreter** contact use through the Translating and Interpreting Service (TIS) on phone 13 141 50