

INVALUABLE ONE-DAY SEMINAR

SCHOOL LAW

Navigating pressing staff & student issues in 2019

INCLUDES
School Sports Law

Thursday, 1 August 2019
Parmelia Hilton, Perth

TOPICS INCLUDE

LawSense School Law Topics:

- **Performance Management Best Practice Primer:** Optimising Performance Management, Dealing with Staff Who Have Mental Health Conditions, and Defending Staff Claims Against You
- **Managing Staff Conduct Outside the School's Gates:** Social Media Use, Out of School Misconduct and External Work
- **Understanding and Managing Key Obligations and Legal Risks in Outsourcing and Using Contractors, Casual Workers and Volunteers**
- **Student Bullying and Cyber-Bullying Update:** Navigating Online Platforms, Conduct Outside School and Parent Involvement
- **Managing Students with Mental Health Issues:** Clarifying your Duties, the Limits of Discipline and Managing School Refusal
- **Troubling Sexualised Behaviours and Sexting:** Understanding Student Liability and How You Should be Responding

LawSense School Sports Law Topics:

- **Risk Assessment Case Studies in Sport Events, Camps and Trips:** Examining Key Learnings and Best Practice
- **Managing Legal Exposure and Compliance: Permission Notes, Waivers, Privacy, Teacher Qualifications, Volunteers**
- **Implementing New Policies and Practices in School Sport to Meet Child Safe Obligations and Manage Risks**

SPEAKERS & PANELISTS

Education Lawyers

- **Brian Jackson**, *Special Counsel*, **Moray & Agnew Lawyers**
- **Beth Robinson**, *Special Counsel*, **Minter Ellison Lawyers**
- **Ben Tallboys**, *Principal*, **Russell Kennedy Lawyers**
- **Leanne Nickels**, *Partner*, **DLA Piper**
- **Craig Boyle**, *Partner*, **Minter Ellison Lawyers**
- **Rosan Santangelo**, *Partner*, **HBA Legal**
- **Agnes McKay**, *Principal Lawyer*, **Agnes McKay Law Practice**
- **Craig D'Cruz**, *National Education Lead*, **CompliSpace**

Schools

- **Anne Ford**, *Principal*, **John Wollaston Anglican Community School**
- **Peter Bothe**, *Principal*, **Sacred Heart College, Sorrento**
- **Lynette McGivern**, *Director of Service Learning and Leadership and Teacher*, **Wesley College**
- **Britt Gray**, *Director of Sport and HPE*, **All Saints' College**

Early Bird Offer

Register by 20 June 2019
to receive the Early Bird Discount!

PROGRAM AT A GLANCE Choose your sessions

Morning
8.45am-1.15pm

Morning Session

Afternoon
2.00pm - 5.15pm

Afternoon Session
Option 1

OR

School Sports Law

Dear Sir /Madam

Re: LawSense SCHOOL LAW, including SCHOOL SPORTS LAW
Thursday, 1 August 2018, Parmelia Hilton, Perth

With **new and updated topics in 2019**, **LawSense School Law** is a leading, comprehensive legal conference for schools, incorporating the invaluable **LawSense School Sports Law**.

LawSense School Law will help you deal with pressing staff, student and parent issues and help you navigate troubling grey areas.

You will gain invaluable insight from **8 legal experts and schools**, with the opportunity to ask questions of this outstanding speaking panel.

Other school events by LawSense in WA include LawSense **Law for School Counsellors**.

Here are some comments from attendees of LawSense **School Law** WA in 2018:

“An excellent day... very relevant”

“The resource materials were very useful and greatly appreciated”

“All Excellent, thank you”

“Great information and folder”

I look forward to welcoming you to **LawSense School Law**.

Yours faithfully

Jacqueline Kouper

Jacqueline Kouper, Director, LawSense, Legal Seminars & Training


PS: Pay by 20 June 2019 to receive the Early Bird discount.

MORNING SESSION: 8.45AM-1.15PM

8.15 Registration and Coffee or Tea

8.45 Welcome from LawSense

8.50 Opening Remarks from the Chair

 **Anne Ford**, *Principal, John Wollaston Anglican Community School*;
Member, Association of Heads of Independent Schools of Australia (AHISA)

9.00 Performance Management Best Practice Primer: Optimising Performance Management; Dealing with Staff Who Have Mental Health Conditions; and Defending Staff Claims Against You

Navigating Rights, Obligations and Pitfalls in Commencing Performance Management and Responding to Lower Level Issues

- Reviewing current performance management laws affecting schools – what are your rights and what are the key elements to know?
- Identifying the early signs of underperformance and the steps you can take. What are the pitfalls of acting informally? How should steps be documented?
- Exploring options for responding to “lower level” performance issues
- Understanding the line between underperformance and misconduct
- Knowing at what point to use a performance improvement plan and key considerations in implementing it
- Confidentiality – what can you say to staff who have complained about the underperforming employee or other staff?

Effectively Defending Staff Claims Against You During Performance Management or Investigations

- Reviewing key claims that can be made by staff against you during performance management:
 - bullying and harassment
 - adverse action
 - discrimination
- Understanding how these claims affect performance management or investigations
- To what extent can a failure to follow policies prejudice your defence?
- Examining key steps in defending a claim against you
- Exploring strategies during performance management or investigations to help avoid potential claims
- Reviewing current performance management laws affecting schools – what are your rights and what are the key elements to know?

 **Beth Robinson**, *Special Counsel, MinterEllison Lawyers*

Performance Managing Staff and Workers Compensation – Navigating Your Options

- Reviewing the worker's compensation investigation and claims process
- Understanding how a worker's compensation investigation or claim affects your ability to performance manage staff

Performance Managing Staff with Mental Health Conditions: Understanding Your Rights and Obligations

- Performance managing an employee you suspect has a mental health issue, how should you proceed?
- Navigating reasonable adjustments for an employee with a mental health condition and performance management
- Managing extended absences

 **Brian Jackson**, *Special Counsel, Moray & Agnew Lawyers*

Managing Staff Conduct Outside the School's Gates: Social Media Use, Out of School Misconduct and External Work

- Defining the limits of the School's obligations for what staff do outside of work
- Staff relationships: dealing with conflicts between staff in social settings
- Managing staff misuse of social media
- Reputational issues when staff publish social, political and religious views online
- Understanding the School's authority to intervene in non-school matters, and request information
- Exploring issues with staff engaging in other paid and unpaid work
- Dealing with former staff posting comments on social media – what are your options?

 **Ben Tallboys**, *Principal, Russell Kennedy Lawyers (Melbourne)*;
Legal Consultant to Association of Heads of Independent Schools of Australia (AHISA)

Understanding and Managing Key Obligations and Legal Risks in Outsourcing and Using Contractors, Casual Workers and Volunteers

- Reviewing key legal and compliance issues arising from outsourcing services and functions in schools
- Exploring examples of outsourcing: sporting activities; catering; PR; and marketing
- Understanding key matters to consider when engaging independent contractors:
 - reviewing the *Fair Work Act* definitions of an independent contractor v employee
 - understanding what superannuation requirements may apply
 - protecting intellectual property and confidential information
 - reviewing WHS obligations
- Understanding and managing liability for the actions of the outsourcing partner or independent contractor
- Casual and volunteer staff:
 - understanding key legal issues and risks in having casual and volunteer staff on site
 - implementing optimum policies to manage legal and risk issues

 **Leanne Nickels**, *Partner, DLA Piper*

1.10 Closing Remarks from the Chair

1.15 Close of Seminar

AFTERNOON SESSION OPTION 1

2.00PM TO 5.15PM

1.15 **Registration and Coffee or Tea**

2.00 **Opening Remarks from the Chair**

 **Peter Bothe**, *Principal, Sacred Heart College, Sorrento*

2.05 **Student Bullying and Cyber-Bullying Update: Navigating Online Platforms, Conduct Outside School and Parent Involvement**

Current Law, Case Review and Online Platforms


- Exploring common applications and online platforms currently used by students
- Examining current law and reviewing cases

Understanding the Limits of Duty of Care with Conduct Outside the School

- Exploring the boundaries of a school's duty of care where the bullying occurs outside school or involves material sent by a student who is not a student of the school
- Examining challenges in obtaining evidence and key tips to assist schools

Navigating Uncooperative Victims and Parents

- Exploring your obligations where a student does not want any action taken
- Dealing with difficult parents – understanding your duties and responding to parents who:
 - are uncooperative or do not want any action taken
 - deny the bullying or bully the alleged perpetrator

 **Ben Tallboys**, *Principal, Russell Kennedy Lawyers (Melbourne);*
Legal Consultant to Association of Heads of Independent Schools of Australia (AHISA)

Managing Students with Mental Health Issues: Clarifying your Duties, the Limits of Discipline and Managing School Refusal

Key Legal Rights and Obligations of The School

- Reviewing legal rights and obligations affecting mental health issues in schools including duty of care, identification of issues, privacy, confidentiality and discrimination
- Examining your rights and obligations in dealing with external mental health practitioners and agencies

School Refusal

- Exploring duties of schools in responding to school refusal where ongoing anxiety or mental illness may be involved
- Investigating school refusal and developing and implementing management plans. To what extent should adjustments be made to accommodate the student?

Self-Harm

- Practical measures to deal with your risks and obligations
- Understanding and managing the role of the school counsellor and access to counsellor records and sharing of information

- Ensuring the school's response to mental health issues does not breach discrimination obligations

Return to School After an Incident

- Conducting a risk assessment and assessing adjustments. What if there are no plans from the discharging hospital and private practitioner?
- Implementing and monitoring a return to school plan

 **Craig Boyle**, *Partner, MinterEllison Lawyers*

Troubling Sexualised Behaviours and Sexting: Understanding Student Liability and How You Should Be Responding

Key Law, Legal Updates and Age of Criminal Responsibility

- Legal updates: reviewing laws affecting sexting and troubling sexualised behaviours in schools
- Examining how the law views responsibility at different ages – from primary age to secondary

Sexualised Behaviour, Assault - Investigating and Dealing with Suspicion, Hearsay or Rumour


- Evaluating when sexualised behaviours trigger legal obligations
- What steps should be taken where there are only rumours or suspicions of abuse by students and the suspected victim is not being cooperative? When should a school investigate? When should you take steps to notify authorities?
- Understanding the rights and obligations of the school in investigating: how should it gather evidence, what evidence and from what sources (such as a phone)

Sexting

- Dealing with sexting involving a student at the school - what is the role or requirement of the school to:
 - investigate allegations made by students or parents
 - report suspicions or allegations of potential offences
 - provide information to the police and what information
 - what steps can you take to limit or prevent distribution of sexting?
 - understanding requirements regarding storing images

Dealing with Police

- What are the powers of police, including powers to obtain evidence from the school or other school students?
- Handling police investigations: how should you respond to police seeking to interview staff, students or requesting documents?

 **Lynette McGivern**, *Director of Service Learning and Leadership and Teacher, Wesley College;* former Vice-President, Political and Legal Educators Association of WA

5.10 **Closing Remarks from the Chair**

5.15 **Close of Seminar**

OR

AFTERNOON SESSION OPTION 2 SCHOOL SPORTS LAW – 2.00PM TO 5.15PM

1.15 Registration and Tea/Coffee

2.00 Opening from the Chair

2.05 Risk Assessment Case Studies in Sport Events, Camps and Trips: Examining Key Learnings for Best Practice

Risk assessments reflecting an understanding of relevant legal obligations, risks and exposures can form the basis of a best practice risk management strategy, optimising safety, student experience and the school's legal protection. Applying laws and developing optimum assessments is generally not a "one-size-fits-all" approach, with different circumstances dictating considerations. This session examines learnings from risk assessment case studies in different school circumstances

- Reviewing the legal frameworks applicable in dealing with sport programs, camps, excursions and trips:
 - duty of care
 - WHS obligations
 - contracts with external providers and venues
 - disability and participation
 - insurance policies
- Applying legal requirements – learnings from case studies and experiences

 Rosan Santangelo, Partner, HBA Legal

Managing Legal Exposure and Compliance: Permission Notes, Waivers, Privacy, Teacher Qualifications, Volunteers

Effective Permission Notes

- Evaluating blanket permission notes versus event-specific permission
- Managing potential pitfalls in electronic or online permission systems
- Examining examples of optimal permission notes

Waivers, Disclaimers and Risk Warnings by the School

- Understanding the limits to risks management provided by waivers and disclaimers
- Reviewing what your waiver or disclaimer should contain to optimise the school's position

Waivers, Disclaimers and Risk Warnings by External Providers or Venues

- Evaluating and responding to waivers and indemnities contained in contracts with venues or external providers

Photos, Video, Social Media – Complying with Your Privacy Obligations


- Understanding privacy restrictions potentially applying to photos and video in school sport
- Dealing with mobile phones and social media use by students. Can you conduct searches of bags or possessions?

Teacher Qualifications

- Exploring potential legal exposure in teachers with limited qualifications or experience taking sport teams

Volunteers

- Examining your rights and obligations regarding volunteers and key matters to consider
- Exploring appropriate induction/training for volunteers

 Agnes McKay, Principal Lawyer, Agnes McKay Law Practice

Implementing New Policies and Practices in School Sport to Meet Child Safe Obligations and Manage Risks

- Identifying areas that need to be updated to meet recommendations, law reform in child protection and other risks and requirements
- Selecting, engaging, training and managing coaching staff
- Sports camps and trips:
 - reviewing the risk management process
 - optimising student supervision arrangements
 - managing student accommodation, including home-stay

 Craig D'Cruz, National Education Lead, CompliSpace

5.10 Closing Remarks from the Chair

5.15 Close of Seminar

“ An excellent day...very relevant...”

Attendee at LawSense School Law WA 2018

“ The resource materials were very useful ”
and greatly appreciated

Attendee at LawSense School Law WA 2018

“ ..very informative and with ”
knowledgeable speakers, thank you...

Attendee at LawSense School Law WA 2018

“ Great information and folder ”

Attendee at LawSense School Law WA 2018

 Register online

www.lawsense.com.au/register-school-law-wa

 Read the speaker's bios

www.lawsense.com.au/school-law-wa

School Law

With Two Afternoon Streams, including School Sports Law

1 August 2019, Parmelia Hilton, 14 Mill St., Perth

5 EASY WAYS TO REGISTER

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accounts@lawsense.com.au

☎ 02 8034 6471 📠 02 8072 6854

PO Box 294 Bondi Junction NSW 1355

WHO SHOULD ATTEND

LawSense School Law: School Principals and Heads, Deputy and Assistant Principals, Heads of Department, School Directors, Welfare and Pastoral Care Advisors, School Organisation Leaders & Administrators, Year Coordinators, Head Teachers, Risk and Compliance Managers, Lawyers

LawSense School Sports Law: Directors and Heads of Sport or Co-curricular, Principals and Heads, Deputy and Assistant Principals responsible for Sport, PE /PDHPE Teachers, School Sport System Administrators, Coaches

WHY ATTEND?

- Gain unique insight from the CCYP and Anglican Schools Commission
- Learn from lawyers expert in the area of school law
- Gain further practical perspectives from schools
- Access invaluable expertise and insight in LawSense School Sports Law

SEMINAR PAPERS & CPD POINTS

- Delegates receive a comprehensive folder of papers for the event
- This seminar is relevant to Australian Professional Standards for Teachers 7.2 – “Comply with legislative, administrative and organisational requirements”.
- Lawyers attending the event receive 4 CPD points for a morning seminar and 3 CPD points for an afternoon seminar

www.lawsense.com.au

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School Law

Code	Option	Early Bird	STD
SLW171	Morning + Afternoon (<i>choose 1 morning & 1 afternoon option</i>) <input type="checkbox"/> Morning Session <input type="checkbox"/> Afternoon - General Session 1 <input type="checkbox"/> Afternoon - School Sports Law	\$695	\$795
SLW171A	<input type="checkbox"/> Morning only	\$440	\$495
SLW171A3	<input type="checkbox"/> Afternoon - General Session 1	\$440	\$495
SLW171A4	<input type="checkbox"/> Afternoon - School Sports Law	\$440	\$495

Lunch provided for full day registrants.
 vegetarian gluten free dairy free

Venue: Parmelia Hilton, 14 Mill St., Perth **Date:** 1 August 2019

YOUR DETAILS

Title Name

Job Title Organisation

Postal Address

Postcode State

Email

Phone Mobile

PAYMENT DETAILS

All registrations must be paid in full prior to the date of the event. All prices include GST. This document will be a tax invoice for GST when fully completed and you make a payment that is under \$1000. See overleaf for Terms and Conditions.

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