

THE 8TH ANNUAL SCHOOLS LAW & REGULATORY CONFERENCE

Managing Behaviour of Students Outside the Classroom

School Sport: The Best of Times and the Worst of Times

Reviewing Contracts and Policies post-Brindabella

Managing Complaints and Resolving Disputes in Schools

Privacy, Confidentiality and Information Sharing in Schools

Good Governance and Adjacent Entities in Schools

Prohibited Financial Arrangements and Independent Schools

Workplace Stress and Burnout in Schools

Responding to Child Safety Concerns and Allegations Against Staff

The interplay between Family Law, Family Violence and Child Safety

Accommodating Disability in Schools

Gender Identity, Sexual Preferences and Inclusivity

A Two-day Conference
Thursday 4 & Friday 5 May 2023

Crown Melbourne

Feedback from last year's conference:

- “The conference is always of a very high standard, with quality presenters and good organisation. In my opinion, this is the best Schools Law conference in the market.”
- “This conference was one of the best professional development experiences I've engaged with for some time. Every presenter was an expert in their field with exceptional skills in communicating and presenting in engaging ways.”
- “It is clearly the premier conference on the subject matter and provides excellent opportunities for effective networking.”
- “Having the lawyers remain for break times was helpful in building connections and asking context specific questions. I would highly recommended this Conference to Colleagues.”



Leaders in CPD for business professionals

DAY 1 - THURSDAY 4 MAY 2023

MORNING THEME: MANAGING RISKS IN SCHOOLS

9.00 - 9.10am Introduction & welcome - Day 1 Chair:
Libby Klein, Director, Social Impact Legal, Melbourne

9.10 - 9.55am

Session 1: School Sport: The Best of Times and the Worst of Times

Sports can either bring out the best, or the worst, in people and school sports are sadly no exception. It can be challenging knowing where the obligation for the school ends, particularly regarding sporting activities played offsite or after hours. This session will explore:

- The legal obligations of schools to ensure student and spectator safety at sporting events
- What sporting events are clearly within the legal remit of school's responsibility and relevant factors for assessing this
- Techniques used by different schools to manage behaviour around school sporting activities
- Use of parental codes of conduct and the extent to which they have been successful or raised additional issues
- Tips for schools seeking to recalibrate their culture in the club sport arena

Speaker: David Ford, Partner, Carroll & O'Dea Lawyers, Sydney

9.55 - 10.05am Panel Comments and Questions

10.05 - 10.50am

Session 2: Workplace Stress and Burnout in Schools

The pressure on teachers during the pandemic has been immense. From managing lockdowns and remote learning, dealing with staff shortages, stressed-out students (and their families), it is no wonder schools are experiencing high levels of burnout and stress in their workforce. If left unmanaged, or managed without due consideration, these issues can easily result in significant operational, legal and reputational damage for a school. This session will discuss:

- The duty of care and how this extends to illness and injury arising from stress and burnout
- The relationship between claims of workplace bullying and poor performance management practices
- Tips for best practice performance management to prevent workplace bullying or stress claims
- Tips for managing conversations sensitively and compassionately and knowing how far to probe or when assistance or specialist expertise is required

Speaker: Paul O'Halloran, Partner, Dentons Australia Limited, Melbourne

10.50 - 11.00am Panel Comments and Questions

11.00 - 11.25am Networking Break and Morning Tea

11.25am - 12.10pm

Session 3: Stop Right Now Thank You Very Much: Reviewing Contracts and Policies post-Brindabella

The recent case of Brindabella has prompted an urgent need for all independent schools to review and update their enrolment contracts and complaints policies. In that case, the Human Rights Commission highlighted the need to ensure that a school's enrolment agreement and complaints policies are consistent with the National Principles of Child Safe Organisations and the relevant Discrimination and the Education Act. To assist schools in their urgent review of their own documentation, this session will:

- Explain the factual matrix of Brindabella, the rationale behind the decision and the potential broader ramifications on schools in other states
- Outline how schools can ensure students and families are afforded procedural fairness and can participate in decisions
- Provide an overview of relevant consumer law provisions applicable to schools and what standards need to be met
- Workshop possible alternative wording for schools to consider for contracts and policy documentation to address the issues raised in this case

Speaker: Annie Smeaton, Partner, Cooper Grace Ward Lawyers, Brisbane

12.10 - 12.20pm Panel Comments and Questions

12.20 - 1.05pm

Session 4: Managing Complaints and Resolving Disputes in Schools

Knowing how to properly handle complaints is an important tool for any school to minimise the risk of conflicts, whether that be disputes between staff, students or their families or the board. This session will examine:

- What a good complaints process looks like and what is required for best practice complaint handling, including procedural fairness and the value of feeling heard
- The stages and dynamics of disputes and conflict and tips and insights for getting to the (real) heart of the matter
- Practical dispute resolution techniques that can be employed to diffuse heated situations and keep communications on point, meaningful and psychologically safe for all concerned

Speaker: Alistair Macpherson, Managing Director, Corney & Lind Lawyers, and Executive Director (Public Policy and Advocacy) for Associated Christian Schools, Brisbane

1.05 - 1.15pm Panel Comments and Questions

1.15 - 2.15pm Luncheon

DAY 1 - THURSDAY 4 MAY 2023

AFTERNOON THEME: TAKING CARE OF BUSINESS

2.15 - 3.00pm

Session 5: Privacy, Confidentiality and Information Sharing in Schools

The use of technology in schools can be a double-edged sword. On the one hand, they offer the potential for quality interactive learning experiences and an ability to streamline administrative tasks. On the other hand, they require personal information and produce data which the school is then obliged to store and manage in a compliant way. This session examines the legal framework underpinning privacy, confidentiality and information sharing in the independent school context. It covers:

- The overarching legal framework at state and federal level governing personal information - what to be aware of and potential consequences if non-complaint
- The difference between personal and confidential information and what is required before either can be released
- What to do if there is a data breach - the process to follow and potential consequences for the school
- Practical tips for managing requests for disclosure, subpoenas and warrants - what should be governed by school policies and other documentation
- Case studies

Speaker: Leah Mooney, Director, KPMG, Brisbane

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: Good Governance and Adjacent Entities in Schools

Behind every great school is a range of related entities and associations, including parents and friends, alumni or groups affiliated with the parent entity. However, these same adjacent entities can create legal issues for schools and cause immeasurable damage to a schools' operation and reputation if relationships are not appropriately managed through sound governance. This session will explore:

- Governance issues arising in relation to school board representatives, with a focus on board members nominated by a stakeholder group:
 - how to manage competing interests, conflicts of interests and duties between school and nominating entity
 - misuse of information or position
- Tips for managing conflicts or differences of opinion as between the school, adjacent entities and other external stakeholders
- Practical case studies

Speaker: Elizabeth Shalders, Special Counsel, Lewis Holdway Lawyers, Melbourne

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25pm Networking Break and Afternoon Tea

4.25 - 5.10pm

Session 7: Beware the Forbidden Fruit: Prohibited Financial Arrangements and Independent Schools

Relationships between schools and external stakeholders can be problematic, particularly when there may be financial arrangements between an independent or faith-based school and an external parent entity. If not properly managed, there is a risk that the arrangement may be deemed to be a prohibited arrangement which could adversely impact a school's eligibility for funding, its reputation in the community and media and ultimately its financial viability and future. This session will examine:

- What constitutes a prohibited financial arrangement and examples from recent matters around Australia
- The regulatory regime and recent reforms governing school and non-school purposes
- How schools can maintain regulatory compliance and safeguard against prohibited arrangements including related party transactions
- What to do if a potential issue arises and the potential consequences if a school is found to be non-compliant

Speaker: Cecelia Irvine-So, Practice Leader, Moores, Melbourne

5.10 - 5.20pm Panel Comments and Questions

DAY 2 - FRIDAY 5 MAY 2023

MORNING THEME: WELLBEING AND CHILD SAFETY IN SCHOOLS

9.00 - 9.05am Introduction & welcome - Day 2 Chair:
Sebastian Reid, Barrister, Melbourne

9.05 - 9.50am

Session 8: Not So Social: Managing Behaviour of Students Outside the Classroom

Understanding the responsibility of schools towards their students onsite during school hours is one thing. However, increasingly disputes are arising involving the conduct of students offsite and outside school hours, often involving social media, technology and online bullying. This session explores the legal issues impacting schools including:

- The line of delineation between home and school, school responsibility and parental responsibility
- Examples of anti-social behaviour (including online bullying, vaping and use of e-scooters) experienced by schools and how different schools have attempted to address these
- What role do, or should, schools play in educating, preventing and managing anti-social or online behaviour of its students outside school hours?
- The extent to which policies or enrolment contracts could play a role in delineating responsibilities for behaviour outside school gates
- Case studies

Speaker: Sonya Parsons, Partner, Mills Oakley, Sydney

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 9: Responding to Child Safety Concerns and Allegations Against Staff

One of the most challenging aspects of school management is dealing with a school employee who is the subject of allegations alleging assault or concerns for child safety. What processes need to happen? From an employment law perspective, what options are available regarding the future of employment of the concerned staff member both in the immediate and long term? This session provides guidance on this issue and will take a closer look at:

- The legal obligations of the school towards both the student and staff members when faced with this situation
- What is reportable conduct, and how to comply and balance privacy and disclosure considerations
- The different options available to schools depending on the nature of the allegation and any subsequent enquiry, investigation or legal proceeding/s
- Case studies

Speaker: Ben Tallboys, Principal, Russell Kennedy Lawyers; Legal Consultant to the Association of Heads of Independent Schools of Australia, Melbourne

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

11.15 - 12.00pm

Session 10: The Interplay between Family Law, Family Violence and Child Safety for Schools

For children in separated families, schools play an important role by providing a sense of continuity, stability (and in some cases) refuge from conflict. However, schools can also be dragged into family disputes or become a battleground between parents and caregivers. Tragically, where there is family violence, the role of the school and actions by staff regarding information sharing can literally be life or death for some children and parents. Even for legal professionals in this space, it can be difficult to manage the legalities and safety measures for families as such matters often involve multiple legal proceedings across family court, children's court, local courts and/or specialist family violence courts in some states. This session, presented by a family law specialist, will help schools navigate these thorny issues. It will cover:

- Scenarios experienced by some children and the vital role the school plays regarding the child's safety where there are risks (e.g. upholding non-disclosure of information concerning child's whereabouts or activity at school etc);
- The legal obligations of teachers and administrative staff regarding identification and reporting of family violence;
- The role of the school in ensuring compliance with family law care arrangement orders, restraining orders
- The role the school should (and should not) play where there are concerns for a child's safety but no court order or police direction
- What happens where there are multiple and/or inconsistent court orders regarding a child
 - interpreting family court orders, restraining orders, child protection orders and steps to verify genuine court orders, and identifying potential fakes

Speaker: Fiona Manderson, Director of Compliance and Risk, and Inhouse Counsel, Hillcrest Christian College

12.00pm - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

DAY 2 - FRIDAY 5 MAY 2023

AFTERNOON THEME: DIVERSITY AND INCLUSIVITY IN SCHOOLS

1.10 - 1.55pm

Session 11: Accommodating Disability in Schools

Accommodating the needs of students and teachers with different abilities is important to ensure both an inclusive and accessible school community and provide equal opportunities. However, in practice it can be difficult to know where the line is and how far schools are legally required to go. This session will examine:

- The legislative framework governing equal opportunity, accessibility and discrimination in the context of students and teachers with disabilities
- To what extent these obligations apply to application or enrolment processes?
- The scope of legal duties of a school to make reasonable accommodation
- Options available for resolving disputes about the level or type of support requested
- Case studies

Speaker: Trent Forno, Partner, MinterEllison, Brisbane

1.55 - 2.05pm Panel Comments and Questions

2.05 - 2.50pm

Session 12: We're All In This Together: Gender identity, Sexual Preferences and Inclusivity in Faith-based Schools

Inclusivity, as an ideal, can be difficult to conceptualise let alone put into practice. For many faith-based schools, considering how traditional values align with the experiences of their students and broader communities in terms of gender fluidity and expressed sexual preferences continues to be a significant challenge. This session will provide an update on the legal developments in this area and explore how such issues have been managed in different school settings around Australia including:

- What may constitute discrimination towards a transgender student or student identifying as LGBTQ+
- What activities may fall into the definition of prohibited "conversion therapy" and steps schools should take where this is identified
- Practical tips for ensuring students, staff or teachers who may identify as LGBTQ+ feel included (e.g., communication, language and how activities are structured to be safe for all)
- Managing gender identity in single sex schools

Speaker: Jennifer Parkes, Partner, Hicksons Lawyers, Newcastle

2.50 - 3.00pm Panel Comments and Questions

3.00pm Conference Close

GENERAL INFORMATION

Conference Registration Fee

The registration fee includes attendance at the conference, conference materials, refreshment breaks and lunch on both conference days.

Conference Materials

TEN will not provide printed copies of the conference materials. Access to the papers and/or Powerpoints will be available online to all delegates in the lead-up to the conference (as they become available).

CPD

Lawyers (except WA): 11 CPD units (substantive law).

WA Lawyers: 6 CPD points (substantive law) - being the maximum claimable per event by the LPBWA. TEN is an accredited QA provider.

CPD Certificate

All delegates attending the conference will receive a CPD Certificate confirming attendance.

The Conference Venue

Crown Melbourne

8 Whiteman Street, Southbank
Travelling to the Conference Venue

Delegates are advised to make their own travel arrangements.

Conference Dress

Smart casual attire is suitable (note: the temperature in the conference rooms can vary depending on where you are sitting. Short sleeves are generally OK, but it is advisable that you bring a jacket/long sleeved top just in case you need it).

Crown Accommodation Offer to Delegates

Crown is offering 10% to 15% discount for conference delegates. You can book directly using the Crown Direct website

<https://www.crownhotels.com.au/crown-direct/login>

TERMS AND CONDITIONS

1. In these terms,
 - a. "TEN" means Television Education Network Pty Ltd
 - b. "you" means the person who has registered to attend or the person or persons who attend[s] the conference (if different from the person registered)
 - c. "conference" means the live face to face or live or recorded online educational event or which you have registered (by whatever name called and includes conferences, masterclasses, webinars and webinar series).
 - d. "live conference" means a conference other than a recorded conference.
 - e. "recorded conference" means a recording of a presentation or a series of presentations which you can view at a time of your choosing
 - f. "online" in relation to a conference means a conference you attend by viewing the conference over the Internet
 - g. "face to face" in relation to a conference means a conference held in an external venue where you view the conference in the conference room

General – all conferences

2. TEN may change the program for a live conference as described in the brochure you have downloaded or in the TEN website without notice to you in any manner and at any time.
3. The information and opinions of presenters at the conference are not necessarily those of TEN and are in the nature of general information and not professional advice and you rely on these at their own risk. TEN is not responsible for the accuracy of the information or the correctness of the opinions offered by presenters at the conference.
4. TEN is not responsible for any financial or other losses incurred by you or for injury or damage to persons or property which occur at or in connection with the conference.

Conversion of face to face conferences to live online conferences

5. If the conference is being held face to face or face to face AND online, TEN reserves the right to convert the conference on no less than 24 hours' notice to a solely online conference or to cancel the conference or to postpone the conference to a later date if TEN determines that it is unable to hold the conference face to face on the date/s advertised for any one or more of the following reasons:
 - a. State or national border closures
 - b. Restrictions on movement of persons imposed on persons by any responsible authority in Australia
 - c. The inability or refusal of one or more presenters or TEN team members to attend the conference to present
 - d. In its opinion, it is unsafe to hold the conference face to face for any reason.
6. If TEN converts the conference from face to face only or to face to face and online to online only or postpones the conference or cancels the conference, TEN will not be responsible for any loss or damage you suffer as a result including any travel costs relating to the conference.
7. If TEN converts the conference from face to face to online or postpones the conference and as a result you are not able to attend you will be entitled to a full refund of registration fee paid or a credit equal to that fee to use for a future purchase of a TEN product.

Copyright

8. The copyright in materials prepared by presenters at a conference and made available to you by TEN is and remains the property of each presenter.
9. You are entitled to use those materials for private study and research only.
10. The copyright in the live stream and in any recording of a conference offered online is the property of TEN.
11. You are entitled to watch a conference for private study and research only.

Conference cancellation by TEN – all conferences

12. TEN reserves the right to cancel a conference for any reason.
13. If TEN cancels the conference, you will be entitled either to a refund of the registration fee you have paid or to a credit equal to that fee which you can use to purchase another TEN product within 12 months of the first day of the cancelled conference.

Cancellation by You – all conferences

14. Refunds for registration cancellation by you other than under Clause 6(b):
 - a. If notice of cancellation is actually received by TEN more than 10 days before the first day on which the conference is to be held, 85% of the registration fee you have paid
 - b. Otherwise, no refund.

Governing Law – all conferences

15. The agreement between TEN and you is governed by the laws in force in the State of Victoria and the courts and tribunals of that State have sole jurisdiction to determine disputes arising in relation to it.

REGISTRATION FORM TAX INVOICE*

Registration is simple; complete the form below and fax or post your registration to us or register online.
 Television Education Network Pty Ltd (ABN 19 052 319 365) trading as TEN The Education Network.
 GPO Box 61, Melbourne, Victoria 3001
 Phone (03) 8601 7700 Enquiries Jenna Pickrell (03) 8601 7729
 Register online: <http://www.tved.net.au> – go to CONFERENCES

Please register me for the **8th Annual Schools Law & Regulatory Conference** – a 2-day conference to be held in Melbourne on Thursday 4 & Friday 5 May 2023 [MSLMAY23]

Discount Registration – for registrations made on or before 14 April 2023 - **\$2013** (\$1830 + \$183 GST)

Full Price Registration – **\$2178** (\$1980 + \$198 GST)

Multiple registration discount? Discounts are available for multiple registrations: The more you send, the greater the discount. You can access the discount by contacting our Conference Manager, Jenna Pickrell, to organise your registrations. jenna@tved.net.au or phone (03) 8601 7729.

- 3 registrations – 5% discount for each delegate
- If you register 4 people at the same time you are entitled to a 10% discount for each delegate
- If you register 5 people or more people at the same time you are entitled to a 15% discount for each delegate.

One-day only? We do accept bookings for attending one day only (either day 1 or day 2). To organise a one-day booking, please contact Jenna (details above).

Conference Papers

The papers from this conference will be available in electronic format approximately 1 week after the conference has been held. You can pre-order the papers now online via our website at www.tved.net.au.
 The papers are \$198 (\$180 + \$18 GST) (code: PMSLMAY23).

Mr/Mrs/Miss/Ms First Name

Middle Init.....Last Name

Preferred Name for nametag *[if different from above]*

Position

Firm Name

Email

Postal Address

Phone Mobile

PAYMENT

I enclose cheque for \$..... payable to **Television Education Network Pty Ltd**

Visa Bankcard American Express Mastercard

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Name on Card Expiry Date/.....

Cardholder's Signature:

* Note: This form will be a Tax Invoice for GST when you make a payment.