

THE THIRD ANNUAL SCHOOLS LAW ON THE GOLD COAST CONFERENCE

A two-day conference organised by Television Education Network Pty Ltd

Sheraton Grand Mirage Resort, Gold Coast, Thursday 29 & Friday 30 August 2019

Managing child abuse claims

Child safety in a digital world

Homestays, child safety and a school's duty of care

Minimising your anti-discrimination law risks

Privacy and data breaches

Financial good governance, related parties and protecting funding arrangements

Managing the fallout when a crisis occurs

Effective management of under-performing staff

Staff, social media and misconduct

Conducting a valid workplace investigation

Managing the complexities of the principal and board relationship

Managing high conflict family situations in the playground

**FEEDBACK FROM THIS SAME CONFERENCE HELD
IN MELBOURNE EARLIER THIS YEAR:**

"Great content. Great delivery. Very impressed with the program content and delivery."

"Speakers were very knowledgeable and made the content understandable and relatable. Exceeded my expectations."

"All sessions purposeful, appropriate, well prepared and well presented."

"The conference content & format was well suited to schools & the current climate."



The professional development specialists

DAY 1 - THURSDAY 29 AUGUST 2019

**DAY 1 CHAIR: DR LYNNE DONELEY,
EXECUTIVE OFFICER, ASSOCIATED
CHRISTIAN SCHOOLS, BRISBANE**

**MORNING THEME: LOOKING AFTER THE
STUDENTS**

9.00 - 9.10am

Introduction and welcome

9.10 - 9.55am

Session 1: Managing Child Abuse Claims in the New Regulatory Landscape

Almost one year has passed since the start of the National Redress Scheme. This session examines the changing child abuse claims landscape and provides best practice guidance on responding to a child abuse claim. It covers:

- The updated sexual abuse and child misconduct claim lifecycle - what has changed since the introduction of the Redress Scheme?
- Proactive dispute resolution – including how to manage evidentiary and pastoral issues
- Child-on-child claims – an update on best practice claims management in this high- risk area
- Mandatory reporting obligations
- General criteria for damages and awards – practical considerations for your school
- Insurance – what business managers need to know
- Case report – A practical discussion of recent matters from our expert's desk
- Case study – Subpoenas, requirements and checklist

Speaker: Skye Rose, Principal, Moores, Hawthorn, Vic.

9.55 - 10.05am Panel Comments and Questions

10.05 - 10.50am

Session 2: Child Safety in the Digital World

'Social media' is the collective term for the many modern-day technologies designed to connect people online. These technologies are becoming a fundamental part of life – particularly for students - but they can be a fertile ground for bullying, harassment and abuse. This session explores how schools can best manage the risks, including:

- Understanding the various mediums available to students – thinking beyond Facebook and Instagram
- Bullying and harassment on social media and online generally – lessons from recent examples
- What policies can the school implement to deal with online bullying?
- Understanding the school's duty of care in the digital arena – how far does it extend?
- When a school may incur liability?
- Cyberbullying and the intersection with the criminal law including sexting offences
- New and cutting-edge ways to monitor social media usage by students

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

10.50 - 11.00am Panel Comments and Questions

11.00 - 11.25am Networking Break and Morning Tea

DAY 1 - THURSDAY 29 AUGUST 2019

11.25am - 12.10pm

Session 3: Homestays, Child Safety and a School's Duty of Care

Homestays, overnight excursions and other accommodation arrangements can provide students with a unique educational or cultural opportunity. However, they also come with considerable child safety risks. This session examines how schools can minimise the potential for harm to students and satisfy their duty of care. It covers:

- Understanding the school's non-delegable duty of care – how far does it extend?
- The school's child protection obligations in billeting arrangements – ensuring the correct checks and balances are in place
- Overseas students and homestays:
 - The use of welfare letters / Confirmation of Appropriate Accommodation and Welfare
 - Obligations under the National Code of Practice for Providers of Education and Training to Overseas Students 2017
- Partnering with third party homestay providers – key criteria and requirements to put in place
- Putting the right policies and procedures in place:
 - For host families
 - Record keeping procedures
 - Monitoring / compliance
 - Accommodation strategies
- Case study: AGSI Homestay Standards

Speaker: Trent Forno, Managing Partner, MinterEllison, Brisbane

12.10 - 12.20pm Panel Comments and Questions

THEME: LOOKING AFTER THE SCHOOL

12.20 - 1.05pm

Session 4: Anti-Discrimination Law: Minimising Your Risks in an Uncertain Landscape

Discrimination occurs when a person or group of persons is treated less favourably than another person or group of persons because of their background or certain personal characteristics. Confusingly, not all of these behaviours are unlawful. This session will unpack these complex issues for schools and examine where the law is heading in this difficult area. It covers:

- Discrimination and harassment in schools – workplace and students
- A school's obligations under Federal and State laws not to discriminate
- Defences and exemptions to discrimination relevant to schools
- Case study: Workplace discrimination and religious beliefs
- Case study: students and gender diversity and religious beliefs
- How to reconcile conflicting obligations
- How to minimise the risks of a legal claim
- Looking to the future – what will the future legal landscape hold for schools?

Speaker: Kristen Lopes, Partner, Colin Biggers & Paisley Lawyers, Sydney

1.05 - 1.15pm Panel Comments and Questions

1.15 - 2.15pm Luncheon

DAY 1 - THURSDAY 29 AUGUST 2019

2.15 - 3.00pm

Session 5: Staff, Social Media and Misconduct

Social media has encouraged some people to have an almost constant online presence, so it is to be expected that there may be an overlap between a person's personal and professional life. In the school context, where is the line drawn? How does a staff member's personal social media impact on their professional obligations? This session examines the following:

- The impact of social media on the employment relationship
- Teachers and students on social media – what is ok, what is not and when may conduct constitute grooming?
- How to minimise the risks
- Staff code of conduct – does your school have one and can it be enforced?
- Legal risks - Defamation, privacy and confidentiality: can your school sue (or be sued)?
- When can an employer discipline an employee for their out of work conduct on social media?

Speaker: Alistair Macpherson, Managing Director, Corney & Lind Lawyers, Brisbane

3.00 - 3.10pm Panel Comments and Questions

3.10 - 3.55pm

Session 6: Good Governance and Protecting Funding Arrangements

In the last couple of years, schools around Australia have been experiencing greater scrutiny of their governance by the Commonwealth Department of Education and the state and territory counterparts. Governments are concerned to ensure that the financial assistance they provide to schools is used for the benefit of students and not siphoned off to others. This session looks at what the law requires by way of good governance and at the risks to ongoing government funding if schools do not meet the appropriate standards. It covers:

- Common law duties
- ACNC Governance Standards
- *Australian Education Act 2013*
- State and Territory legislation
- How not to operate for profit
- Fit and proper board members
- Using funds for the purpose of providing school education
- Related party transactions
- Conflicts of interest
- Lessons from recent examples

Speaker: David Ford, Partner, Emil Ford Lawyers, Sydney

3.55 - 4.05pm Panel Comments and Questions

4.05 - 4.25 pm Networking Break and Afternoon Tea

4.25 - 5.10pm

Session 7: Reputation Wars: Managing the Fallout When a Crisis Occurs

Tomorrow may be another day but when caught in a media firestorm managing every minute counts. Jointly presented by a public relations expert and lawyer, this practical session discusses how to prepare for and manage media and reputation issues, with a focus on practical case studies. Topics include:

- Critical incidents within schools:
 - Case study – student injury on school camp
 - Case study – Teacher misconduct
- Do you have the right policies and procedures in place to deal with a crisis?
- Duty of care and workplace health and safety issues to students, parents and staff caught in the cross fire
- The need for leadership, legal, PR and internal communications to work closely on issues
- Who needs to be notified first – and how?
- Avoiding trial by media – how to manage the reputational fallout
- Case studies and war stories

Speakers: Clare Gleghorn, General Manager, Bastion RM, Melbourne and Nick Duggal, Partner, Moray & Agnew Lawyers, Melbourne

5.10 - 5.20pm Panel Comments and Questions

DAY 2 - FRIDAY 30 AUGUST 2019

**DAY 2 CHAIR: ROSS MCSWAN,
BARRISTER/MEDIATOR, INNS OF
COURT, MAROOCHYDORE, QLD**

MORNING THEME: LOOKING AFTER THE STAFF

9.00 - 9.05am

Introduction and Welcome

9.05 - 9.50am

Session 8: Effective Management of Under-performing Staff

Performance management is a mechanism for improving teaching, learning and student experience. A well-designed performance management procedure assists both the school and the staff member, while a poor system can exacerbate issues and see the school faced with a bullying claim. This session will explore:

- An introduction to best practice performance management – what should the process look like?
- Communicating with the employee
- Establishing ways to evaluate individual performance and manage performance issues
- Understanding the legal risks if handled poorly:
 - Adverse action and general protection claims
 - Bullying allegations
 - Teacher stress
- Impact of extended leave on the performance management process
- Terminating for poor performance – how to do it effectively

Speaker: Melissa Scadden, Partner Justitia, Melbourne

9.50 - 10.00am Panel Comments and Questions

10.00 - 10.45am

Session 9: Managing the Complexities of the Principal and Board Relationship

A good relationship between the senior leadership and the school board is crucial to the effective running of a school. If the relationship breaks down, it creates real risk for the school – and a potential PR nightmare. This session examines governance methods to help manage the relationship. It covers:

- Understanding the board's governance responsibilities
 - legal controls over the principal
- The principal's contract of employment – key terms
- Duration of the principal's employment – fixed term? How long?
- The principal's reporting obligations to the board
- The board's relationship with members of the senior executive team
- The board's role (if any) in recruiting and terminating senior staff
- Managing and resolving differences between the Board and the Principal
- What happens when the Principal loses the confidence of the Board
- Lessons from recent examples

Speaker: Elizabeth Jameson, Managing Director, Board Matters, Brisbane

10.45 - 10.55am Panel Comments and Questions

10.55 - 11.15am Networking Break and Morning Tea

11.15am - 12.00pm

Session 10: Conducting a Valid Workplace Investigation: A Practical Guide

When an allegation has been made against a teacher, an essential key step is conducting an effective workplace investigation. This practical session will provide a handy guide for schools into the management of staff-related workplace investigations. It covers:

- When to undertake a workplace investigation
- Internal vs external investigations – pros and cons
- Key elements of best practice workplace investigations
- Ensuring compliance in practice: procedural fairness and workplace policies
- Best practice guidance in communicating with stakeholders and the affected parties

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

12.00 - 12.10pm Panel Comments and Questions

12.10 - 1.10pm Lunch

DAY 2 - FRIDAY 30 AUGUST 2019

AFTERNOON THEME: EMERGING ISSUES

1.10 - 1.55pm

Session 11: Privacy and Data Breaches: Key Imperatives in the School Environment

2018 saw the amendments to the Privacy Act 1988, including the introduction of the Mandatory Data Breach Laws. 2018 also saw a number of high-profile data breaches involving schools. This session examines the key changes and how schools can best manage their cybersecurity risks, and insurance and governance platforms. It covers:

- Understanding the new data breach regime and key reporting obligations
- Risk assessment and management strategies to prevent data breaches
- Identifying eligible data breaches
- Preventing serious harm by providing remedial action
- Managing the fall-out following a data breach with affected parties, students, staff and the broader school community
- Case studies

Speaker: Leah Mooney, Special Counsel, MinterEllison, Brisbane

1.55 - 2.05pm Panel Comments and Questions

2.05 - 2.50pm

Session 12: The Parent Trap: Managing High Conflict Family Situations in the Playground

This practical session examines the common, and not so common, scenarios schools may face involving high-conflict families. It covers best practice strategies to deal with these scenarios, as well as a school's legal rights and obligations. The following case studies are covered:

- Warring ex-spouses, new partners and collection from the school gate
- Enrolments – dad doesn't want the child enrolled and mum has filled out the application
- Attending school events and blended families – can a parent's new partner be banned from attendance?
- Permission for school camp - one parent says yes and another says no
- Separated parents and payment of school fees – who foots the bill?
- Difficult, aggressive or abusive parent – can they be excluded from campus?
- Sports rage – do you need parental codes of conduct? What do you do if they are breached? Can you ban parents from sporting events?

Speaker: Fiona Manderson, Special Counsel, Corney & Lind Lawyers, Brisbane

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, online access to the conference papers and refreshment breaks and lunch.

The registration fee does not include any travel or accommodation. Delegates are advised to make their own travel arrangements.

Conference Papers

TEN no longer provides printed copies of conference papers at its events. Access to the papers will be available online to all delegates in the lead-up to the conference (as the papers become available), during the conference and for 30 days after the conference. The papers will be available in .pdf format for easy download to your local computer or portable device.

At the conference TEN will supply printed copies of the PowerPoint presentations used at the conference.

Lawyers: CPD Units/Points

Lawyers (except WA): 7 CPD units (substantive law)

WA Lawyers: 6 CPD points (substantive law)

The Conference Venue

Sheraton Grand Mirage Resort

71 Sea World Drive, Main Beach, Queensland

Phone: (07) 5577 0000

Website: www.sheratongrandmiragegoldcoast.com

The Sheraton Grand Mirage Resort is located in the heart of Main Beach on the Gold Coast, Queensland.

Conference Delegate Rate at the Sheraton Mirage

Television Education Network has negotiated a special conference delegate rate with the Sheraton Mirage. These rates are strictly subject to availability. **Delegates are advised to make their own accommodation arrangements directly with the Sheraton Mirage.** When booking, please advise that you are attending this conference.

Standard room with buffet breakfast for 1 person

\$325

Travelling to the Conference Venue

Delegates are advised to make their own travel arrangements.

The Gold Coast is easily accessed via Coolangatta Airport - 20 kms away and Brisbane Airport is an easy 1 hour drive. There are also rail and coach services from Brisbane into the Gold Coast.

Conference Dress

Smart casual attire is suitable. *(note: the temperature in the conference room varies depending on where you are sitting. Light dress is generally OK, but it is advisable that you bring a jacket/long sleeved top in case you need it.)*

Cancellation Policy

Cancellations must be received in writing at least 10 days prior to the Conference for a 85% refund. Substitute delegates accepted at any time.

Conference Terms

Program subject to change without notice. The information and views presented in the conference are not necessarily those of TEN, and participants rely on these at their own risk. TEN is not responsible for any financial or other losses incurred by delegates or for injury or damage to persons or property. TEN's maximum liability for conference cancellation or any other loss or liability is the refund of the registration fee paid.

TEN is not responsible for financial loss incurred by you as a result of the cancellation or postponement of the conference as a result of strikes, natural disasters, and other Acts of God such as volcanic ash clouds in Australian airspace. We therefore strongly advise you to take out travel insurance if your attendance plans involve air travel or other significant travel to the conference venue.

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)

GPO Box 61, Melbourne, Victoria 3001

Fax (03) 9670 0588 Phone (03) 9670 2055 Enquiries Jenna Pickrell

Register online: <http://www.tved.net.au> – go to CONFERENCES

Please register me for the **Third Annual Schools Law on the Gold Coast Conference** – a 2-day conference to be held at the Gold Coast on Thursday 29 & Friday 30 August 2019 [conf code: GSCLAUG19]

Early Bird Registration – for registrations made on or before 19 July 2019 – **\$1870** (\$1700 + \$170 GST)

Full Price Registration – **\$2145** (\$1950 + \$195 GST)

Subscriber First Discount Registration – I am a Subscriber First member and entitled to a 10% discount off the full registration fee – **\$1930.50** (\$1755 + \$175.50 GST)

Multiple registration discount? If you would like to send more than one person from your company to this conference, please ask Jenna about the discounts available for multiple registrations: The more you send, the greater the discount. jenna@tved.net.au or phone (03) 8601 7729.

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 Pickrell (details above).

The papers from this conference will be available in electronic form only approximately 2 weeks 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: PGCLAUG19].

Personal Details

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