

SCHOOL LAWYER PROGRAM FRAMEWORK



WEstjustice

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SUPPORTED BY



Helen Macpherson Smith Trust

ABOUT WESTJUSTICE

WEstjustice is a community organisation that provides free legal help to people in the Western suburbs of Melbourne. WEstjustice believes in a just and fair society where the law and its processes don't discriminate against vulnerable people, and where those in need have ready and easy access to quality legal education, information, advice and casework services.

WEstjustice aims to be:

- A go-to organisation for state and national governments for input on relevant law and policy reform that is also routinely consulted by councils and the private sector
- A one-stop agency for legal services for vulnerable people in the Western suburbs of Melbourne
- Strongly engaged with the broader community and working within multi-agency relationships
- Supported by a highly skilled workforce with core and complementary skills that works in collaborative cross-issue teams
- Supported by an organisational culture that values innovation, a strategic approach, public interest casework and advocacy and supports staff in their capacity to deliver our objectives
- Supported by financial stability sufficient to service the key specialist legal needs of vulnerable people in the Western suburbs of Melbourne.

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INTRODUCTION

This Framework for the School Lawyer Program has been developed by WEstjustice with the assistance of Social Ventures Australia Consulting. WEstjustice would like to acknowledge the support of the Helen Macpherson Smith Trust in funding this project to document a Framework for the School Lawyer Program.

WEstjustice has been supporting School Lawyer Programs in a number of schools in the west of Melbourne for several years. Having evaluated its pilot program at The Grange P-12 College, Hopper's Crossing in Melbourne's outer west, it is confident of the positive impact a School Lawyer Program can have for students and schools. As interest from other school communities as well as legal organisations continues to grow, it is important to document the current model and share learnings by providing practical guidance to others.

There are three key purposes for the Framework:

- to **define** what a School Lawyer Program is;
- to promote the **benefits** of School Lawyer Programs to encourage other communities to establish their own; and
- to provide **practical guidance** to organisations on how to establish and operate a School Lawyer Program.

The intended audience for the Framework is school principals, community legal centres and other legal organisations, Victoria Legal Aid and the Victorian Government Departments of Education and Training and Justice and Regulation.

This Framework relates to the program which WEstjustice has been delivering in partnership with schools in Victoria. The underlying principles are likely to be relevant for all Australian jurisdictions.

WEstjustice would also like to acknowledge the support of the Newsboys Foundation, R E Ross Trust, Jack Brockoff Foundation, Kimberley Foundation and Slater and Gordon in funding the School Lawyer Pilot Programs.

I am excited about the potential of this Framework to support the development of School Lawyer Programs to enable young people in schools to access justice and improve their understanding of their legal rights and obligations.

Shorna Moore

Founder – School Lawyer Program

Director of Policy and Community Development

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1 CONTEXT

This section provides an overview of the challenge a School Lawyer Program seeks to address. It helps to explain why a School Lawyer Program may be valuable in a community.

1.1 Young people and barriers to access

Many young people need legal assistance but are not accessing legal services, or are receiving legal assistance too late in the process for effective early intervention. In addition, many young people do not have a good understanding of their legal rights and responsibilities.

Particular areas of law that young people may need assistance with include family violence, crime, homelessness, infringements, cyberbullying and online safety and dealing with police.

Barriers to accessing legal assistance may include¹:

- Social and geographic isolation
- Lack of youth-specific legal services
- Lack of awareness of available services or how to access them
- Lack of trust in authority including lawyers and the legal system
- Lack of awareness about legal confidentiality
- Concerns about reputation.

1.2 Impact on young people

The impact of this situation on young people can be:

- Legal problems are not being identified and/or managed early
- Preventable legal problems are continuing
- Young people may be stressed and anxious, affecting school attendance, engagement and performance.

1.3 Alignment with education policy direction

Current Victorian education policy has a strong focus on student learning and outcomes. The Framework for Improving Student Outcomes (FISO) requires schools to focus efforts on the key areas with the most impact on school improvement.

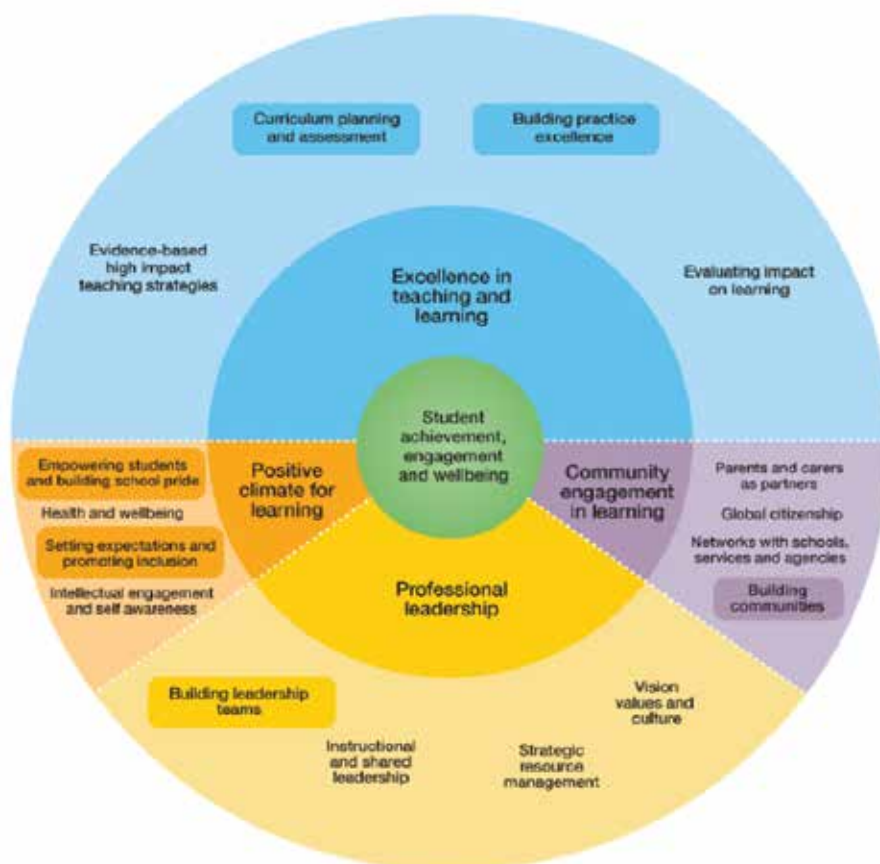
There are four state-wide priorities in the FISO Improvement Model, one of which is Positive Climate for Learning. This priority includes Health and wellbeing as one of four dimensions. The FISO definition of the Health and wellbeing dimension includes:

- Health and wellbeing programs have a positive and significant impact on attitudes to learning, social relationships and student achievement
- Effective schools take steps to support students' wellbeing and physical needs, as well as fostering a sense of community and belonging for all
- Schools ensure that every student has a secure, positive and ongoing relationship with at least one member of staff
- Learning is reinforced when the broader school environment is consistent with the knowledge, understanding and skills taught through the Health and Physical Education curriculum as well as the Respectful Relationships program which supports students to make decisions about their health, wellbeing and safety
- A healthy school environment for staff, students and families is developed through health promoting school policies and processes, supportive physical and social environments and partnerships with parents, community organisations and specialist services².

1. Moore, Shorna, "An Invisible Demographic. Youth and the Law in Melbourne's West", 2012

2. Department of Education and Training, FISO Continua of Practice for School Improvement 2018, <http://www.education.vic.gov.au/school/teachers/management/improvement/Pages/FISO.aspx>

FISO IMPROVEMENT MODEL – DEPARTMENT OF EDUCATION AND TRAINING, VICTORIA



This priority also includes the dimension of “Empowering students and building school pride”. The definition of this dimension includes:

- Effective schools build a culture where teachers and students work together, and where student voice is heard and respected, contribute to students building their confidence and self-efficacy
- [Effective schools] understand the importance of creating learning environments that promote independence, interdependence and self-motivation

- When students experience a sense of belonging and significance through voice, agency and leadership, they are likely to articulate their sense of empowerment and school pride.

There is strong alignment of the School Lawyer Program with the FISO dimensions, particularly Health and wellbeing, as demonstrated through the program outcomes outlined in **Section 5** below. Further, the schools which are delivering a School Lawyer Program at present have received strong support from the regional office of the Department of Education and Training.

2 DEFINITION AND OBJECTIVES

This section explains what a School Lawyer Program is, and its key objectives.

2.1 What is a School Lawyer Program?

A School Lawyer Program involves a lawyer being embedded in a school's wellbeing team, providing accessible, free, confidential and trusted advice to students. The School Lawyer is employed by a local community legal centre, Victoria Legal Aid, or other legal organisation (the legal organisation).

In relation to providing legal advice and legal education, the School Lawyer is supervised by the legal organisation. For all other matters in relation to the school, the School Lawyer must comply with school policies and codes of conduct. School Lawyers are not at a school full-time, due to the importance of having legal supervision and support at the legal organisation.

For the purposes of this Framework, a "school" means any registered senior secondary education provider. This includes mainstream schools (for example, government, independent, Catholic), flexible learning centres, additional needs schools or any other registered senior secondary provider.

As a member of the wellbeing team, core activities of the School Lawyer Program include:

- One on one legal advice and legal case management to students;
- General and targeted legal education to students in school to respond to emerging issues; and
- Warm referrals of students to other sources of legal and non-legal support.

Later sections of this Framework will provide examples of the different variations School Lawyer Programs have taken to date.

2.2 What are the key objectives of a School Lawyer Program?

The ultimate impact of a School Lawyer Program is improved health and wellbeing for students and engagement at school. The strategic narrative below tells the story of how the School Lawyer Program achieves this impact.

SCHOOL LAWYER PROGRAM STRATEGIC NARRATIVE

Because:

Many young people face barriers in access to justice, and do not understand their legal rights and responsibilities

We deliver:

A program which embeds lawyers in schools to provide free, accessible, confidential legal assistance and education

This meets:

The immediate needs of students, schools, and families in receiving legal advice and education

Which leads to:

Students having legal issues addressed, whilst feeling supported, empowered and respected

That results in:

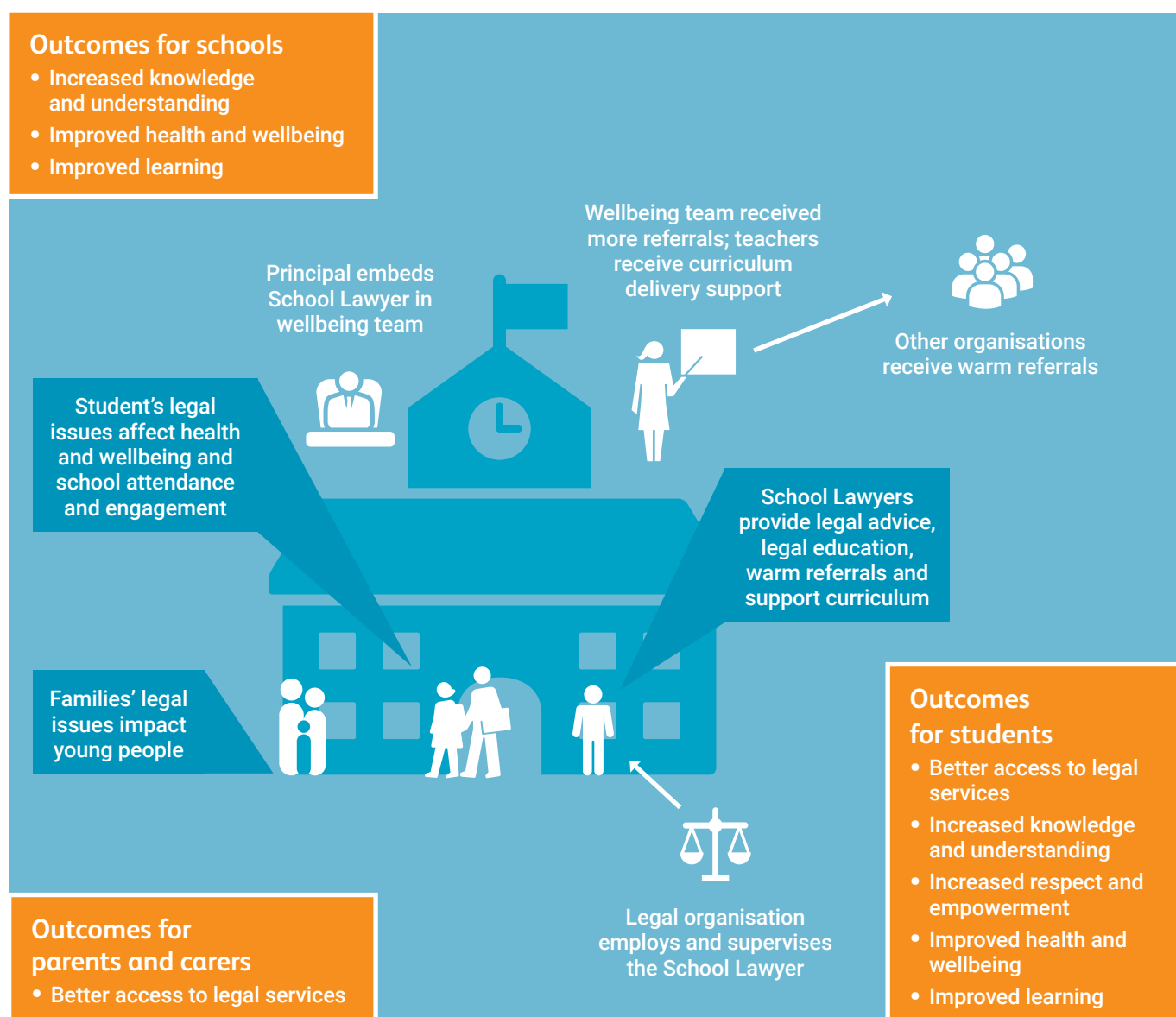
Students having improved health and wellbeing and being more engaged at school

Whilst every School Lawyer Program will have its own specific objectives based on school requirements and student need, the overarching objectives of a School Lawyer Program are to:

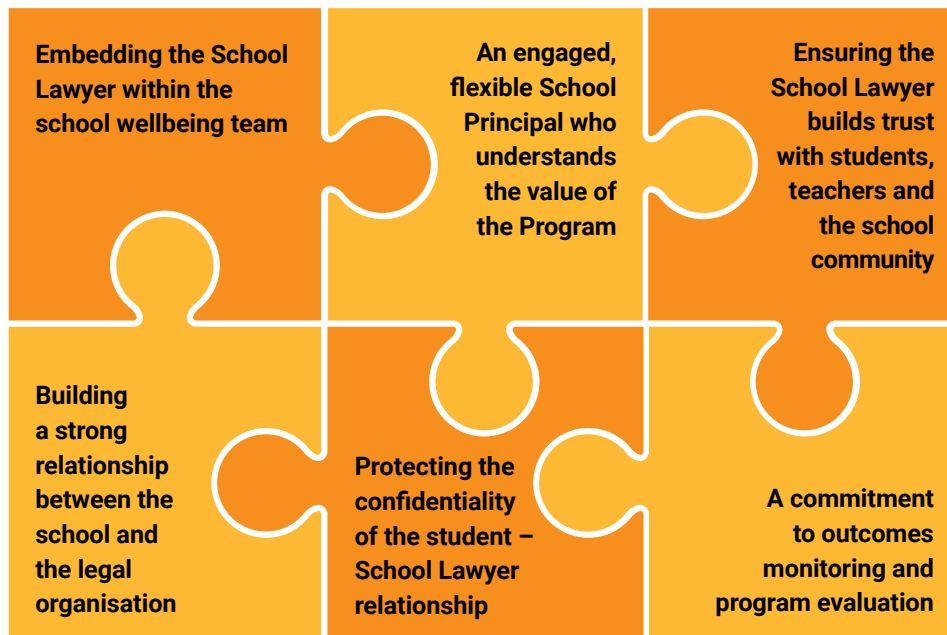
- Overcome the barriers students face in accessing legal services; and
- Build a better understanding of legal rights, responsibilities and the legal system in students and teachers.

3 KEY SUCCESS FACTORS AND PROGRAM COMPONENTS

This section highlights elements which are critical to a School Lawyer Program’s success and provides an overview of the core components of the Program.



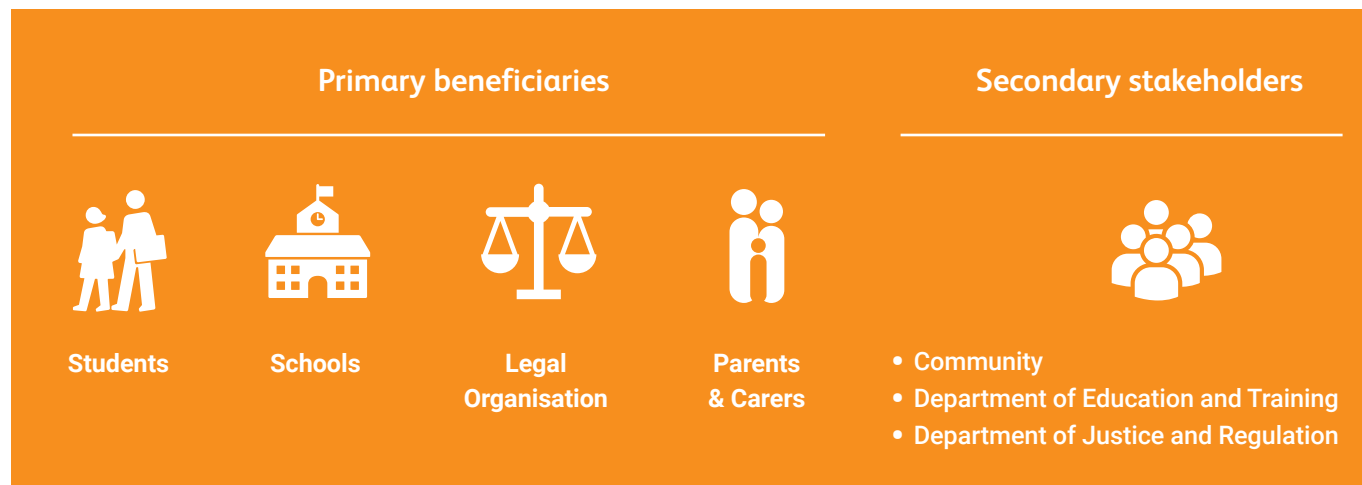
Drawing on the experience of current School Lawyer Programs, the following key success factors have been identified as critical elements of the Program:



- **Embedding the School Lawyer within the school wellbeing team** is an important structural element of the School Lawyer Program set up. It ensures that the School Lawyer:
 - is accessible to students;
 - is well-connected into the broader wellbeing priorities of the school;
 - can easily refer students to the wellbeing team and vice versa; and
 - can respond quickly to emerging legal issues for individual students and student cohorts.
- **An engaged, flexible School Principal with a commitment to wellbeing** through a wellbeing team is key. This is important to ensure the Principal proactively communicates with the broader school community regarding the objectives of the School Lawyer Program as well as being prepared to make some accommodations, if necessary, within the school context to enable the School Lawyer Program to be most effective.
- **Ensuring the School Lawyer builds trust with students, teachers and the school community** is critical to breaking down the barriers some students experience in seeking assistance for their legal and other support needs. The School Lawyer’s personal approach, engagement in school activities (for example, camps and sporting teams) and support to teachers in other curriculum areas are proven approaches to building trust.
- **Building a strong relationship between the school and the legal organisation.** Given the:
 - multi-disciplinary nature of the School Lawyer Program;
 - the shared responsibility of the school and the legal organisation for supervision of the School Lawyer;
 - the potentially sensitive nature of some of the legal issues being addressed by the School Lawyer; and
 - the other legal compliance and ethical considerations which might arise
 both the school and the legal organisation need to invest time in building a strong relationship.
- **Protecting the confidentiality of the student-School Lawyer relationship** is a key feature of the School Lawyer Program as it incentivises students to divulge sensitive matters to the School Lawyer which they may not otherwise share. The existence of legal professional privilege protects all communications between a lawyer and their client receiving advice as confidential (subject to certain exceptions).
- **A commitment to outcomes monitoring and program evaluation** is important to ensure the School Lawyer Program is delivering the stated outcomes for students it is designed to support. Without these processes a School Lawyer Program is at risk of diluting its significant potential to address the issue of young people facing barriers in accessing legal services.

4 BENEFICIARIES

This section describes who benefits most from a School Lawyer Program.



The primary beneficiaries of a School Lawyer Program are:

- **Students** who attend a high school with a School Lawyer. This is not limited to vulnerable or “at risk” students. It includes any student who seeks legal assistance, or participates in a legal education session;
- **Schools** with a School Lawyer Program. This includes key school staff such as Principals, teaching staff and the wellbeing team;
- **Legal Organisation.** A community legal centre, Victoria Legal Aid or other legal organisation which employs the School Lawyer and provides the necessary legal supervision; and

- For some School Lawyer Programs, **parents and carers** who receive legal assistance and education from the School Lawyer.

There are secondary stakeholders which may be positively impacted by the School Lawyer Program. Examples of secondary stakeholders include the community in which a school with a School Lawyer Program is based, and various State government departments such as the Department of Education and Training and the Department of Justice and Regulation in Victoria.

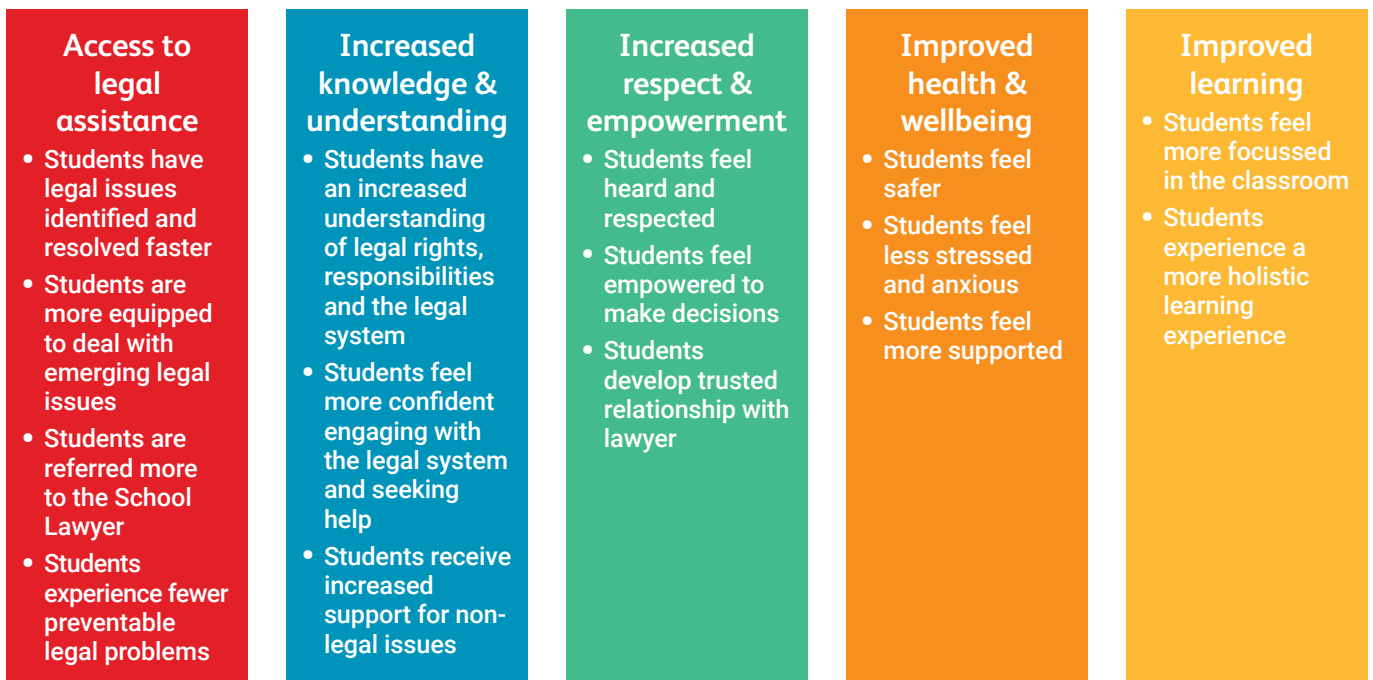
5 PROGRAM OUTCOMES

This section describes the outcomes achieved from a School Lawyer Program.

Likely outcomes for each primary beneficiary group as a result of the School Lawyer Program have been identified through stakeholder consultation, WEstjustice’s pilot program evaluation and the current School Lawyer Programs.

5.1 Outcomes for students

Outcomes for students from the School Lawyer Program fall into five domains:



It makes you feel safer if you know your rights. Before I was nervous and scared of the outcome. And I didn't know how to handle the situation and I was scared to go to court alone. Knowing that the School Lawyer was there to support me made me feel relieved.

– Student

Some of these outcomes will be achieved in the short to mid-term, others will be delivered over the longer term. The logic model developed for the School Lawyer Programs developed and delivered by WEstjustice is included in **Appendix B** as an example.

We supported a student who had been charged with unlawful assault, having allegedly threatened her mother. As a result of the incident, the student also had an interim family violence intervention order entered against her, which meant she could not live at home or contact her mother. She was homeless, couch-surfing at a friend's house and was experiencing significant mental health problems due to the conflict at home.

This was a particularly vulnerable student, who was going through a very unstable period. We helped her to understand and navigate the court process, and supported her to access mental health and relationship counselling services.

We represented the student in her criminal matter and achieved a diversion – a terrific result, because it meant the student avoided a criminal record. We then negotiated for a 'safe contact' IVO (without admissions) to be in place for 6 months and the student was able to return home to live with her parents.

– School Lawyer

I left home at 16 and began couch surfing. I had been living in a home with conflict, where I felt unsafe and at times scared. But couch surfing turned out to be one of the scariest things I have ever experienced. I never knew if my living circumstances were long term or short term. I ended up disengaging from school half-way through Year 12. I couldn't continue studying with everything going on.

When I turned 18, I decided to go back to finish school. But I was still couch-surfing, and I had received lots of Myki fines that I couldn't pay. I had also been told by Centrelink that I had an \$6,000 debt. They took the money out automatically, so I hardly had any money to support myself.

The School Lawyer was a big support for me. I could talk to him about what had happened and my circumstances at the time, and he discussed with me my different options. Having these options eased so much pressure for me. I felt like I could breathe.

Coming as far as I have come, it feels like an achievement. I completed Year 12, and got a job. I am now living in a stable home, and I am going to go to university and pursue a career.

– Former client of School Lawyer Program

5.2 Outcomes for schools

Outcomes for schools from the School Lawyer Program fall into three domains:

Increased knowledge & understanding

- Teachers have an increased understanding of legal rights and responsibilities
- Schools have emerging legal issues dealt with more quickly

Improved health & wellbeing

- School wellbeing team receives increased referrals
- Students are less stressed and anxious
- Teachers feel more supported as qualified lawyer available to give legal advice

Improved learning

- Students feel more focussed in the classroom
- Students have a more holistic learning experience
- Teachers feel supported in the delivery of curriculum

The outcomes for students and schools all contribute positively to improved student health, wellbeing and engagement in school.

In 2016, the school introduced the Respectful Relationships curriculum which was delivered by the health teachers. After one of the sessions, a year 12 student approached the teacher and disclosed that she was experiencing family violence at home which included being hit by her father. She didn't feel safe at home and wasn't sure what she should do. The student was 17 years old which meant that she was over the age to receive support from child protection services.

The teacher referred the student to the School Lawyer who provided practical family violence advice. The School Lawyer helped her complete an application for an interim intervention order and represented her at court on the day of her hearing. The School Lawyer also helped her obtain Centrelink payments so that she could live independently.

Having the School Lawyer meant that the school could properly support the young person as part of the Respectful Relationships program. It also meant the health teacher and school did not have to navigate the legal system and provide support to the student that they were not confident to provide.

– Program Manager, School Lawyer Program

I've seen a lot more kids because they're coming into the area where I am sitting and then I'm able to engage with them. I've been able to engage with some of those more difficult kids that wouldn't have come into that area and said hello or anything like that.

So I think it has a lot of benefits that flow onto the other wellbeing services.

– School Counsellor

5.3 Outcomes for community legal centre or other legal organisation

By supporting a school to deliver a School Lawyer Program, the legal organisation should experience:

- Improved expertise in, and understanding of, youth legal issues
- Improved ability to provide access to justice for youth.

5.4 Outcomes for parents and carers

For School Lawyer Programs offering legal assistance and education to parents and carers of students, parents and carers should experience better access to legal support and earlier identification and resolution of legal issues.

6 PARTICIPATING SCHOOLS

This section defines “school” for the purposes of the School Lawyer Program and outlines how the type of school may impact the nature of the School Lawyer Program.

As set out in **Section 2.1** a “school” is any registered senior secondary education provider. This includes mainstream schools (for example, government, Independent, Catholic) flexible learning centres, and additional needs schools.

The profile of the school will influence the nature of the School Lawyer Program. For example:

- The **size of the school** may impact the number of days per week a School Lawyer is needed in the school;
- The **specific need in the school** community may impact the mix of services provided (as well as the relevant areas of law) and the number of days per week a School Lawyer is present at the school;
- The **type of school** may impact the engagement approach of the School Lawyer;
- The **school’s approach to other wellbeing services** may impact how quickly a School Lawyer Program is understood and accepted by the school community; and
- The **approach of the Principal and the wellbeing team** may impact how quickly, and how effectively, the School Lawyer can engage with students.

A School Lawyer has been placed at Wyndham Community and Education Centre (Wyndham CEC) for over a year. Wyndham CEC is a registered Senior Secondary provider and a Learn Local organisation. It provides VCAL and pre-VCAL programs to young people who have disengaged from mainstream schools. It also offers language instruction and settlement support to young people from refugee and migrant backgrounds. About 150 young people, aged between 15 and 20 years old, are involved in these programs. These young people face many barriers to education, including financial hardship, family breakdown, mental health issues, social isolation, drug and alcohol abuse, homelessness and involvement in the youth justice system.

– Program Manager, School Lawyer Program

The Grange P-12 College, Hoppers Crossing is a large P-12 school in the Western suburbs of Melbourne, with approximately 1,600 students across the year levels. The school has a diverse student body, including many students from disadvantaged and culturally and linguistically diverse backgrounds. Many students encounter legal issues, including housing instability, debt problems, family violence, fines and employment issues.

The school’s Student Wellbeing Team comprises counsellors, a health promotion Nurse, the School Lawyer, a GP, Assistant Principals and the Principal. The School Lawyer has been at the school for more than two years. In the initial two-year pilot period, the School Lawyer’s work included assisting students in over 200 matters for legal advice, case files and informal legal chats and delivering 68 structured legal education sessions to students.

– Program Manager, School Lawyer Program

7 LEGAL SUPERVISION AND SUPPORT

This section describes the critical elements a legal organisation needs to effectively supervise and support a School Lawyer Program.

As described in **Section 2** above, a School Lawyer Program is supervised and supported by a legal organisation which is usually a community legal centre, Victorian Legal Aid or other local legal organisation.

A School Lawyer Program must be supported by a legal organisation which is entitled to practise in Victoria, otherwise a School Lawyer would need to act as a sole practitioner (which is a law practice for the purposes of the *Legal Profession Uniform Law (Victoria) 2014* and requires a principal practising certificate).

The legal organisation employs, supervises and supports the School Lawyer and manages the relationship with the participating school. Further detail on the relationship between the legal organisation and participating school is set out in **Section 10**.

Set out below are the important elements a legal organisation needs to ensure the success of a School Lawyer Program.

7.1 Relationships and community

It is critical the legal organisation has or can build:

- **Deep local referral networks** to enable warm referrals by School Lawyers. This includes legal referrals where the School Lawyer is conflicted or where the area of law is not an area of expertise of the School Lawyer. It also includes non-legal referrals (particularly if a school wellbeing team cannot offer the support needed).
- **Physical proximity** to the participating school to ensure:
 - the legal organisation is well-connected to the school's local community and issues, and
 - the School Lawyer has ready access to advice and peer support.

In addition, it is the experience of the legal organisations which have supported School Lawyer Programs to date that:

- **Strong community partnerships are helpful** to ensure the legal organisation is connected to local organisations so as to better understand local issues, develop relationships for referrals, and identify partnerships.
- **The legal organisation has a broader community development interest** to ensure, where appropriate, School Lawyers can build trust and understanding with students by, for example, attending school camps or running sports training sessions.

Our School Lawyer participates in an interdisciplinary project called Sporting Change. We have found that sport provides a familiar lens for students to think about legal concepts. Together with our community development worker, our School Lawyer uses the idea of being part of a sports team as a starting point to explore what it means to belong to a community. In one module, students discuss the role of rules in a game of football, and the reasons behind different rules. We ask students to share their thoughts on how we should talk with referees and authority figures. Lessons are supported by activities on the sports field, where a coach from Melbourne City Football Club (one of our project partners), facilitates a game scenario which draws on these legal concepts.

The project aims to empower students to make informed decisions about their lives and to improve their relationships with family and peers. It complements the School Lawyer's other roles in providing legal advice and advocacy to students.

– Program Manager, Springvale Monash Legal Service

7.2 Areas of law

It is the experience of current School Lawyer Programs that legal organisations must have expertise in, or referral relationships in critical areas of law such as:

- Crime
- Family violence
- Infringements
- Employment.

Section 9 provides more guidance about program activities and areas of law.

7.3 School Lawyers

The characteristics of a School Lawyer are also critical to the success of the School Lawyer Program. The experience of the legal organisations who have supported School Lawyer Programs to date is lawyers should have:

- Strong, generalist legal skills and demonstrated experience or interest in youth issues; and
- Desirable attributes such as:
 - an ability to relate to young people and be accessible to them
 - an ability to relate to culturally diverse students
 - a friendly and approachable nature which inspires trust and confidence
 - a non-judgmental approach.

We recently placed a new School Lawyer to work three days a week at a secondary school in Melbourne's West. Before becoming a School Lawyer, he had existing experience of supporting vulnerable young people, having worked as a part time carer for children in residential care units.

The School Lawyer has been successful in building relationships with students by demonstrating to them that he is genuinely interested in what is happening in their lives. It is clear to students that he is non-judgmental and approachable. He spends many of his lunch times playing basketball with students. He is a guitarist, and has also introduced a 'battle of the bands' at the school. Students often approach the School Lawyer at lunch time and speak with him about non-legal issues. Many students have also confided in him about what they are experiencing at home and in their personal lives.

– Program Manager, School Lawyer Program

7.4 Resources

The legal organisation must be sufficiently resourced to deliver a School Lawyer Program. Legal organisations should consider resourcing for:

- A **Program Manager**, who manages the legal organisation's relationship with the school, manages performance of the School Lawyer (in addition to the legal supervision) and if programs are running across multiple schools, co-ordinates School Lawyers;
- Provision of **personal support** to the School Lawyers, for example debriefing or professional counselling, to ensure the health and wellbeing of the School Lawyer;

- It is ideal for School Lawyers to have **one month in the legal organisation** before the School Lawyer commences in the school for training and induction;
- Provision of sufficient ongoing **professional development** opportunities for School Lawyers to ensure they are appropriately trained for the role (as would be provided to other employees of the legal organisation); and
- School Lawyers to work **one day at the legal organisation** to ensure they have peer support and can share learnings with colleagues.

Section 11 provides more guidance about the program delivery costs which a legal organisation should consider when planning a School Lawyer Program.

8 LEGAL COMPLIANCE AND ETHICAL CONSIDERATIONS

This section sets out key legal compliance and ethical considerations for a School Lawyer Program.

The multi-disciplinary setting of a School Lawyer Program means it is very important for the legal organisation, the school and the School Lawyer to be clear at the outset of the School Lawyer Program on their respective legal compliance and ethical obligations.

8.1 Legal professional privilege

It is critical schools understand the special nature of the client lawyer relationship and the protection afforded by legal professional privilege to disclosures made by a student to the School Lawyer in the course of receiving legal advice.

8.2 Dealing with minors

As students engaging with the School Lawyer are likely to be minors (under 18 years old), the question of a student's capacity to make decisions in relation to their own best interests and the role parents should play in their child's engagement with the School Lawyer may be raised.

The starting premise for the School Lawyer Program is a child who is attending secondary school has sufficient capacity for the purposes of engaging with the School Lawyer and does

not require parental consent for this to occur. However, the School Lawyer will still carry out a capacity assessment on a case by case basis, for example if the child has an intellectual disability or is a younger year's secondary student.

Given the important role a parent plays for most students, the practice of the School Lawyer Program is to engage with parents where appropriate (for example, communications to parents when the program is established, involving a parent in one on one advice or legal case management provided student consent is obtained) but not when there is likely to be a conflict between the student's interest and the parent's interest (for example, in a family violence situation).

8.3 Five key areas

The above five areas have been identified from the experience of the current School Lawyer Programs as likely to be the key legal compliance and important ethical considerations which will need to be addressed in the set-up of a School Lawyer Program and complied with in the ongoing Program delivery.

More detailed guidance on each of these issues is in **Appendix A**.

Legal area	Description
Working with children	<ul style="list-style-type: none"> School Lawyer and legal organisation staff who are at school regularly have appropriate working with children and police checks
Confidentiality	<ul style="list-style-type: none"> Confidentiality of the student-School Lawyer relationship is a critical element of the Program This obligation of confidentiality (due to legal professional privilege) should be well communicated to the school community
Exemption from mandatory reporting	<ul style="list-style-type: none"> School Lawyer Program is consistent with, and supportive of, child safety School Lawyers are exempt from mandatory reporting requirements
Discretion to disclose	<ul style="list-style-type: none"> The student's agency as a client is fundamental in the student-School Lawyer relationship and the student's safety is paramount The School Lawyer can disclose to a third party if the student consents In rare circumstances, School Lawyers do have discretion to disclose information to a third party without consent
School's liability in negligence	<ul style="list-style-type: none"> WEstjustice has legal advice that: <ul style="list-style-type: none"> a school will not be liable in negligence if a School Lawyer does not disclose (see above) there is a risk that a school will be liable in negligence in relation to legal advice provided by the School Lawyer (like any other contractor engaged by the school) This risk can be mitigated through due diligence and the Services Deed

I was approached by a student who had received a disciplinary sanction from the school. The student told me he was fearful of going home and receiving violent punishment from his parent. The kind of violence he described made me very concerned for the student's safety and wellbeing.

I explained to the student his legal options. He instructed me that he did not want to take any legal action against his parents. At that point, I explained to the student that I was worried about his wellbeing but as a lawyer, I felt ill-equipped to help him address these issues. I asked the student for his consent to refer him to a member of the school's wellbeing team. I advised the student that it was highly likely that this referral would trigger a mandatory report.

The student consented to the referral and the referral was made to a member of the school's wellbeing team, who was better equipped to respond to the student's concerns.

– School Lawyer

8.4 Conflict processes

There must be clear and well-understood processes to ensure legal and non-legal conflicts of interest do not occur or if they do occur, there is an agreed referral process. From the experience of the current School Lawyer Programs, the following approaches are recommended:

- Services Deed (between the school and the legal organisation) must establish the School Lawyer will not advise the school or staff and will not act in any matter between:
 - The school (and/or its staff) and a student; or
 - Two students in the school; or
 - Two parents of a student
- A conflict checking and resolution process is in place with the legal organisation. This will be particularly important where a School Lawyer Program provides legal advice to parents and carers.

In certain circumstances, a School Lawyer may act against a parent on behalf of a student, for example in a family violence matter or if the parent is absent.

Where the School Lawyer cannot assist in a matter due to a conflict, the School Lawyer can make a referral to another legal service.

9 PROGRAM ACTIVITIES

This section describes the services the School Lawyer provides, including the areas of law.

Each School Lawyer Program may differ in the mix of legal services it offers, the areas of law it covers, and the way it is delivered. There must be an element of flexibility so legal organisations and schools can establish a School Lawyer Program which best fits with the students’ needs, the school’s needs, the legal organisation’s expertise and the level of funding available.

From the experience of current School Lawyer Programs, there are a number of core program elements required for the program to achieve the outcomes set out in **Section 5**.

9.1 Types of legal services

It is important a School Lawyer Program offers the five types of services which are set out below.

ONE ON ONE LEGAL ADVICE AND LEGAL CASE MANAGEMENT

This is a core activity for the School Lawyer. One on one assistance to a student may be the provision of one-off legal advice which only requires one interaction with the School Lawyer, or it may be ongoing legal case management which requires multiple interactions with the School Lawyer. From

the experience of the current School Lawyer Programs, this could range from 2-3 interactions to resolve a Myki fine to more than 20 interactions to assist with a criminal matter which involves court appearances.

School Lawyers may also hold informal legal “chats” with students, where students are seeking to understand a particular issue but are not asking for specific advice.

GENERAL LEGAL EDUCATION

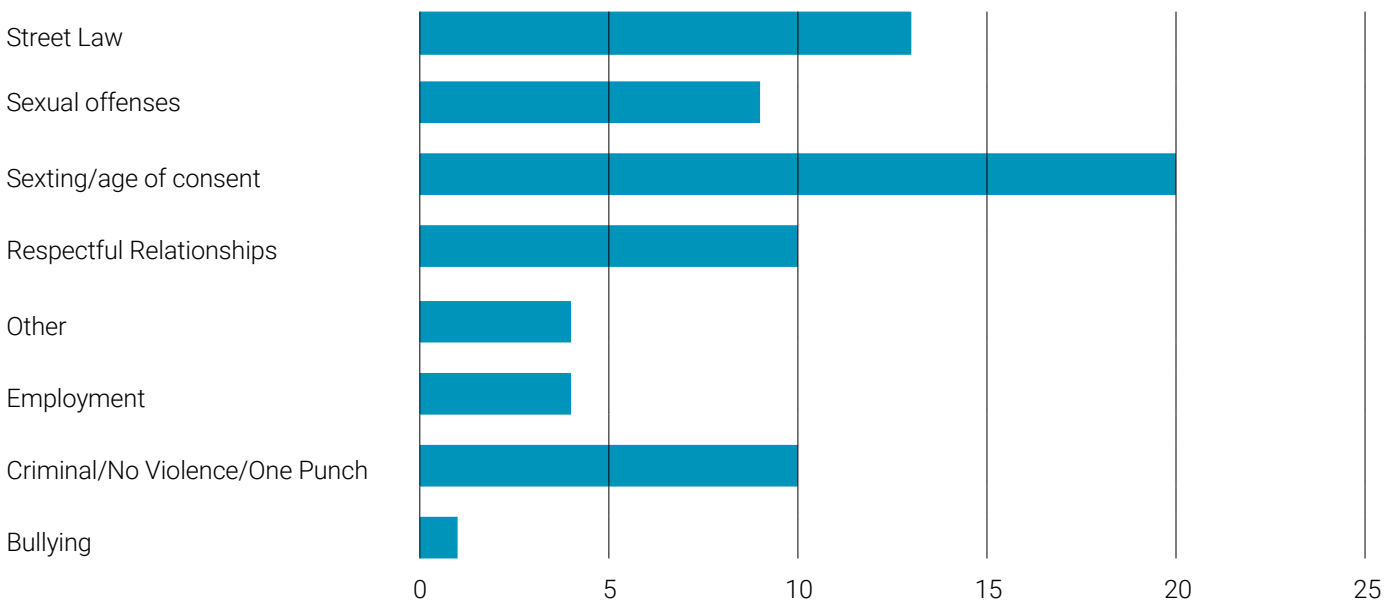
This activity involves the School Lawyer providing general legal education sessions to groups of students to increase students’ understanding of their legal rights, responsibilities and the legal system. Sessions may be delivered in class, at assembly or in other forums. Topics may be suggested by the School Lawyer on ad hoc basis, or a curriculum may be designed with the school.

Topics will likely be general in nature, for example:

- Sexting and age of consent;
- “Street Law” (i.e. public transport, consumer rights)
- Respectful Relationships.

NUMBER OF LEGAL EDUCATION SESSIONS DELIVERED AT THE GRANGE P-12 COLLEGE (1/7/2015 TO 30/6/17)

LEGAL EDUCATION SESSIONS



As the School Lawyer is embedded in the school and works closely with many of the students this ensures the School Lawyer can position the education sessions at the right level. If students have follow-up queries, they have direct access to the School Lawyer who they may already know and trust.

These general legal education sessions do not attract legal professional privilege and the School Lawyer should encourage students at the beginning of each session to access him or her directly with any specific queries.

TARGETED LEGAL EDUCATION

This is a critical activity of the School Lawyer as the School Lawyer can respond to emerging legal issues in the student body by delivering targeted legal education sessions to specific cohorts of students.

As the School Lawyer is embedded in the school, these targeted sessions can be delivered responsively to provide effective prevention or early intervention. These sessions can be positioned at the right level and students have follow-up access to the School Lawyer who they may already know and trust.

These targeted legal education sessions do not attract legal professional privilege and the School Lawyer should encourage students at the beginning of each session to access him or her directly with any specific queries.

As part of my role, I have been delivering for a few years Community Legal Education (CLE) sessions about sexting in classes across several year levels.

A while ago, a website which encouraged young people to find and share intimate images of other young people was the subject of a lot of media attention. The media stories listed a number of schools in the area whose students were involved in sharing images. Notably, the school where I was placed was not listed.

We received anecdotal evidence that students did not get involved with sexting "because the School Lawyer did those classes and I know what can happen." While this may not have been the only reason, I believe it was a factor. The Principal has commented on how important it is that the School Lawyer engages in "a really proactive education model", in addition to supporting individual students.

– School Lawyer

In response to an instance of serious bullying in a classroom, a teacher asked me to speak to her class about bullying laws. I attended the class and described how bullying is treated under the law. This kicked off a very productive class discussion about the potential criminal consequences of bullying. I also gave students some clarity about their use of online platforms and how bullying is no less serious when it is done online. Our discussion also provided an opportunity to educate students about the support services available to young people experiencing bullying, which the students had limited knowledge of.

– School Lawyer

WARM REFERRALS

The School Lawyer may not always be able to provide legal assistance to a student. This may be due to a conflict, or it may involve an area of law the School Lawyer and legal organisation does not have the appropriate level of expertise in (see **Section 9.2** below on areas of law).

In these circumstances, the School Lawyer should utilise the local networks of the legal organisation to provide a warm referral. That is, the School Lawyer can make

the introduction to the other legal adviser and provide background information to facilitate a first discussion with the student's consent. This ensures the student will receive the right advice and support.

The School Lawyer can provide referrals for issues other than legal issues he or she is alerted to affecting the student. This is most likely to be a referral to the school wellbeing team. However, some students may prefer to receive assistance outside of school, or the wellbeing team may not offer the assistance needed by the student.

A student (who is a New Zealand citizen) came to me to ask if she was eligible to work in Australia. She was applying for a job in retail, and was asked by the employer to provide proof that she has the right to work. I was unable to provide immigration advice because immigration is not an area that WEstjustice can give advice in. However, I was able to connect the student with a private law firm for pro bono assistance, based on the relationship WEstjustice has with the firm.

Instead of travelling to the city, the student was able to get advice in my office. The immigration lawyer advised the student on the phone, and wrote a follow-up letter for the student to give to the employer. The student later told me she had been successful in getting the job, and thanked me for my help.

– WEstjustice School Lawyer

While the School Lawyer was observing a lesson, a student asked if he could arrange a confidential conversation. During that conversation, the student shared several issues that he was experiencing at home, including parental drug and alcohol misuse, family violence and sexual offences relating to a child.

To date, no referrals have been made and the issues have not been discussed with the Wellbeing Team. This is because the student has not provided any instructions. The student wanted to let me know what was happening in his life and he did not want to progress the matter on the day we had the discussion.

In situations like this, with the student's consent, I would approach the school's Wellbeing Team for assistance in relation to any non-legal issue. However, if the student did not want to work with the Wellbeing Team or if they refused to provide consent to release the necessary information to the Wellbeing Team, I would seek external services to assist the student.

Victoria Legal Aid has the capacity to assist students with their legal problems. However, referrals to external services would be made if a conflict of interest exists (e.g. if the matter involved two students) or if the situation required specific expertise to obtain the best outcome for the students (e.g. use of an experienced barrister).

– School Lawyer, Victorian Legal Aid regional office

SUPPORT FOR CURRICULUM

While this is not a core activity of the School Lawyer Program, it can be beneficial for both the school and the School Lawyer to identify opportunities for the School Lawyer to support curriculum delivery.

For example, from the experience of the current School Lawyer Programs, it is common for School Lawyers to support delivery of programs relating to:

- Respectful Relationships
- Age of consent
- Legal studies.

For students, this provides a holistic learning experience; for schools, this provides subject matter expertise the school staff may not otherwise have; and for School Lawyers this helps to build stronger relationships with school staff as well as students.

The above has a focus on services to students but it is noted some School Lawyer Programs will also provide:

- Legal assistance and education to parents and carers; and
- Legal education to school staff.

9.2 Areas of law

From the experience of the current School Lawyer Programs, there are four key areas of law likely to be most relevant to students:

- Family violence
- Crime
- Fines
- Employment.

A School Lawyer Program needs to be able to offer services in these key areas. Ideally these services are offered directly by the School Lawyer given how commonly they arise. If that is not possible, a strong referral network needs to be in place to deliver this expertise through the legal organisation.

There are two key parameters regarding the areas of law a School Lawyer will assist in:

- The **legal organisation must** practise in the areas of law offered by the School Lawyer. As the legal supervision of the School Lawyer is provided by the legal organisation, the School Lawyer can only practise in areas of law which the legal organisation practises in; and
- The areas of law which the legal organisation (and school) may wish to specifically **exclude are set out in the Services Deed**. From the experience of current School Lawyer Programs, this may include higher risk areas such as child protection, wills and probate, complex family law, serious criminal law, immigration, commercial matters and TAC.

10 STRUCTURE AND PROCESS

This section provides guidance on how to structure the School Lawyer employment, and the relationship between the school and the legal organisation.

10.1 Employment of school lawyer

As set out in **Section 7**, the School Lawyer is employed by the legal organisation and must comply with those employment obligations.

Legal supervision is provided by the legal organisation, not the school. School Lawyers should not be in a school full-time given the importance of legal supervision and debriefing at the legal organisation.

Day-to-day supervision in the school is provided by the school wellbeing team (in a non-legal capacity). While at the school, the School Lawyer is also subject to all school rules, policies and codes of conduct like any other staff member with the exception of the areas set out in **Section 8**.

WEstjustice has tested different approaches as to the optimal number of days a School Lawyer should spend at a school each week.

Our experience has been that in mainstream schools with rigid timetables, more regular attendance by the School Lawyer is required. In one mainstream school with 1,600 students, the School Lawyer attends three days per week. At a smaller school with 800 students, we initially trialled a placement of 1-2 days per week, but found it was challenging for the School Lawyer to establish relationships with both staff and students during that time. In alternative education settings, we have seen excellent outcomes through placements of 1-2 days per week. In one case, a School Lawyer is shared equally between two small alternative education schools.

We also allocate time for School Lawyers to spend at WEstjustice offices, to access support from peers. One of our lawyers, for example, spends 3 days per week at school providing advice to students and their parents, and a fourth day at WEstjustice.

– WEstjustice Program Manager

10.2 Embedding in wellbeing team

Embedding the School Lawyer in the wellbeing team should include:

- **Location of private office space** in the same area as the wellbeing team staff members
- Participating in the wellbeing team **regular meetings**
- Aligning with the wellbeing team **strategic objectives** (for example, identifying how the School Lawyer legal education could support the wellbeing team's objectives for learning).

10.3 Legal relationship between school and legal organisation

As the School Lawyer is employed by the legal organisation, the legal relationship for the School Lawyer Program is between the school and the legal organisation.

This legal relationship should be documented in a binding Services Deed which outlines the terms on which the legal organisation provides services to the school. In addition to standard legal terms, it is important for the Services Deed to include:

- An appropriate indemnity from the legal organisation to the school in relation to the work of the School Lawyer (as referred to in **Appendix A**);
- Obligations for both parties to maintain relevant insurances (as referred to in **Appendix A**);
- Clear outline of the legal services to be provided;
- Specific exclusion of any areas of law which the School Lawyer will not advise in;
- Outline of conflict processes (as referred to in **Section 8**); and
- Outline of the activity data and reports the legal organisation must provide to the School (appropriately de-identified).

An example Services Deed is available on request from WEstjustice.

10.4 Governance

Given the School Lawyer is delivering the day-to-day services under the Services Deed, it is important responsibility for governance of the relationship between the school and the School Lawyer Program does not sit with the School Lawyer.

Ideally, there should be a resource within the legal organisation in the role of Program Manager. This will be particularly important where a legal organisation employs multiple School Lawyers. The role may include:

- Managing the School Lawyer and the School Lawyer Program on behalf of the legal organisation;
- Negotiating the Services Deed;
- Maintaining a relationship and regular communication with the school;
- Engaging with the school to resolve any issues regarding the School Lawyer Program, or performance of the School Lawyer;
- Supporting the School Lawyer to provide regular reports to the school, as agreed in the Services Deed; and
- Where a legal organisation employs multiple School Lawyers, co-ordinating the team of School Lawyers to share learnings, foster collaboration, and ensure appropriate legal supervision and support is provided.

A WEstjustice Program Manager supported a local secondary school to adapt its record keeping approach to protect the confidentiality of students who visit the School Lawyer. To account for students' whereabouts during class time, the school had asked the School Lawyer to record in the school's online system the names and dates of all students who met with him.

Unsure of how to reconcile this policy with his legal duties, the School Lawyer raised the issue with the Program Manager who then met with the Principal. With the Program Manager's involvement, the school developed a straightforward change to its policy: students would be recorded as having been at the Wellbeing Office (rather than with the School Lawyer specifically), or could otherwise visit the lawyer during break-times if they did not want any record to be kept.

– WEstjustice Program Manager

It is recommended a governance group is established (comprising the Program Manager, Principal and Assistant Principal) which meets regularly to discuss the operation of the School Lawyer Program. The role of the governance group may include monitoring the effectiveness of the School Lawyer Program, early identification and resolution of potential issues or risks, exploring opportunities for improvement, carrying out regular reviews of the Program and developing relationships.

10.5 Risk management

Identifying key risks and developing appropriate mitigation strategies is an important part of the set up and ongoing management of the School Lawyer Program given the Program's primary focus on young people (many of whom will be vulnerable), the multi-disciplinary approach and the potentially sensitive legal and other issues involved.

It is recommended legal organisations and schools develop a risk management plan in the setup of a School Lawyer Program. Ideally, this is done prior to finalising the Services Deed to ensure, where relevant, risks can be addressed in the Services Deed.

The risk management plan should be revisited at regular intervals during the operation of the School Lawyer Program.

11 PROGRAM COSTS

This section provides a high-level summary of the types of costs that are involved in operating a School Lawyer Program.

11.1 Annual operating cost

This Framework provides guidance on the general categories of cost involved in operating a School Lawyer Program. The budget for each School Lawyer Program will depend on the nature of each School Lawyer Program, the parties involved and their existing cost structure. It is likely not all costs will be funded by the school alone.

From the experience of current School Lawyer Programs, the following general categories of cost should be considered:

TOTAL SCHOOL LAWYER PROGRAM COSTS CATEGORIES

Essential costs categories	Description
Lawyer salary and on-costs	<ul style="list-style-type: none"> Per annum salary (pro rata if not 1 FTE) Plus ~14% on costs
Legal relationship management costs	<ul style="list-style-type: none"> Program manager per annum salary (pro rata if not 1 FTE) Plus ~14% on costs
Program delivery costs	<ul style="list-style-type: none"> Materials, travel, training, office overheads
Legal supervision and support	<ul style="list-style-type: none"> Practising certificate Time of supervising Principal lawyer Professional development Counselling support

Note that:

- **On-costs** include superannuation, payroll tax, workers compensation;
- Level of resourcing required for **Program Manager** will depend on level of total School Lawyer resourcing for the legal organisation;
- For guidance on minimum **salary** for School Lawyers, the Pay Tables relevant to the *Social, Community, Home Care and Disability Services Industry (SCHCADS) Award 2010* will give an indication³.

It is ideal to build into the budget a setup period where the School Lawyer undertakes training, induction and planning at the legal organisation before the School Lawyer Program commences in the school (as recommended in **Section 7** above).

11.2 Sources of funding

It is for each legal organisation and school to determine how the School Lawyer Program will be funded.

For many current School Lawyer Programs, schools pay for the lawyer salary and on-costs, the legal relationship management costs and the program delivery costs while the legal organisation bears the costs relating to legal supervision and support.

In some circumstances, philanthropic support may be secured to fund the School Lawyer Program for a pilot period.

3. WEstjustice lawyers fall under the "Community Development Workers" category. Lawyers and Senior Lawyers are Levels 4 and 5. Note the pay tables dictate minimum salary and many legal organisations may pay above this level.

12 OUTCOMES MONITORING AND PROGRAM EVALUATION

This section gives practical guidance on how the outcomes achieved by a School Lawyer Program can be monitored to prove and improve the impact for students and other beneficiaries.

12.1 Why is it important?

Outcomes monitoring and program evaluation is important to:

- **Prove** the impact the School Lawyer Program creates in a clear and compelling way;
- **Improve** the impact of the School Lawyer Program over time by making refinements based on the evidence of impact; and
- **Demonstrate** that the School Lawyer Program's approach is unique, integrated and good value for money.

Each school and legal organisation will determine the extent to which they will monitor outcomes and/or evaluate the School Lawyer Program. Some School Lawyer Programs may need to be evaluated to formally demonstrate their value to key stakeholders including potential funders.

Evaluations can take many forms – from simple outcomes monitoring carried out by the school, to engaging a third-party consultant to develop an outcomes management framework and deliver a program evaluation, to a formal Social Return on Investment analysis⁴. The type, breadth and depth of the evaluation will depend on the appetite and need of the school and the legal organisation to prove the difference the School Lawyer Program is making to the school community as well as resourcing considerations.

Whether or not there is an intention to evaluate the School Lawyer Program, it is very worthwhile putting in place data collection processes for key indicators from the commencement of the School Lawyer Program to ensure there is baseline data available if and when needed.

Further guidance on outcomes monitoring and program evaluation is in **Appendix B**.

Springvale Monash Legal Service (SMLS) has undergone rigorous monitoring and evaluation work within our program Sporting Change. We have developed a theory of change including an outcomes chain and detailed framework and data collection tools.

We learnt that prior to participating in Sporting Change, only 10% of young people indicated they had any knowledge of where to get help with legal problems. After participating, 99% reported that Sporting Change helped them find out more about where to get help with legal problems. Similarly, 95% of participants reported that participating in Sporting Change had increased their awareness of the role that law plays in our community.

And our stakeholders told us:

"The best thing about Sporting Change is the mix of sport and legal stuff. It's a really good way to learn. It's a really interesting way to learn." (Student)

"I have seen some of the participants grow in confidence exponentially. The program has been an immense success. The kids are absolutely engaged with the program, and we believe that it is achieving its vision statement" (Assistant Principal)

- Program Manager, Springvale Monash Legal Service School Lawyer Program

4. Social Return on Investment Analysis (SROI) is an internationally recognised framework for understanding, measuring and valuing social, economic and environmental outcomes.

WEstjustice commissioned an independent evaluation of the two-year pilot School Lawyer Program at the Grange P-12 College. The process included collecting qualitative and quantitative data (with the appropriate confidentiality arrangements) from students, the School Lawyer, the Program Manager and school wellbeing staff and leadership.

Among other things, the evaluation helped to:

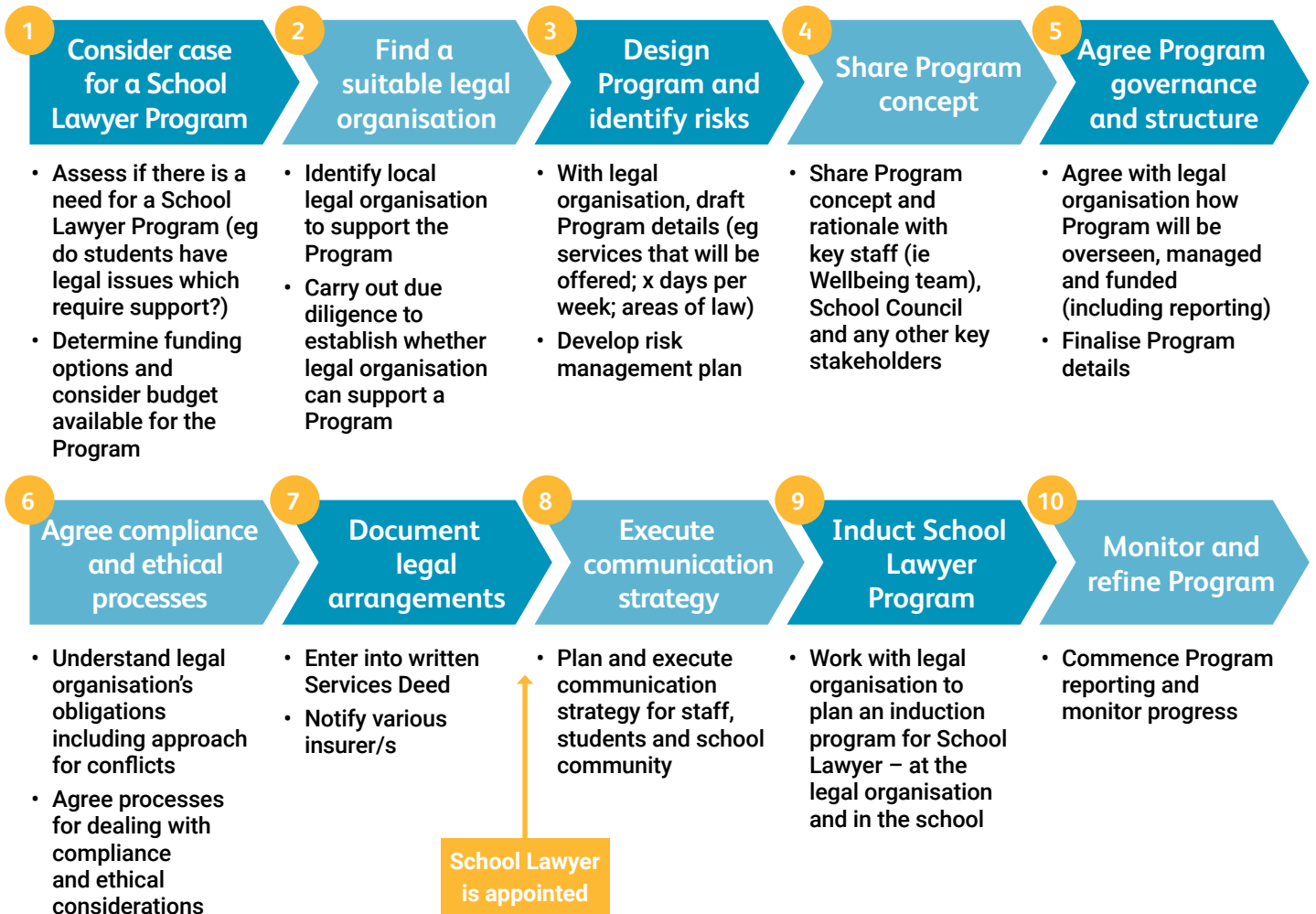
- Quantify the interactions the School Lawyer had with students and parents/carers for one-off advice, ongoing case files and informal legal chats*
- Quantify and describe the CLE sessions delivered to students, staff and parents/carers*
- Identify the outcomes for students, parents/carers and the school*
- Identify the key characteristics of a School Lawyer*
- Highlight areas for improvement.*

Having an independent evaluation has been critical for demonstrating the impact of the School Lawyer Program. It has also been a key input to the development of this Framework to ensure that learnings can be shared.

– Program Manager, WEstjustice School Lawyer Program

13 ESTABLISHING A SCHOOL LAWYER PROGRAM IN 10 STEPS

This Framework provides guidance on many of the considerations involved in establishing and operating a School Lawyer Program. For schools interested in setting up a School Lawyer Program, the following 10 steps may be useful.



Back in 2014, one of our Barwon Community Legal Service workers participated in a White Ribbon event at a secondary school. The service worker presented to Year 9, participated in a respect walk and joined in a 'human white ribbon' on the oval. The presentation and discussions must have had an impact, because the organising teacher then contacted our service to discuss participating in the School Lawyer Program. The teacher had heard about the School Lawyer Program at a professional development day and thought it could work well in his school.

Barwon Community Legal Service is now planning a program that will deliver one-to-one advice to students, and education programs to students, teachers and parents. Through the program, we will also undertake community development activities. A particular opportunity is to support the school's engagement in the Department of Education's Respectful Relationships program. The school has indicated they are keen to contribute funding to this program, and we hope to be operational in the coming months.

– Program Manager, Barwon Community Legal Service School Lawyer Program

14 ACKNOWLEDGEMENTS

In developing this Framework, WEstjustice would like to acknowledge assistance from:

- The School Lawyer Reference Group (Springvale Monash Legal Service, Victoria Legal Aid, Cape York Partnership, Darebin Community Legal Centre, Hume Riverina Community Legal Service, Moonee Valley Legal Service, Federation of Community Legal Centres Victoria, Goulburn Valley Community Legal Centre, Barwon Community Legal Service, JusticeNet)
- The WEstjustice School Lawyers (Vincent Shin, Angus Woodward, Monique Hurley, Semisi Kailahi)
- David Smillie (College Principal, the Grange P-12 College) and Jennie Barrera (Chief Executive Officer, Wyndham Community & Education Centre)
- Helen Hobley, Senior Education and Improvement Leader, South Western Victoria Region, Department of Education & Training
- Ethics Roundtable attendees (Law Institute of Victoria, Victoria Legal Aid, Victorian Legal Services Board and Commissioner, Federation of Community Legal Centres, Hume Riverina Community Legal Service, Liam Brown, Dowling McGregor Solicitors)
- Lander & Rogers, for pro bono preparation of Services Deed for WEstjustice

15 APPENDIX A – FIVE KEY LEGAL ISSUES

1. WORKING WITH CHILDREN.

The legal organisation should ensure the School Lawyer, and all staff attending the school on a regular basis, undertake a working with children check and police records check if required pursuant to the Working with Children Act 2005 (Vic), or as otherwise requested by the school.

2. CONFIDENTIALITY.

Legal professional privilege protects all communications between the School Lawyer and a student receiving advice as confidential. School Lawyers can only disclose confidential information if the student consents to disclosure, or other particular circumstances apply (see below).

This confidentiality is a key feature of the School Lawyer Program as it incentivises students to divulge sensitive matters which they may not otherwise divulge to a trusted person. It is the experience of current School Lawyer Programs that if asked or counselled appropriately, many students will provide consent to the School Lawyer providing information to other school staff.

This obligation of confidentiality is not well understood in school communities and should be communicated early on in the set-up of a School Lawyer Program. It is also a critical that the program is not set up in a manner which jeopardises this relationship through, for example, establishing a direct employment relationship between the School Lawyer and the school.

3. EXEMPTION FROM MANDATORY REPORTING.

Whilst the objectives of a School Lawyer Program are consistent with and supportive of child safety, WEstjustice has legal advice that the School Lawyer, provided he or she is working within the model outlined in this framework, is not bound by mandatory reporting requirements because:

- School Lawyers are not “mandatory reporters” under the Children, Youth and Families Act (Vic) 2005;
- Legal professional privilege is an exception to reporting requirements under s 327 of the Crimes Act (Vic) 1958; and
- School Lawyers do not have any obligation under s 49C of the Crimes Act (Vic) 1958 because the obligation attaches to people in authority within the relevant school,

and School Lawyers have no authority or organisational responsibility or powers within the schools

4. DISCRETION TO DISCLOSE.

Even though a School Lawyer has no obligation to disclose, School Lawyers may in certain circumstances discuss with students as a first step whether they would consent to disclosure in a safe, planned manner which works in the best interest of the student.

In the rare circumstance where the student has not consented to disclosure, a School Lawyer does have the discretion to disclose information to a third party if it is for the sole purpose of avoiding the probable commission of a serious criminal offence or for the purpose of preventing imminent serious physical harm to the client or another person (see the Legal Profession Uniform Law Australian Solicitors’ Conduct Rules 2015).

WEstjustice, and most legal organisations, operate on the principle that the client’s agency is of fundamental significance in the lawyer-client relationship, and that a disclosure is made as a measure of last resort. In all circumstances, the student’s safety is paramount.

The legal organisation and the School Lawyer should develop appropriate guidelines for this process in advance of setting up a School Lawyer Program. These guidelines should establish a transparent, documented and planned process for the specific purpose of addressing the imminent harm, and should include provision of training by the legal organisation for School Lawyers as part of their professional development.

5. DUTY OF CARE AND SCHOOL LIABILITY FOR NEGLIGENCE.

The law places a non-delegable duty on a school to take care of the safety and wellbeing of their students. In the experience of the current School Lawyer Programs, there are likely to be two circumstances where schools may be concerned that a School Lawyer Program exposes them to potential actions for negligence.

- Can a school be liable in negligence if a School Lawyer does not disclose information received from a student (see above)?

WEstjustice has received legal advice that the school cannot be found liable in negligence in this situation.

- Can a school be liable in negligence in relation to the legal advice provided by the School Lawyer?
WEstjustice has received legal advice that although the legal organisation which employs the School Lawyer is responsible for the actions of the School Lawyer, there is a small risk a school could also be found liable, just as a school could be liable if any service provider or contractor (for example, the provider of swimming lessons to students) is negligent.

In order to mitigate this risk, in the set-up of any School Lawyer Program schools should ensure:

- The Services Deed with the legal organisation:
 - excludes legal advice in areas of significant financial exposure eg. commercial law
 - includes an indemnity from the legal organisation to the school in the case of legal action taken against the school in relation to the work of the School Lawyer
 - requires the legal organisation to carry relevant insurance
- School's own insurer is notified of its participation of the School Lawyer Program
- School conducts its usual due diligence in engaging contractors, for example ensuring that a School Lawyer and the legal organisation has appropriate qualifications, training and supervision processes.

16 APPENDIX B – OUTCOMES MONITORING AND PROGRAM EVALUATION

1. WHAT ARE THE STEPS INVOLVED IN OUTCOMES MONITORING?

There are five main phases ordinarily involved in outcomes monitoring. The key considerations for each phase are:

Design

- What do we measure?
- How are outcomes measured?

Collect

- When do we gather data and measure it?
- Who gathers the data?
- How is data stored?

Analyse

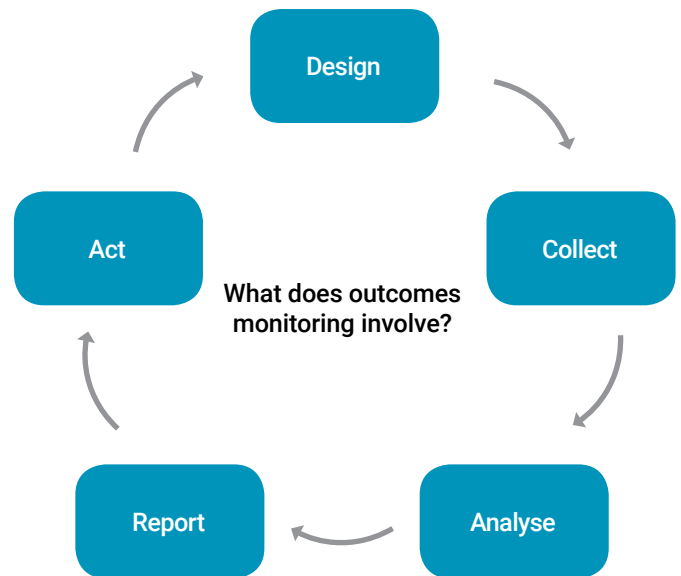
- How is the data interpreted?
- How are different data sets compared?
- Who interprets the results?

Report

- What reports will be developed?
- Who are the reports developed for?
- When are reports generated?

Act

- What decisions will be made based on this data?
- What will do with any key findings?
- How will we communicate the results of this process and our actions?



2. DESIGN PHASE

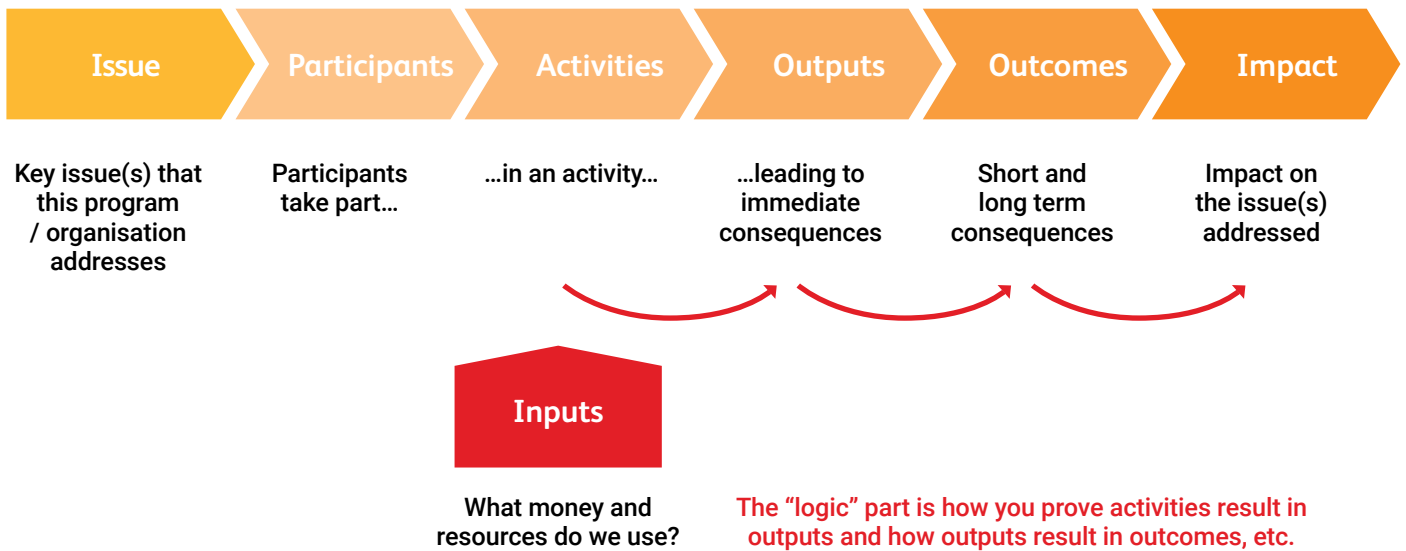
When a School Lawyer Program is commencing, the Design phase will be of critical importance. Accordingly, this Framework gives some more detailed guidance on this phase.

In this phase, it is important to identify:

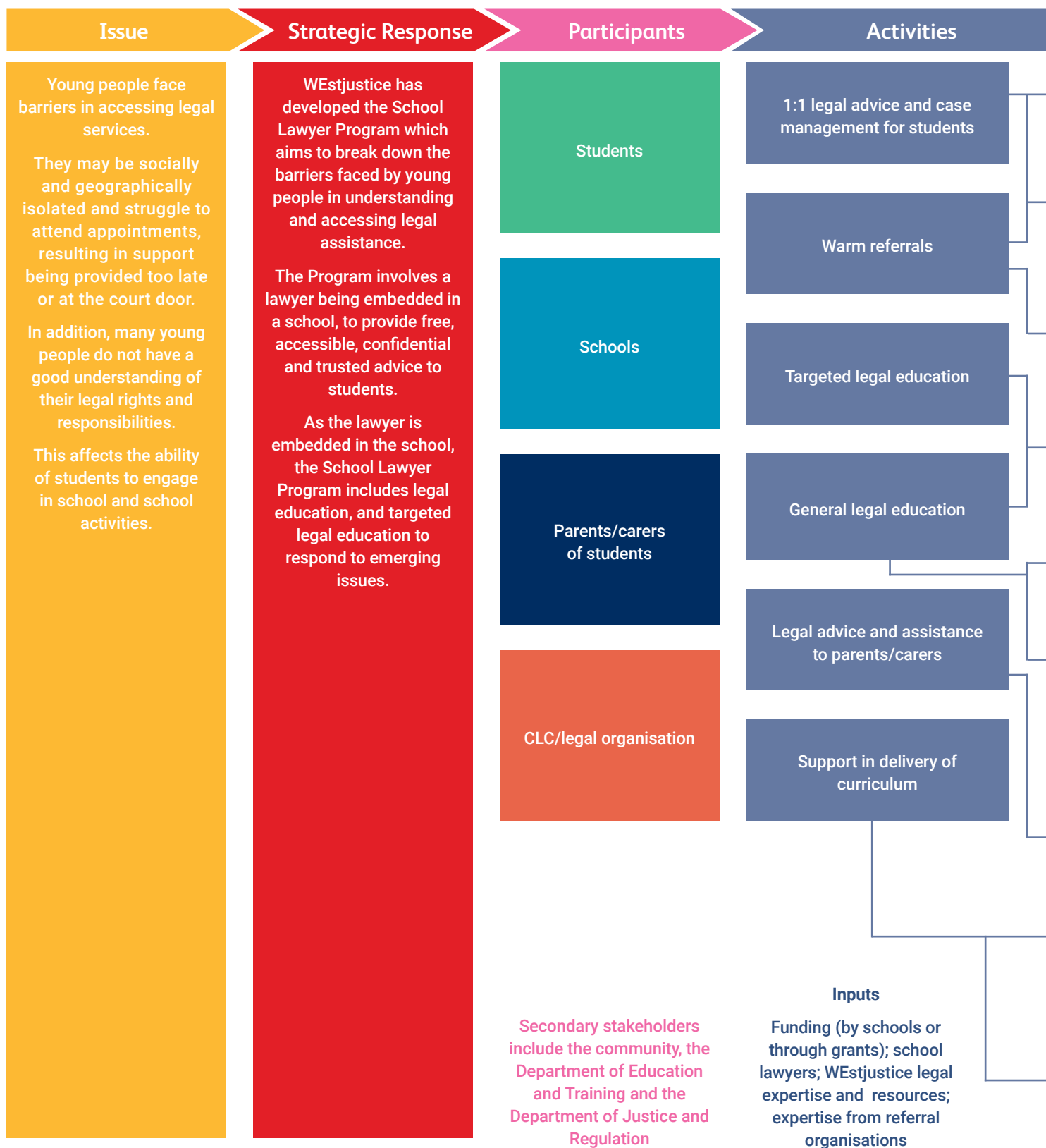
- The outcomes to be measured;
- Key indicators to inform progress towards achievement of a particular outcome; and
- Data sources which will inform indicators and the timing of the availability of this data.

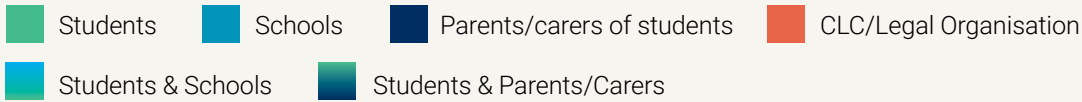
A. OUTCOMES TO BE MEASURED

Developing a logic model can help to show the links between the activities of the School Lawyer Program and the intended outcomes for beneficiaries:



The logic model developed for the School Lawyer Programs developed and delivered by WEstjustice is included below as an example:

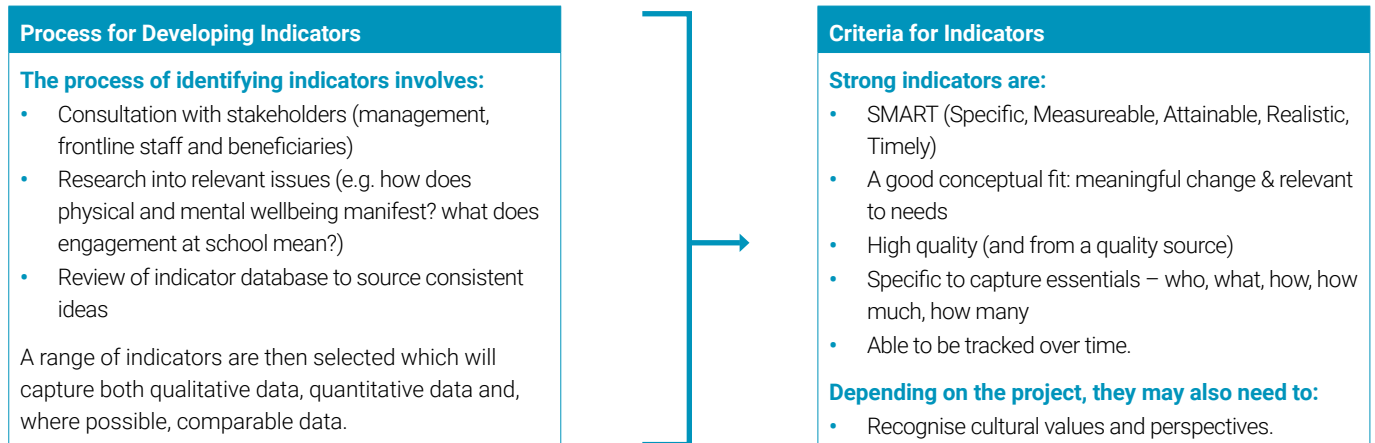




B. INDICATORS

Once outcomes have been identified, it is important to develop the indicators that will be used to measure these outcomes. This is usually done through a consultative process and/or using research.

A high-level outline of how to develop indicators is below:



C. DATA SOURCES AND TIMING

For each indicator, it will be important to identify a data source and develop a plan for when the data will be collected. It is recommended to first understand what data the school or legal organisation is already collecting. If there is no existing data source, consider how it could be collected, for example, by student survey.

Below is a worked example of what a School Lawyer Program’s outcome monitoring tool may look like:

Beneficiary	Outcome	Indicator	Source	Timing
Which beneficiary group does this outcome relate to?	What does the change look like?	How will we measure change?	Who holds this data?	When will the data be collected?
Student	Students feel more focussed in the classroom	Change in motivation and interest at school (for year 7–9 cohort and year 10-12 cohort)	School – DET Attitudes to School Survey	Annually
Student	Students have an increased understanding of rights, responsibilities, legal system	Change in understanding of a,b,c legal topic for x,y, z student cohort	School Lawyer – surveys conducted after legal education sessions	Quarterly
Schools	Wellbeing team receives increased referrals	Change in % of students in a, b, c cohorts who engage with wellbeing team	School wellbeing team – attendance data	Quarterly

