

LEGAL SERVICES FOR QASSP MEMBERS



INTRODUCTION:

The Queensland Association of State School Principals (“**QASSP**”) has partnered with FC Lawyers (“**FCL**”) to provide QASSP members with legal services, tailored to meet the needs of school leaders. The service is known as Legal Services QASSP (“**LSQ**”).

The LSQ service will be available to all members of QASSP and its Affiliated Associations who become members of LSQ by paying an annual fee to QASSP (“**LSQ Members**”) as detailed in paragraph 7.

1. What free legal services are offered?

Legal services extend to both civil and criminal matters provided that they arise out of the course of a LSQ Member’s employment, for example:

- Investigations into disciplinary matters
- Employment conditions i.e. workers compensation etc
- Complaint or allegation by a parent, community member, student or staff member
- Accident involving a student or a staff member
- Bullying and Harassment
- Defamation
- Assault allegations
- Police investigations

LSQ Members will receive free assistance to prepare applications for indemnity and

legal assistance from the State of Queensland and any additional legal support reasonably required prior to indemnity being granted.

Most members of QASSP are unlikely to be subject to defamation or police investigations. The most common issue which arises for QASSP Members comes from a complaint or allegation made by a parent, student, staff member or supervisor.

In these cases, the first step to resolving legal issues is to engage in a Conciliation process (explained below at paragraphs 8 to 12). This opportunity is offered by FCL as the first step in resolving any dispute for LSQ Members.

2. Who is eligible for free legal services?

All financial QASSP members, including those in rural and remote areas, who have paid the fee detailed at paragraph 7 are eligible to receive free legal services.

Free legal services may also be provided to an individual who was a financial member of QASSP and LSQ for a period of at least 12 months, at the time the action arose, but who is now not a member, provided it is reasonable in all the circumstances.

3. What is the cap on legal fees?

Every LSQ Member will be entitled to speak with a solicitor at FCL at any time, free of charge. LSQ Members will also be entitled to a free initial consultation, no matter how long this consultation may take. The annual LSQ membership fee covers all initial consultations.

There is no limit on the number of initial consultations an LSQ Member can have in any year, provided that each initial consultation is in relation to a different matter.

If after attending an initial consultation and, if appropriate, participating in a Conciliation process, it is necessary to take the matter further, FCL will provide legal services as follows:

- a. On a speculative basis, which is essentially a “no win, no fee” policy;
- OR
- b. At the rate of 70% of the solicitor’s normal charge out rate.

The solicitor’s charge out rate will depend on the nature and complexity of the matter, as well the solicitor’s level of

seniority and will be negotiated between the two parties prior to work commencing and evidenced in writing.

Occasionally, it may be necessary to engage a barrister to either provide an expert opinion, or to appear on behalf of the LSQ Member on a technical point before the Courts.

If the rare need arises to brief a barrister, FCL will recommend to the LSQ Member a number of barristers with whom the firm has an extensive working relationship. The barrister’s fees differ in range depending on the circumstances of the case and the barrister’s seniority.

The LSQ Member will be liable to pay the barrister’s legal fees, however, depending on the nature of the matter, the barrister may perform work on a speculative basis.

4. What about legal matters which do not arise out of the course of a LSQ Member’s employment?

All LSQ Members are entitled to a free initial consultation for each unrelated case within a year. LSQ Members who utilise FCL will not have to pay additional fees for initial consultations for unrelated matters (i.e. matters which do not relate to any matters already under foot). The extent of the legal assistance provided will have to be decided on a case by case basis at the discretion of FCL.

5. When are legal services declined?

Legal services may be declined if a claim has little to no prospects of success. This is because FCL are bound by professional standards which do not permit them to conduct cases which have no prospects of success, are unreasonable or “a waste of the Court’s time”.

However, legal services will always be provided to the extent necessary to

ensure that the LSQ Member is able to continue being employed or at the very least, to ensure that the LSQ Member's future employment prospects are protected.

6. What other free services are provided?

All LSQ Members are entitled to a free initial consultation, regardless of the nature of their legal query.

LSQ members are also entitled to one free formal letter of advice (valued at \$200.00) if required.

LSQ Members may wish to have their Wills drafted, via our online portal or have a letter issued on their behalf, free of charge.

FCL also has a number of blogs which LSQ Members will access and use as an educational tool. Some of the blogs currently run by FCL are:

- Wills Estates Probate Lawyers
- Visa Australia
- FC Lawyers Website

FCL will provide LSQ Members with access to webinars on issues topical to educators and access to their newsletter which is issued on a quarterly basis.

All LSQ Members will also be entitled to participate in a Conciliation process when appropriate as detailed below in paragraphs 8 – 12.

7. How do QASSP members become LSQ Members?

Any QASSP Member can become an LSQ Member, provided they pay an additional fee of \$399.00 including GST per annum to QASSP and complete the **attached** LSQ Membership Application Form.

8. What is a Conciliation process?

Conciliation is an informal and confidential process where a Conciliator acts as an independent third party to bring the parties to an agreed resolution. This conciliation process is free to LSQ Members.

The Conciliation process will be facilitated by FCL. All parties involved, are encouraged to bring along a support person.

As part of the Conciliation process, each party will be asked to prepare an outline of their concerns/position which is no more than two pages in length to be given to the Conciliator and the other party.

9. Member v Member?

When a QASSP member is involved in a dispute with another QASSP member, they will be offered the opportunity to participate in a Conciliation process (free of charge), provided that one of the members is also a LSQ Member. This is unless, in the opinion of FCL, attempts at resolving the matter will be futile.

FCL can provide legal services in a dispute between two QASSP members (i.e. Principal v Deputy Principal).

FCL will act as a neutral third party that provides common sense, pragmatic solutions within a legal context.

10. LSQ Member v QASSP Non-Member?

The Conciliation process is available to all LSQ Members even when they are involved in a dispute with a non-member of QASSP or the LSQ service.

The QASSP non-member will be welcome to participate in the Conciliation process free of charge.

11. Why participate in a Conciliation process?

The philosophy behind a Conciliation process is that most disputes can be resolved via simple, open communication between parties. Furthermore, even if at the conclusion of the Conciliation process, the dispute has not been resolved, at least the issues in the dispute can be narrowed.

12. What if the Conciliation process fails or if legal action is required immediately?

FCL will promptly recommend the best course of action. If the dispute is between two parties who are both members of the LSQ, legal representation will be organized in accordance with the professional legal standards to ensure that there is no conflict of interest. In some cases, legal work may be outsourced to another firm.

13. QASSP Affiliated Associations:

- Queensland Secondary Principals Association (QSPA);
- Queensland Association of Special Education Leaders (QASEL);
- Queensland Association of Combined Sector Leaders.