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NEWS

Parents win cash for legal fights against the Government - if they're allowed it

LAUREN NOVAK POLITICAL REPORTER • THE ADVERTISER • DECEMBER 08, 2013 11:34PM



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PARENTS involved in disputes with the Education Department will be able to apply for government funding to obtain independent legal advice.

But they will have to apply through the same department they are fighting in order to gain access to the money.

The State Government will also initiate a review of the powers and responsibilities of parents who sit on school and preschool governing councils.

A new mediation process for disputes with the Education Department will also be introduced.

The changes were prompted by the [Debelle royal commission](#), which found the department's legal unit gave incorrect advice to parents on the governing council of a western suburbs school where a student was raped in 2010.

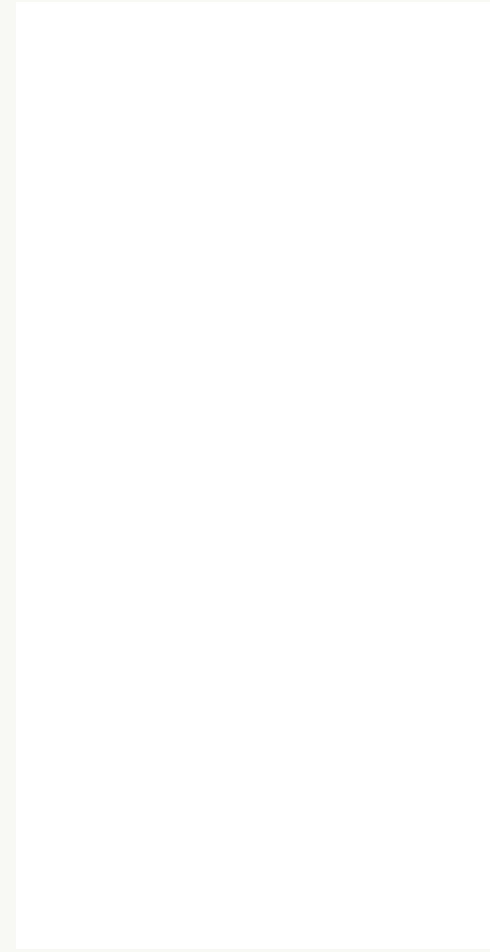
The council was told a suppression order prevented them from telling other parents.

At the time, parents on the governing council said they could not afford to seek independent advice to fight the department.

Former judge Bruce Debelle recommended the Government establish a fund to pay for legal advice when a governing council is in dispute with the department in future. It should be administered by the Crown Solicitor's office, he said.

Education Minister Jennifer Rankine has announced the department will now pay for such advice but would not say how much money would be made available.

Ms Rankine said a review of governing councils would consider whether a permanent fund should be set up.



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Under the new policy the chairman of a governing council can apply to the department's chief executive or chief education officer, who will refer the request to the Crown Solicitor.

A government spokeswoman said the department would not assess the request but would act as a conduit.

All decisions about granting funding would be made by the Crown Solicitor, she said.

But parents have raised concerns about the new process, saying they do not trust that the department will not interfere. They want an independent body to administer a fund quarantined from the department.

The group representing public school governing councillors, the SA Association of State School Organisations, has asked the Government to consider allowing it to administer the process.

SAASSO director David Knuckey said the new policy sent the message to parents: "If you want to challenge a department decision you've got to get the department's permission".

"There isn't a lot of trust (in the department) at the moment," he said.

"You'll have to apply to the very people that you're complaining about."

Danyse Soester, a mother and governing council member at the western suburbs school in 2010, has been lobbying the government to establish an education ombudsman.

The Government is opposed to the idea but the Opposition has pledged one if it wins the March election.

Ms Soester said SAASSO or an education ombudsman should be the first point of call for parents seeking funding for legal advice.

"If we're going to objectively look at what's happening in the department, we can't ask the department to do that," she said. "They've proven multiple times that they're not willing to do that."

"It's all about independence."

Former Victorian education minister and ex-South Australian teacher Bronwyn Pike will undertake a review of the role and responsibilities of governing councils, the training members receive and mediation processes when disputes with the department arise.

Public consultation will begin early in the new year and all parents, school and preschool staff will be invited to participate.

Ms Rankine said she expected the review to be complete by the middle of the year and changes to be implemented before the 2015 school year begins.

"Our aim is to make sure governing councils are supported and have a clearer set of guidelines," she said.

"Most importantly, all governing councils, parents, school and preschool staff will have the opportunity to participate in the review process."

In the meantime, the Education Department will introduce an interim mediation process to handle disputes.

Once an issue has been endorsed by a governing council as requiring mediation, the chairman must contact the department's chief education officer to request an independent mediator be called in.

The department will pay the costs.

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Parents win cash for legal fights



PARENTS involved in disputes with the Education Department will be able to apply for government funding to obtain independent legal advice.

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Parents have expressed concerns with this process, questioning whether the department will be impartial. in agreeing to pay for an independent mediator.

Governing councils are responsible for setting school policies covering issues such as sun safety, uniforms, homework and school hours.

They run the out-of-school-hours care program and school canteen and advise on the hiring of principals.

Mr Knuckey said less than half of governing councillors underwent formal training.

He has lobbied the Government to provide funding for SAASSO to run training workshops and to make training mandatory.

Opposition education spokesman David Pisoni said parents should be able to apply directly to the Crown Solicitor's office.

He said some parents would be intimidated by having to apply through the department.

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