



# **Meeting the training and development needs of workers in legal assistance services**

**FINAL REPORT**

December 2015



Queensland Association of  
Independent Legal Services Inc



Queensland Association of Independent Legal Services (**QAILS**) is the peak body for community legal centres in Queensland and its vision is for a fair and just Queensland.

To achieve this, QAILS supports and develops community legal centres to provide effective, high quality services to their communities, and leads to unite its members and be a leading voice for social justice.

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**QAILS:** James Farrell, Peter Mott

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We are grateful to Kingsford Legal Centre for permission to use their video *Getting off the referral roundabout: effective legal referral* in our online referral module for legal assistance workers.

Thanks to members of the Project's steering committee.

We would like to acknowledge the support of workers from across the community legal sector who contributed to this Project, and who work tirelessly every day to provide access to justice to vulnerable Queenslanders.

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## Executive Summary

This Training and Development project has developed the following outputs:

- this research report, which details the learning and development needs of Queensland's community legal assistance sector;
- proposed priority training needs for the next two years, which aligns with QAILS's 2014-17 strategic plan and is deliverable within existing resource constraints (pages 4-5); this report adds to a growing collection of reports<sup>1</sup> that recommends a specialist training coordinator to increase QAILS's capacity to provide tailored, focussed and effective training to workers in Queensland's community legal centres.
- resources to assist in the development and delivery of training and development modules for legal assistance sector workers, which are attached to this report:
  - *Developing a webinar for legal assistance workers* (**Appendix 3**);
  - *Evaluating a webinar for legal assistance workers* (**Appendix 4**);
  - *Self-directed learning: a [recipe?] for legal assistance workers* (**Appendix 5**);(these resources are also available on the QAILS website at [http://www.qails.org.au/01\\_cms/details.asp?ID=355](http://www.qails.org.au/01_cms/details.asp?ID=355))
- Two online learning modules, available on the QAILS website at [http://www.qails.org.au/01\\_cms/details.asp?ID=355](http://www.qails.org.au/01_cms/details.asp?ID=355):
  - *Induction for new legal assistance workers*
  - *How to make effective referrals*

Queensland's community legal assistance sector is facing considerable pressure to meet the growing level of demand by the community for legal help, without any commensurate increase in Government investment. This increase in the level of demand for legal assistance services is occurring at a time of greater complexity in the social and legal issues people are facing, especially those experiencing vulnerability. The current focus on family violence provides a powerful example of the pivotal role community legal services play in providing holistic services to people at times of significant crisis in their lives.

Legal assistance services are continually drawing on their long history of developing innovative, responsive and flexible service models to meet complex needs. While increased funding is essential to meet this growing community demand for legal assistance services, this report focuses on another critical aspect of the sustainability of the legal assistance sector; the development and maintenance of a highly skilled and well trained workforce.

This final report details the learning and developments needs of Queensland's community legal assistance sector, identified through research comprising an online survey, strategic interviews and literature review.

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<sup>1</sup> See, eg, Queensland Advocacy Incorporated and Queensland Association of Independent Legal Services, *Specialist Services Accessibility Project — Final Report* (2014).

The report finds that the legal assistance workforce faces considerable cost and time barriers to achieving their need for professional development. These barriers are particularly pronounced for workers in rural and remote regions, confirm findings from a range of earlier studies.

Workers identify the important role of e-learning, particularly webinars, in helping to overcome some of cost and time barriers but highlight the lack of relevant content targeting the specific learning needs of the community legal assistance workforce. QAILS existing series of webinars are highly regarded and respondents highlighted that they meet an identified training need. Respondents requested QAILS' existing webinar series be extended, developed into a structured training program and increase in frequency.

Respondents identified a specific ongoing learning and development role for QAILS, noting the challenges of catering to the training needs of a diverse and geographically dispersed workforce. Respondents suggested a range of learning and development roles for QAILS, noting the importance of state-based initiatives, such as the annual State Conference and the annual QAILS workshop. These events were identified as particularly important for workers in Co-ordinator roles and/or with responsibility for risk management and PII.

Respondents stated this state-wide support would allow workers to be more strategic in planning their professional development. Further suggested learning and development roles for QAILS include:

- securing training opportunities based on identified need,
- developing cross-sector training partnerships,
- leveraging fee-based training at a discount rate,
- co-ordinating mini-regional conferences and
- developing sector specific training content.

QAILS recommends that ongoing funding be made available for a training officer to coordinate and deliver a range of web-based and face-to-face training opportunities state wide.

Workers also recognised the importance of engaging in learning communities of practice and drawing upon the depth of skill and knowledge within the sector. For workers in rural and regional areas, developing communities of practice can assist with combating isolation.

In a context of high demand and limited resources, workers feel they have little option but to continually de-prioritise their training needs. While learning and development is considered essential to maintain currency in legal knowledge and professional skills, many workers reported that finding time for either individual training or team-based learning was a considerable challenge.

The requirements to meet professional obligations through CPD points is therefore critical in ensuring training is attended. This obligation operates to prioritise some professional development, though it is limited to those workers with the relevant profession, such as lawyers and social workers.

This report provides a summary of the development of online training resources, now available on the QAILS website:

- induction module for all new workers in the sector; and
- *how to make effective referrals* module targeting both new and experienced workers, with the objective of enhancing the effectiveness of workers in the sector referring clients between legal assistance services and to other community agencies.

The legal assistance workforce requires a learning and development program that is targeted, accessible and responsive to the reality of a high demand working environment. By simultaneously drawing upon the possibilities of self-directed e-learning and implementing strategies to enhance communities of learning practice, workers will feel supported in their daily challenges of responding to the increasing complex legal needs of their community.



## 2016-17 proposed QAILS training priorities

The following training priorities are based on respondent feedback from the 2015 QAILS online learning and development survey. While current at time of publication, these training priorities remain subject to change.

AREA OF LAW	TOPIC	TYPE	LEARNING OUTCOMES	PRESENTER
Family	Recent developments in domestic violence case law	QAILS webinar	Participants will be able to: <ul style="list-style-type: none"> <li>draw on recent cases to enhance their casework responses to client need</li> <li>identify and apply appropriate legal protections to survivors of family violence</li> </ul>	Kylie Hillard Qld Bar Association
	Safety planning around technology	QAILS webinar	Participants will be able to: <ul style="list-style-type: none"> <li>provide clients with practical steps to protect themselves from being monitored, stalked or harassed through technology</li> <li>discuss the issues around protecting the online security, privacy and reputation of survivors of domestic violence</li> </ul>	TBC
	Child Protection	QAILS webinar	Participants will be able to: <ul style="list-style-type: none"> <li>outline the legal processes and core principles involved in child protection cases</li> <li>identify effective strategies for empowering clients to navigate the child protection system</li> </ul>	Nigel Miller Legal Aid Qld
Civil & Administrative	Fair Work Ombudsman(FWO) & CLCs working together	QAILS webinar	Participants will be able to: <ul style="list-style-type: none"> <li>explain to clients how the FWO is able to assist them with workplace legal issues</li> <li>identify effective strategies for working with clients to exercise basic rights at work</li> </ul>	TBC
	Recovering unpaid wages	QAILS webinar	Participants will be able to: <ul style="list-style-type: none"> <li>explain to clients the legal options available to recover unpaid wages</li> <li>develop effective and practical strategies to empower clients to get their entitlements</li> </ul>	Michael Murray (TCLS)
	Accessing superannuation early: tips & pitfalls	QAILS webinar	Participants will be able to: <ul style="list-style-type: none"> <li>explain to clients their legal options for early access to superannuation</li> <li>apply relevant legal principles through practical advice to clients</li> </ul>	Paul Watson Watson Law Group

			wanting early access to their superannuation	
<b>Risk Management</b>	Improving our supervision of students and volunteers	QAILS webinar	Participants will be able to: <ul style="list-style-type: none"> <li>tailor supervision to suit the practice context</li> <li>foster effective supervision practices to enhance contributions of students and volunteers</li> </ul>	Jeff Giddings  Griffith Law School
	Ethical dilemmas of lawyers and social workers working together in a multidisciplinary service	QAILS webinar	Participants will be able to: <ul style="list-style-type: none"> <li>develop strategies for meeting the needs of clients experiencing vulnerability that account for different professions code of ethics</li> <li>explain the implications for practice of working in multidisciplinary teams</li> </ul>	Warren Strange & Amanda Whelan (knowmore)
<b>People skills</b>	Lived experience and working with dual diagnosis	External provider	Participants will be able to: <ul style="list-style-type: none"> <li>explain the impacts of co-existing mental health and substance use on client's capacity to access &amp; assert their rights</li> <li>provide practical strategies for helping clients with dual diagnosis respond to their legal issues</li> </ul>	QuiHN
	Suicide awareness	External provider online modules	Participants will be able to: <ul style="list-style-type: none"> <li>explain the legal and ethical implications for legal assistance workers working with people at risk of self-harm</li> <li>implement strategies to effectively intervene to assist clients experiencing suicidal ideation</li> </ul>	Salvation Army



## Background

In 2014 QAILS successfully tendered for the Training and Development Project: 2014-2015 (the Project) LPITAF grant through the Department of Justice and Attorney-General (DJAG).<sup>2</sup> The Project's key deliverable is to provide a training and development model to be implemented within legal assistance services across Queensland to:

1. induct new staff delivering legal assistance services and
2. develop the skills and expertise of staff.

The Project's scope includes a consideration of the training and development needs of all paid staff within community organisations delivering legal assistance services in Queensland. Topic areas under deliberation include:

- key areas of law for legal assistance lawyers,
- effective referrals between legal assistance services and other community services, including between specialist and generalist centres,
- client skills, including client interviewing, working with vulnerable groups, communications skills and cultural competencies and
- professional responsibilities and risk management.

The Project brief specifies an investigation into no cost and low cost methods for delivering the program of training and development, as well as, mechanisms for maintaining currency.

QAILS employed a part-time Learning and Development Project Officer in 2015.

A steering committee with broad representation from the legal assistance sector in Queensland and other jurisdictions was established, with an agreed terms of reference, to provide guidance for the Project. **Appendix 2** provides a list of the steering group members and terms of reference.

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<sup>2</sup> See **Appendix 1** for more details.

## Methodology

Identifying how our sector engages with professional development is a critical component of improving our ability to meet the growing and increasingly complex needs of the people who rely on our services to receive legal assistance. To better understand the training and development needs of our sector a mapping process was established to provide a snapshot of the diverse learning needs of the estimated **500-600** workers within the sector.

It was considered imperative that any proposed models of training and development reflect the sector's diversity of experience, skills and professions.<sup>3</sup> Accordingly the chosen methodology for the Project comprised a mix of online survey, strategic interviews and desktop research.

### Online survey

An online survey was created, as a needs mapping tool, to provide workers in the legal assistance sector with an opportunity to identify their training and development needs. It incorporated questions around induction, current and future training needs. The anonymous 10 minute survey used a combination of scaling and open-ended questions to provide participants with an opportunity to reflect on their induction and training experiences, rate the importance of nominated topics to their future training needs, identify barriers to professional development and to provide suggestions for future training material.

Given the time constraints involved in eliciting and analysing the survey data, the steering committee decided to confine the training needs survey to paid workers.

In developing the survey it was considered imperative to reflect the diversity of the workforce in terms of current job role, length of employment in the sector, service location and hours of employment. All these were considered to be factors that would impact on identification of training needs and capacity to access appropriate training.

The online survey was road tested by the steering committee and workers in the sector, resulting in considerable fine-tuning before going live to the sector.

As the primary research tool for obtaining input from the sector's workforce the specific aims of the online survey were to gain a better understanding of:

- what works well with existing models of induction,
- how workers identify their training and professional development needs,
- priority areas for training and
- preferred learning methods, trainers and training courses.

The online survey was promoted through QAILS' communication channels. An email with the survey link was sent to all centre co-ordinators with an open invitation to pass this on to all paid staff. The survey was open for two weeks and a total of 50 responses were received. A detailed analysis of the survey findings are covered later in this report.

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<sup>3</sup> National Association of Community Legal Centres, *National Census of Community Legal Centres — 2014 Queensland Report* (2015).

## Strategic interviews

A series of key stakeholder interviews were held with individuals to provide a comparative analysis of models of induction and training across the sector and interstate. These interviews are drawn upon throughout this report to inform and contextualise the findings. Interviewees included

- John Hanley (Principal Learning and Development Officer, Legal Aid Queensland)
- Josephine Webb (Manager Learning and Professional Development, Queensland Law Society)
- Jude Clarkin (Regional Accreditation Co-ordinator, QAILS)
- Greg Shadbolt (Principal Legal Officer, ATSILS)
- Katie Fraser (Sector Development Manager, Federation of CLCs Victoria)
- Patrycja Arvidssen (Learning & Development Co-ordinator, Tenants Union NSW)
- Philippa Davis (Solicitor, Womens Legal Service NSW)
- Tracey Hanshaw (Continuing Professional Development Project Officer, Financial and Consumer Rights Council Victoria)

## Desktop research

Desktop research was undertaken to identify models of training and development utilised in similar professions for recent graduates; this task was completed by volunteer students from the UQ Pro Bono Centre (Amy Clarke and Caleb Theunissen), and we gratefully acknowledge this work. This research is included in this Project report, at **Appendix 7**. Information about another useful comparison – for financial counsellors – is attached at **Appendix 8**.

The Project also conducted a review of existing training opportunities that QAILS considers meets needs identified in the survey. A table, outlining recent training and online resources, is available at **Appendix 6**.

## Summary of survey findings

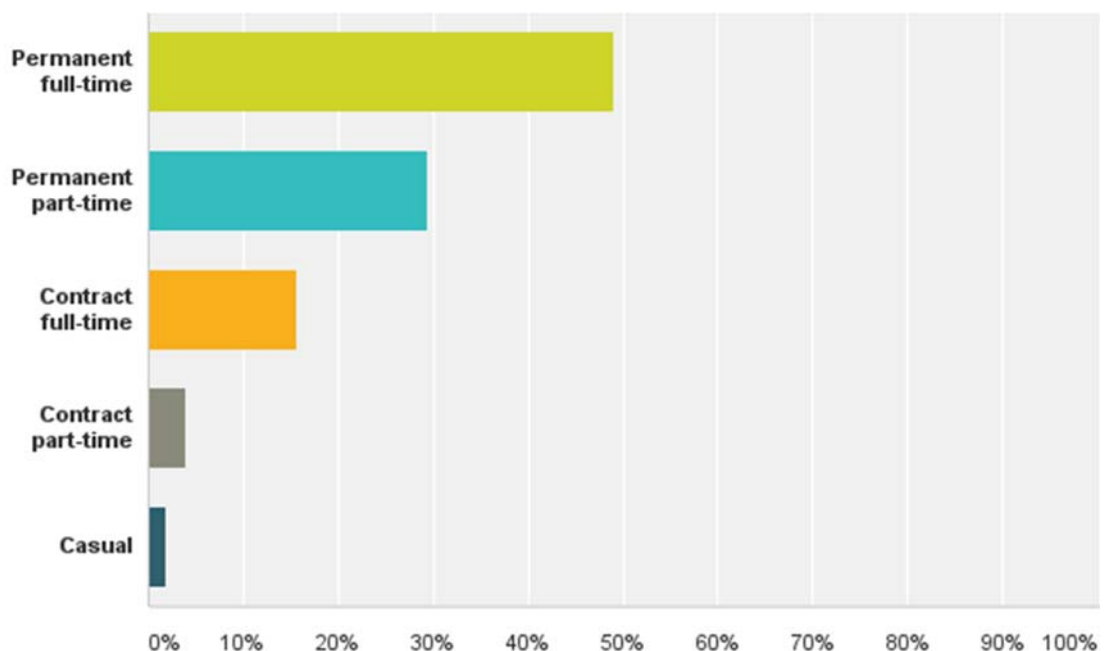
At close of the survey a total of 50 responses had been received representing a **xx** response rate. The breakdown of respondents by employment status, employment type, centre location and service delivery indicate a cross-section of the sector was captured by the survey.

The following sections provide a demographic breakdown of respondents.

### Profile of the respondents

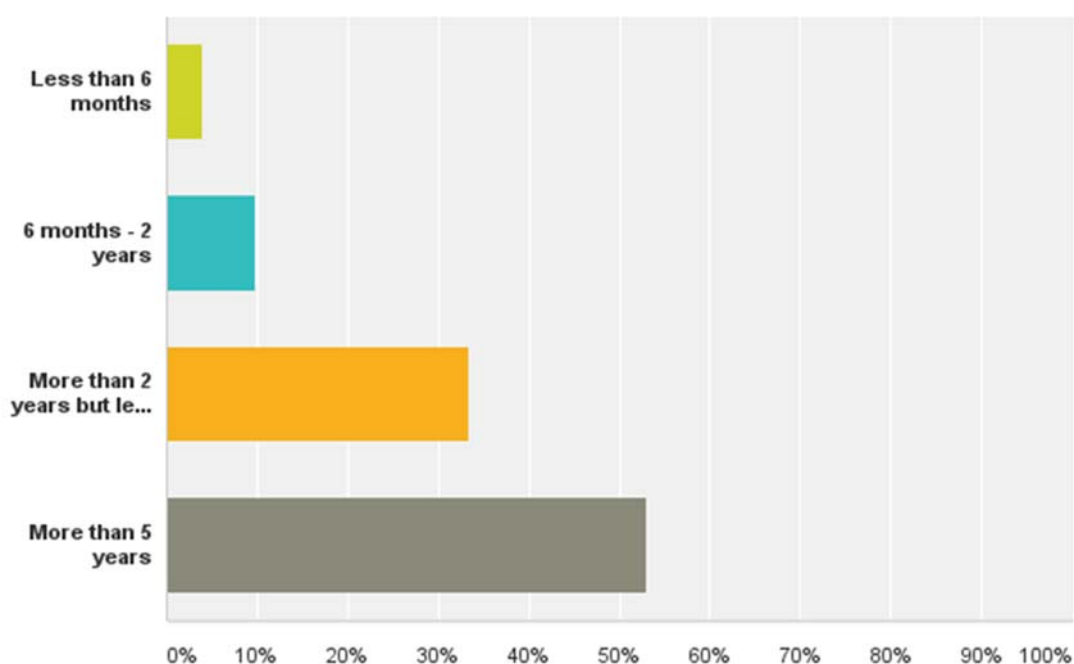
Just over half of the respondents identified their job-role as being a lawyer (56%) with the next largest professional grouping being co-ordinator/manager/administrator (28%). Almost half were employed in a permanent full-time capacity, with a further 28% identifying as being employed in a permanent part-time capacity as demonstrated in Figure 1.

**Figure 1 – working hours**



A slight majority (51%) stated they worked in a specialist centre, with almost half (48.9%) identifying they worked in a generalist centre. As shown by Figure 2, just over half of the respondents (55.1%) had been employed in the sector for over 5 years, with a further 30% stating they had worked in the sector between 2 – 5 years.

**Figure 2 – length of employment**



More than half of the respondents (56%) noted that they had previously worked in private practice, with just over a third of respondents (36%) noted that they had previously worked at another community legal centre .

While an overwhelming majority (70%) stated they were Brisbane based, a significant number (26.5%) identified being based in a rural or regional centre. It is important to note that Brisbane based workers, especially those in specialist centres, are likely to provide legal assistance services to clients living in rural and remote areas.

A snapshot of respondents:

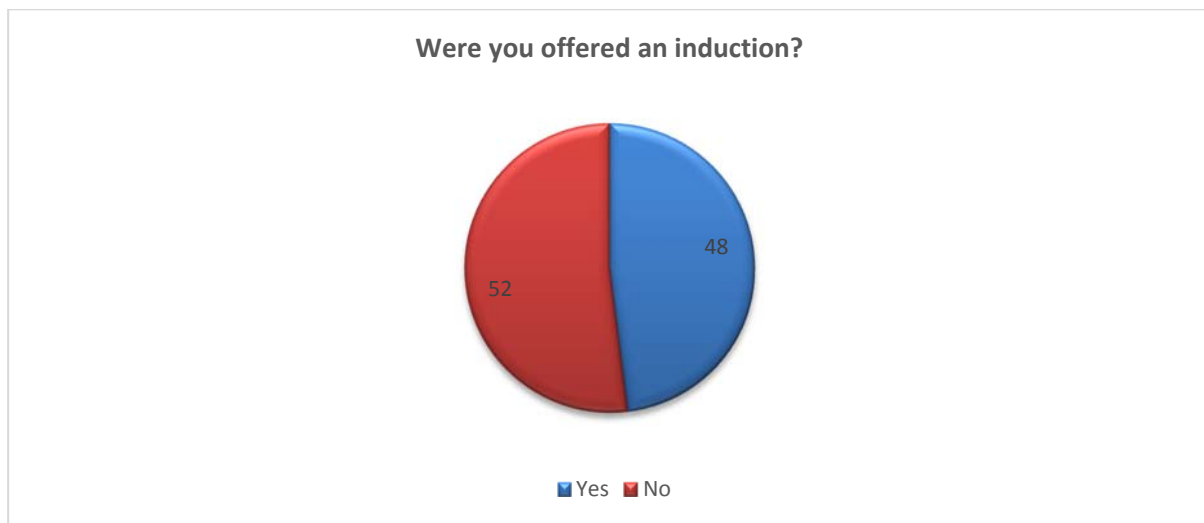
- 55.10% identified as lawyers
- 26.53% of respondents were based in a rural or regional centre
- 48.98% were employed in a permanent full-time capacity
- 51.02% were employed in a specialist centre
- 48.98% were employed in a generalist centre
- 55.10% had been employed in CLCs > 5 years
- 30.61% stated they had been employed > than 2 years and < 5 years

### **What works well with existing models of induction?**

One of the key questions for the Project to consider was the extent to which existing models of induction meet the needs of new workers in the sector.

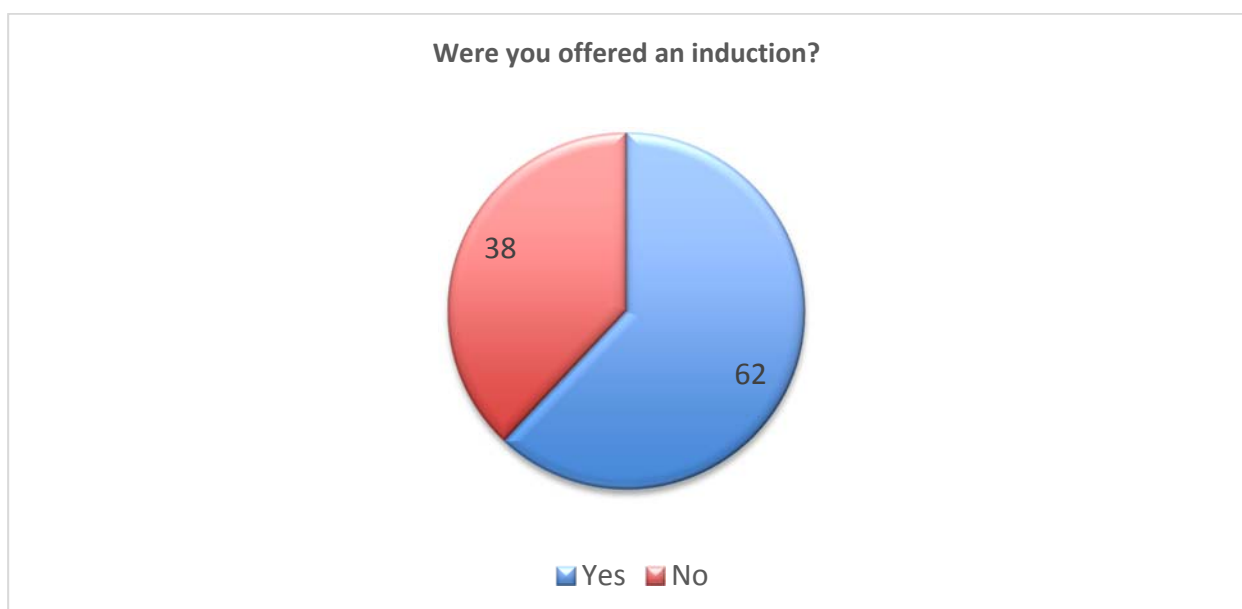
An initial question provided feedback on the prevalence of formal inductions for new workers. Just over half of the respondents noted they had been offered an induction.

**Figure 3 – prevalence of induction processes for all workers**



However when the responses of workers in the sector for less than five years are considered, the extent of induction significantly increases with 62% stating they underwent an induction process.

**Figure 4 – prevalence of induction processes for workers with less than five years experience**

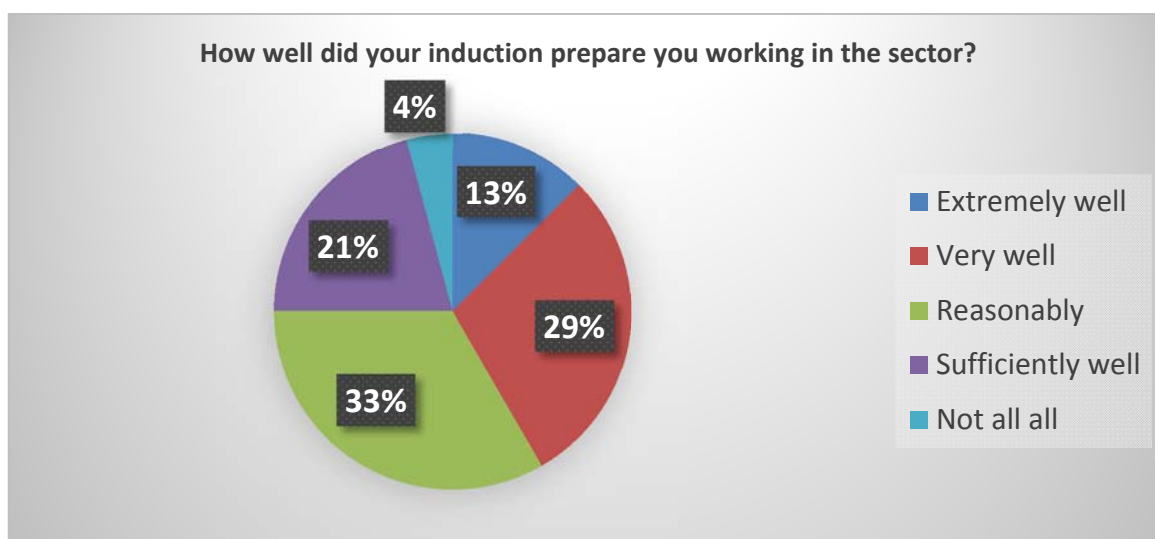


To ascertain the effectiveness of existing induction processes, survey respondents were asked to consider how well their orientation prepared them from the following two perspectives:

1. undertaking their new job role and
2. working in the legal assistance sector.

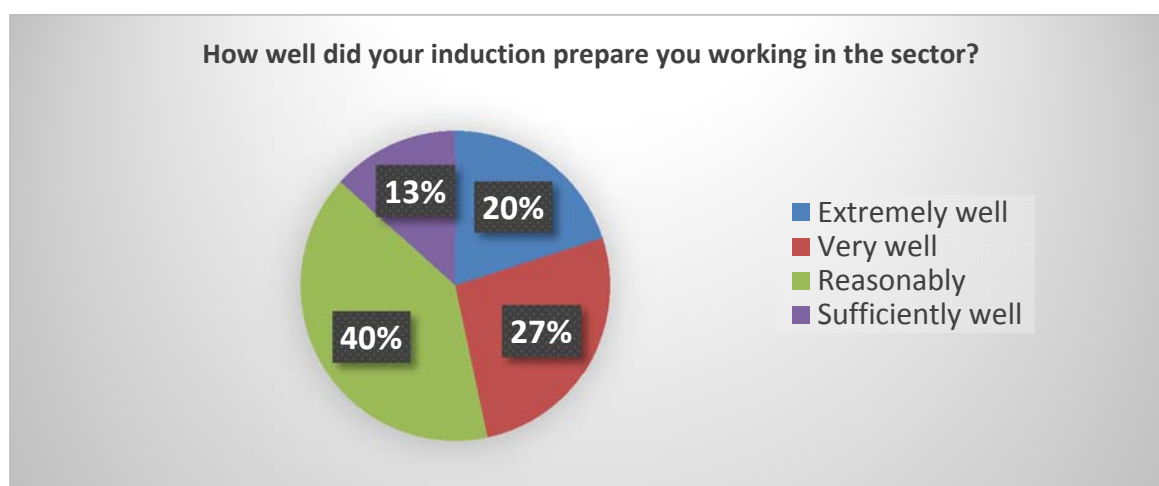
The survey offered respondents the opportunity to reflect on how well their induction prepared them for working in the sector. The results outlined in Figure 5 suggest this is an area to be addressed through this Project as less than half (42%) rated their induction as preparing them very well or extremely well for work in the sector.

**Figure 5 – effectiveness of induction processes for all workers**



It is interesting to note however that these figures significantly improve when filtering the responses based on workers who have entered the sector in the past five years as shown in Figure 6.

**Figure 6 – effectiveness of induction processes for workers < 5 years**



While the survey results do not identify reasons for this improvement, it is tentatively suggested the following factors might have played a role:

- the national accreditation process with its emphasis on standards for staffing and volunteers,
- more experienced workers moving into management roles and drawing upon their induction experiences to implement improvements and
- consolidation of the role of QAILS for induction into networks and the broader sector.

Workers identified several factors they felt contributed to an effective induction process including:



- well-structured program with clear and concise notes,
- checklists to identify what information and/or policies would be covered,
- allocation of time for unstructured learning,
- allocation of time with direct supervisor to discuss role expectations,
- introduction into the broader sector of legal assistance services,
- formal briefings with other workers, especially those engaged in other teams or services within the centre and
- an atmosphere of welcoming questions.

Workers also identified areas in which they felt their induction, or new worker induction generally, could be improved. These suggestions included:

- breaking knowledge down into 'chunks' to make it easier to digest and remember,
- **more structure around learning data entry (CLISIS) prior to having to use it (JF comment),**
- drawing upon a variety of methods to assist with comprehending risk management, apart from expecting people to read large volumes of policy,
- structured handover with previous incumbent in position and
- guided learning around the history of the sector and current networks.

The Project has developed an induction module that seeks to consolidate recent gains in this area and build upon the strategic role of QAILS in representing the sector at the state and national levels. The induction module has a particular focus on establishing awareness among new workers and volunteers of the underpinning philosophy, rich history and current challenges facing the independent legal assistance sector at the state and national level.

## Key areas of training need

A primary research focus of the Project was identifying the training needs of legal assistance workers. Given the diversity of background, experience, job roles and professional status evident within the sector's workforce it was decided to divide the training needs into three broad areas:

1. legal knowledge
2. client skills
3. professional responsibilities and risk management

To identify the relevant skills and knowledge in each of the above areas, the survey provided workers with an opportunity to summarise critical knowledge/skills for the sector broadly and their role in particular. Each broad area was divided into a set of sub-topics. Respondents were invited to rate each sub-topic on a sliding scale from unimportant to very important according to the importance of training in this area to their job role.

The following sections will consider each of these broad areas in turn.

## Legal Knowledge

For the survey, legal knowledge was divided into three broad areas:

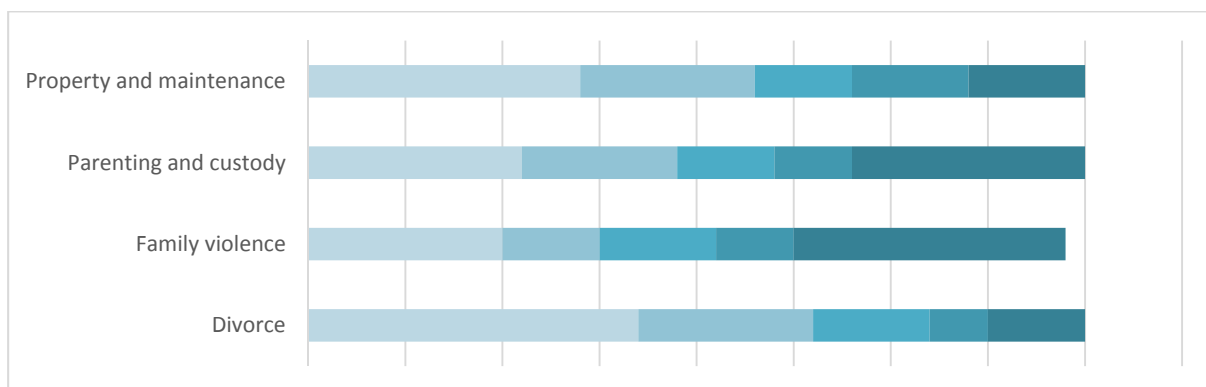
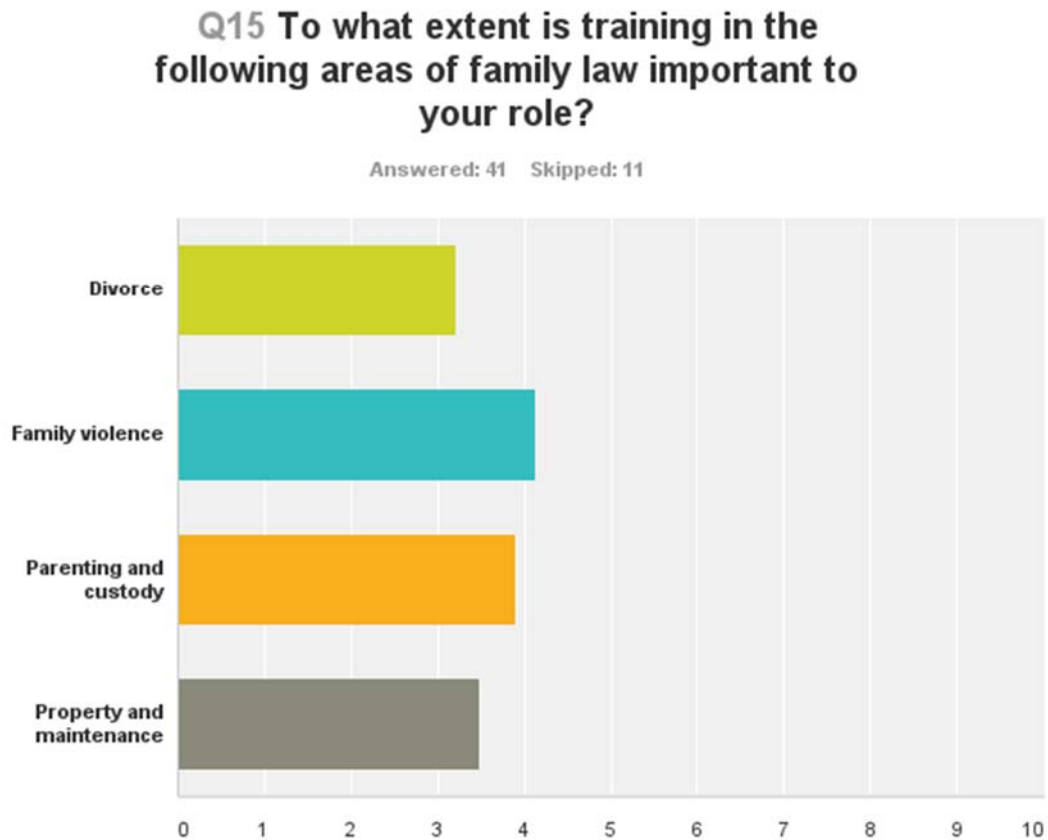
- family law,
- civil and administrative law and
- criminal law.

The survey provided a pathway that allowed respondents not engaged in the provision of advice to skip this set of questions. Accordingly the following results are based on the answers of the 41 respondents who identified advice giving as part of their role. It is important to note that some respondents might have opted out of rating particular sub-topics.

## Family law

In the area of family law as shown in Figure 7, family violence training rates as the sub-topic respondents felt is the most important to their job role, followed by parenting and custody matters. Significantly these ratings do not change when respondents are filtered according to whether they are based at a specialist or generalist service. However respondents based at rural or remote services rate family violence as being very important on a significantly higher scale (75%) compared to their urban based counterparts (35.9%).

**Figure 7 – importance of training in family law sub-topics**

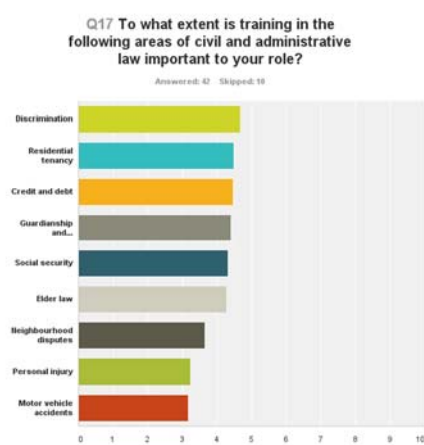


## Civil and administrative law

In the area of civil and administrative law as shown by Figure 8, discrimination and residential tenancy law training rate as the sub-topics respondents felt are the most important to their job role. Significantly these ratings change when respondents are filtered according to whether they are based at a specialist or generalist service. Filtering responses to those from generalist services results in elder law and credit/debt law emerging as the most highly rated area of training need.

**Figure 8 – importance of training in civil and administrative law sub-topics**

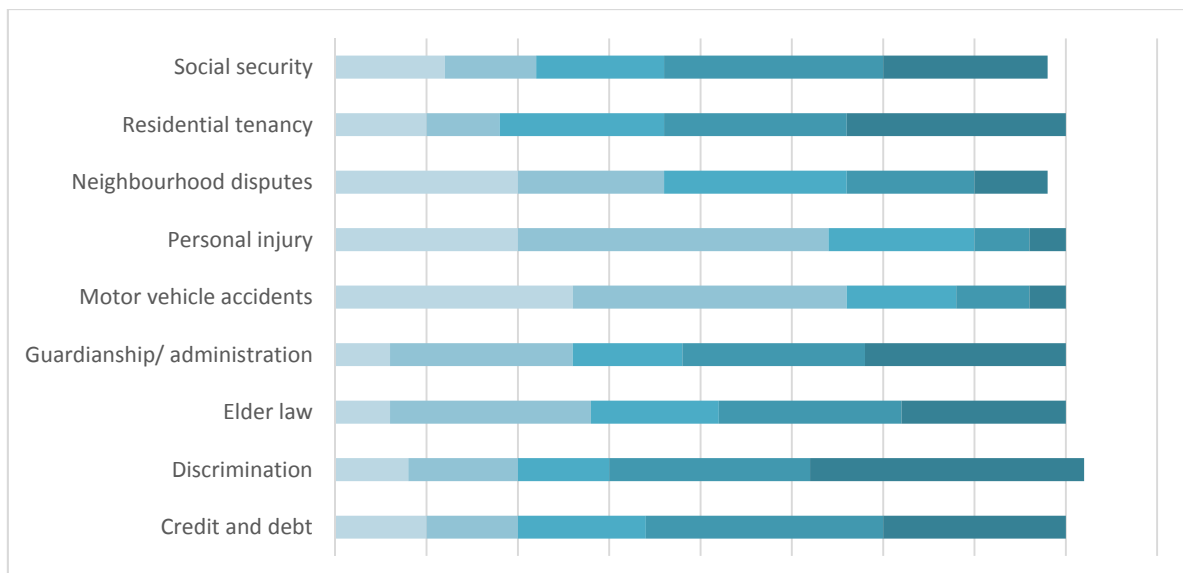
*All respondents*



*Generalist responses*



*All respondents*



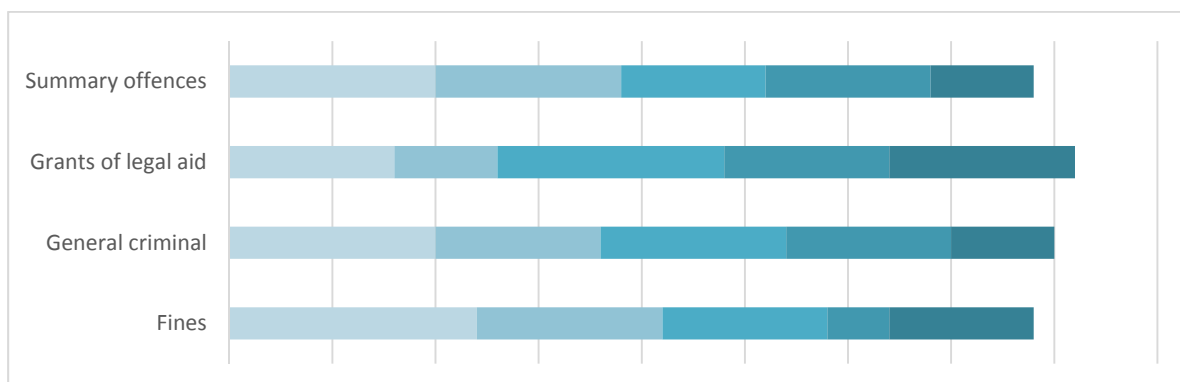
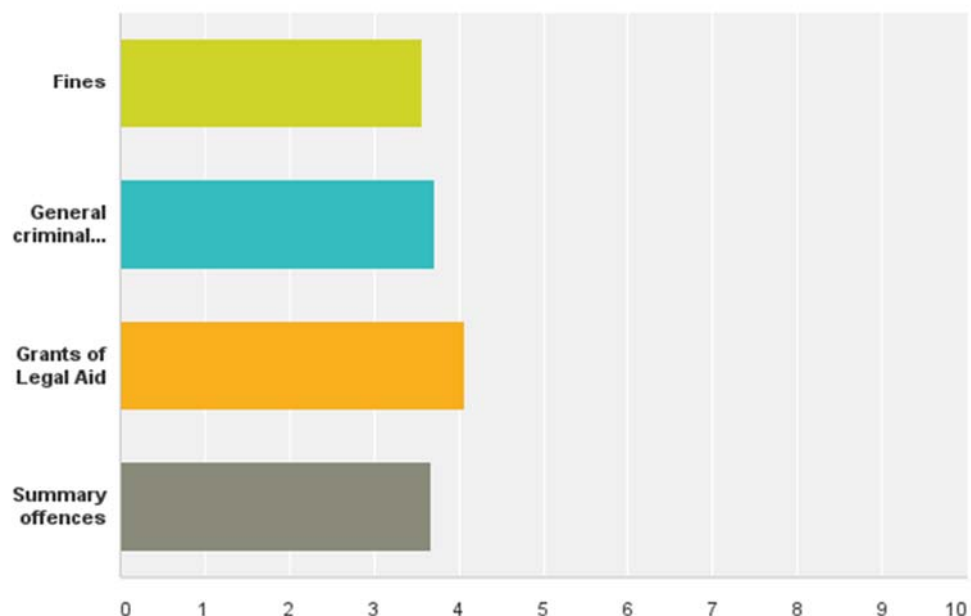
## Criminal law

In the area of criminal law as shown in Figure 9, grants of legal aid training rates as the sub-topic respondents felt is the most important to their job role. Significantly these ratings are recorded by fewer respondents, reflecting the extent to which services engage in this area of law. Slightly less than 30% of respondents identified these training areas of high or very importance to their job role.

**Figure 9 – importance of training in criminal law sub-topics**

### Q19 To what extent is training in the following areas of criminal law important to your role?

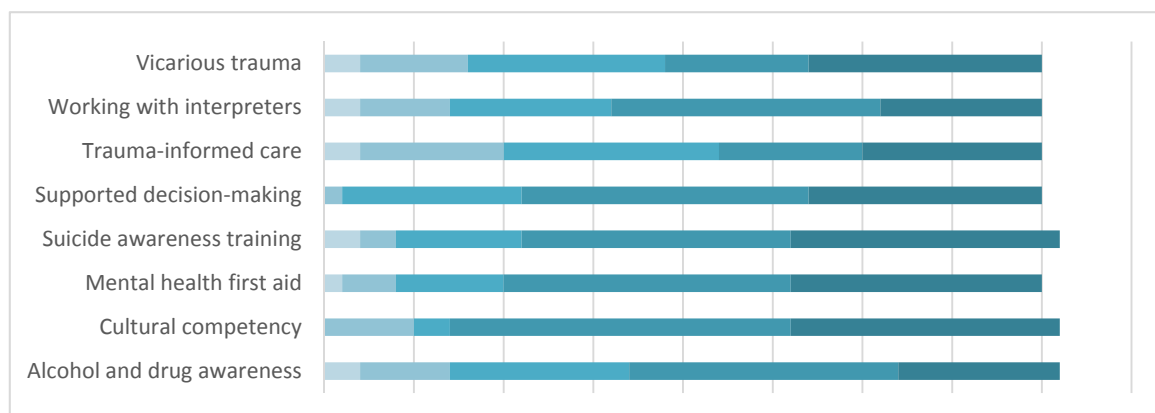
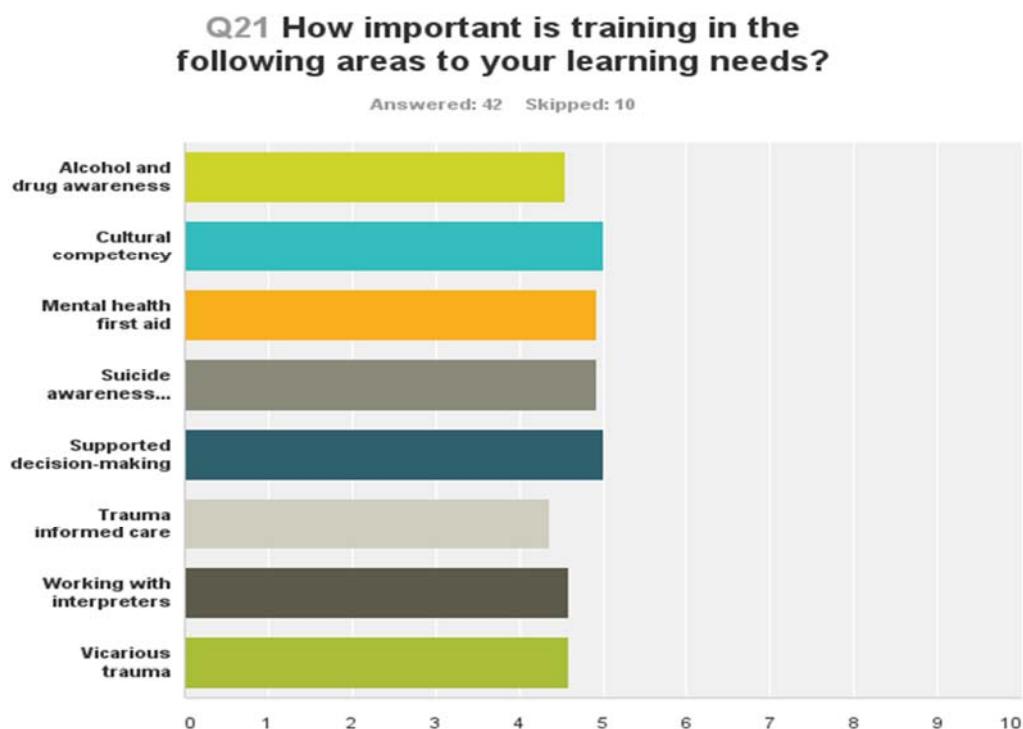
Answered: 42 Skipped: 10



## Clients Skills

In the area of client skills as shown in Figure 10, cultural competency and supported decision-making training rate as the sub-topics respondents felt are the most important to their job role. Working with people experiencing vulnerability is a critical aspect of work in this sector. Significantly respondents across the board rated training in most areas of client skills as being of some importance. Reflecting the findings of a previous QAILS report, *Access All Areas – Specialist Services Accessibility Project 2014*, respondents from generalist centres rate training around supported decision-making as extremely important. As identified in the *Access All Areas* report, with dedicated funding for a training officer the

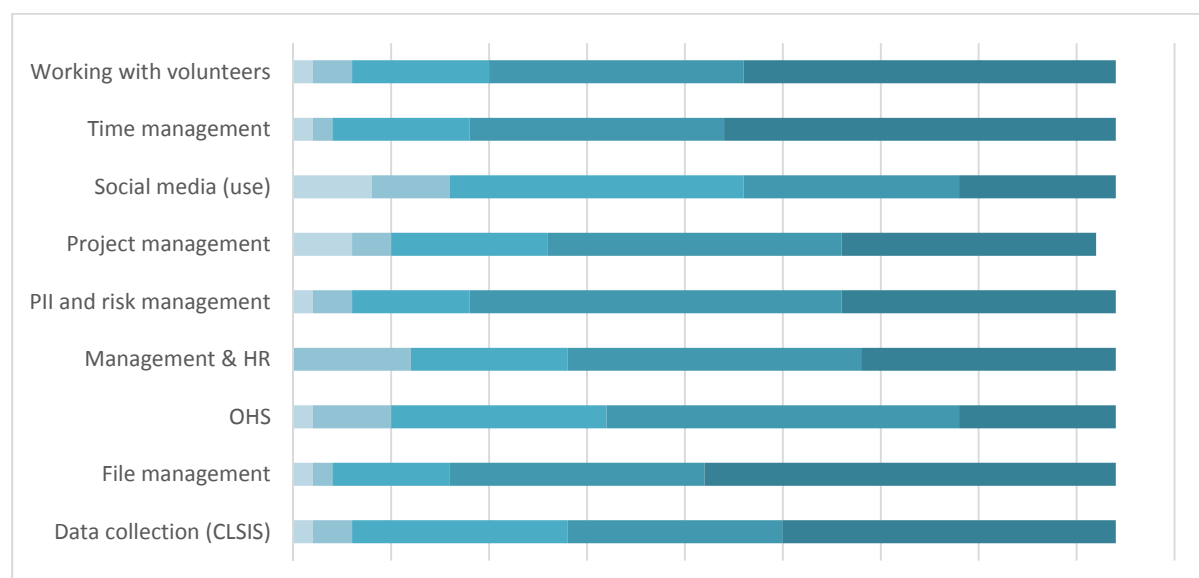
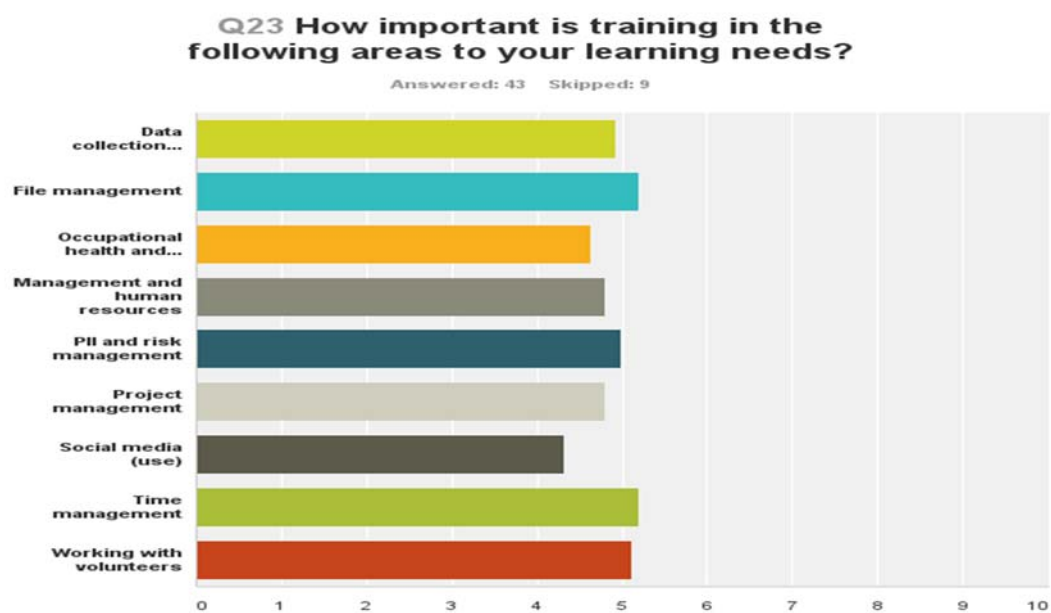
**Figure 10 – importance of training in client skills sub-topics**



## Professional responsibilities and risk management

In the area of professional responsibilities and risk management as shown in Figure 11, file and time management training rate as the sub-topics respondents felt are the most important to their job role. Significantly respondents identifying as working in co-ordinator and manager roles rate PII, time management and working with volunteers as training areas of particular importance.

**Figure 11 – importance of training in professional responsibilities and risk management sub-topics**



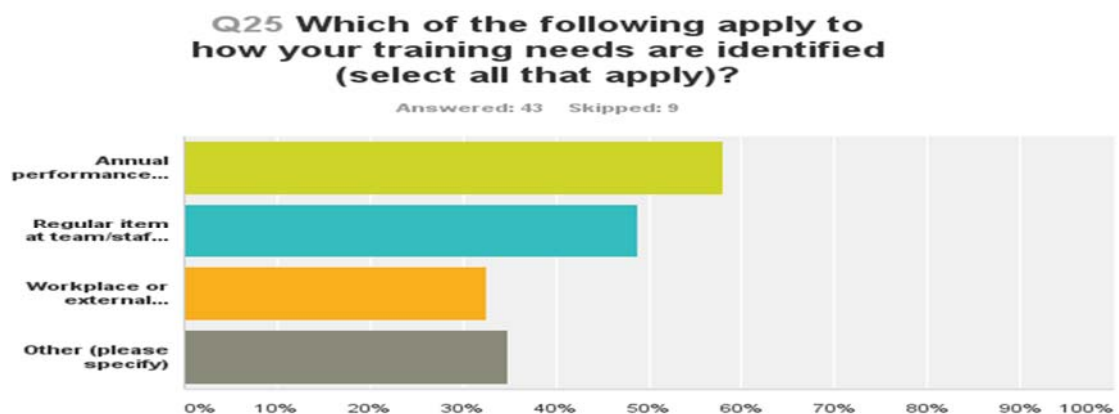


## How workers identify training and professional development needs

A further research question for the Project was to investigate how workers identify their training needs. As shown in Figure 12, annual performance reviews rated as a significant event for identifying training needs, nominated by 58% of all respondents. Team and staff meetings were also nominated as opportunities for staff training needs to be discussed, being identified by just under half of all respondents (48%). Significantly workplace or external supervision was nominated by almost a third of respondents. Geographical location did not play a significant role as there is little variance in respondents from these areas, compared to their urban counterparts. Specialist centre respondents reported a slightly higher rate of workplace or external supervision.

For particular job roles there was some intriguing variation in reporting of how training needs are identified. Interestingly lawyer respondents reported a significantly higher rate of team meeting discussion of training needs (60%), compared to co-ordinator/manager respondents (27%). This contrasts with co-ordinator/manager respondents who reported a much higher rate of training needs discussion occurring at annual reviews (81%) than lawyers (47%). While not accounted for in survey responses this might reflect the compulsory nature of CPD training for lawyers necessitating regular discussions as opportunities arise.

**Figure 12 – identifying training needs**

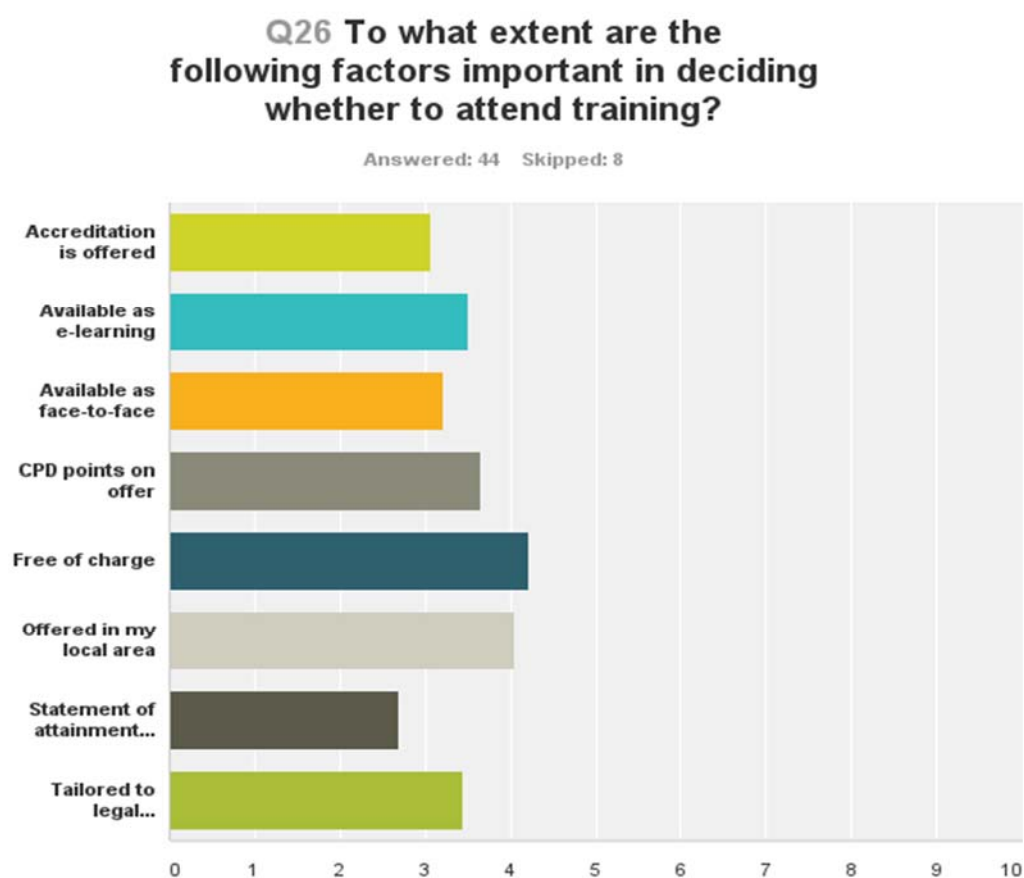


The comments in this question are also interesting when considering the development of a training model for the sector. Several respondents used the comment box to note the “*ad hoc*” and “*opportunistic*” nature of discussions around their training needs. Other respondents drew attention to the identification of training needs as being “*self-directed*” by necessity.

## Factors influencing training decisions

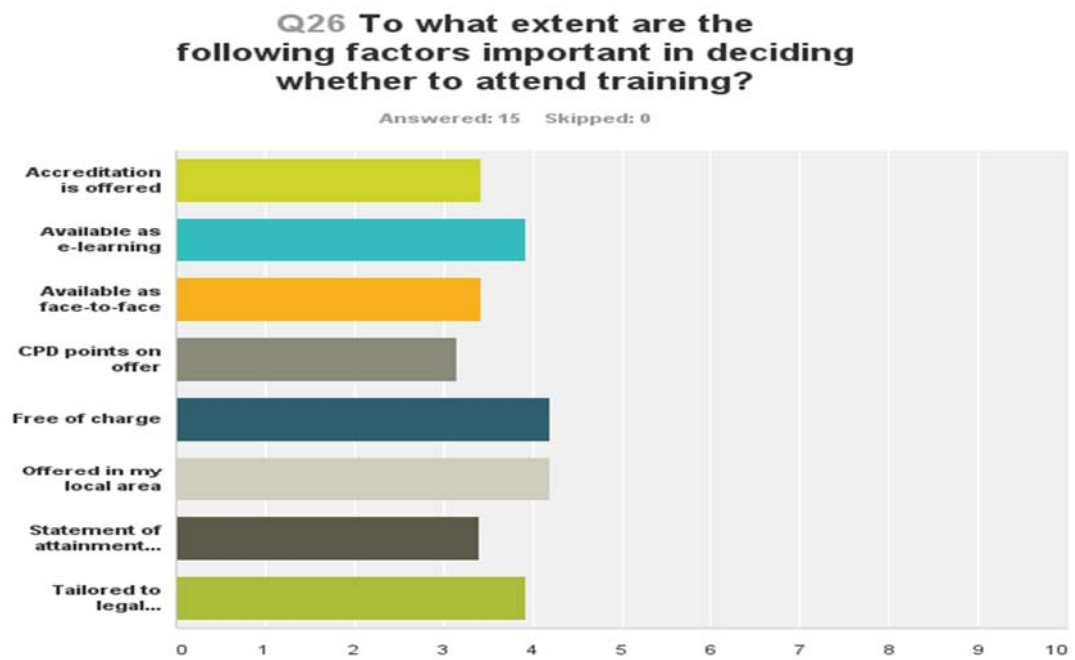
As shown in Figure 13 cost is the major determinative factor in respondents deciding whether they will attend training, with travel being the next most important consideration. Respondents identified that the ideal conditions for making training accessible is that it is locally based and free of charge. Given the importance of reducing travel time and costs when making decisions around training, it is not surprising that e-learning emerges as a viable option for training delivery. The availability of CPD points is a further critical factor highlighted by many respondents, suggesting the need to meet professional obligations may overcome other barriers to attendance.

Figure 13 – factors influencing training decisions all respondents



For rural and remote workers the determinative factors in training decisions are cost and location as shown in Figure 14. E-learning is nominated by respondents as a training delivery method that facilitates workers being able to engage in professional development

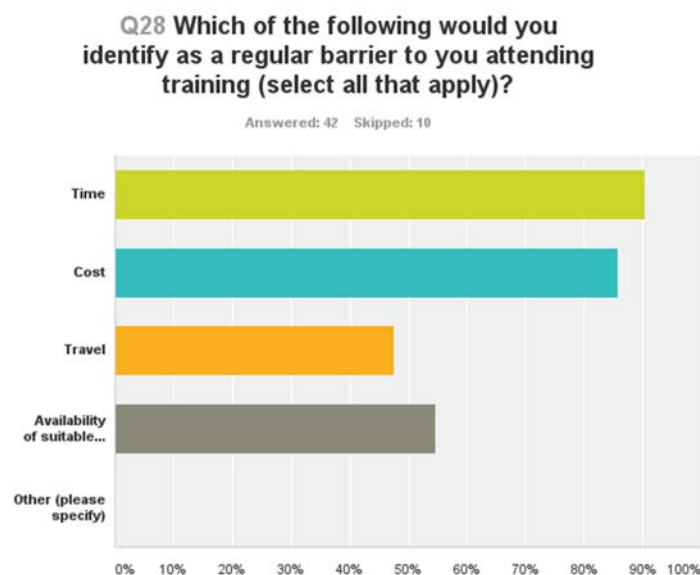
Figure 14 – factors influencing training decisions for rural and remote respondents



## Barriers to attending training and meeting professional development needs

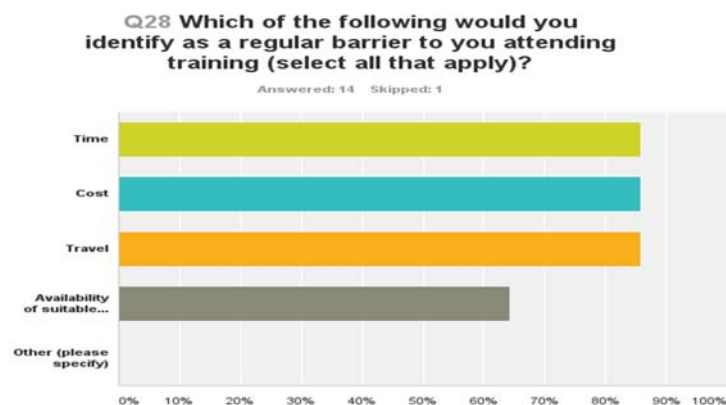
As shown in Figure 15 cost and time are significant barriers to workers being able to attend training to meet their professional development needs. Respondents reflected the high demand services experience in an environment of limited resources by commenting that they always felt “*under the pump*” and “*with little fat in the budget*” it was inevitable that “*training would go down the list of priorities*”.

**Figure 15 – barriers influencing training decisions for all respondents**



This tension between meeting service delivery demand and engaging in professional development is evidenced in the responses of workers in rural and remote areas. As shown in Figure 16, rural and remote respondents identify time, cost and travel equally as barriers to attending training. This trifecta operates to severely restrict the access rural and remote workers have to professional development opportunities.

**Figure 16 – barriers influencing training decisions for all respondents**



## Informal and situational learning

The burgeoning of online material, combined with advances in digital technologies and improved digital literacy, means that learners in all contexts have access to a wealth of resources at their fingertips. We are increasingly adept at learning on demand through access to online resources. Placing the lived experience of people who use our services at the forefront of learning and development needs, we are able to access a wealth of consumer-orientated material to enhance the responsiveness of our practice and service delivery. Education is being remodelled to allow learners to take control of their own learning. Choice is considered to be an imperative for sustaining the engagement of adult learners<sup>4</sup> and to allow people to learn at their own pace.<sup>5</sup>

However there is a growing concern in the academic literature that democratisation of access to resources, with its emphasis on ‘self-direction’ and ‘independence’ does not equate with access to education.<sup>6</sup> Similarly some educators identify the need we have to socially engage with peers and experts in the field to enhance and consolidate our learning.<sup>7</sup> Digital natives have been effectively weaned on a diet of constant peer interaction, embedding collaboration through technology. The important issues of confidentiality and maintaining professional boundaries has meant the full potential to engage with social media as a dynamic learning tool in a legal context is still in its infancy.

Informal and situational learning is an attempt to harness the organic potential of self-directed learning by embedding educational activities into the workflow of an organisation.<sup>8</sup> In this context, the role for learning and development is to support self-organised and social learning in the workplace. Ideally this promotes a learning and development framework that is capable of supporting collaborative learning as it happens through “*challenging experiences, plenty of practice, rich conversations and opportunity to reflect on what worked well and what didn’t*”.<sup>9</sup> In a real world context we are offered few opportunities to practice our craft in a risk-free environment. As we incrementally learn by doing and gaining insight into effective practice, ‘situational learning’ and ‘reflection’ are core skills for professional development. While some professions, such as human services, embed reflection in their practice framework<sup>10</sup> it is a developing tool in other areas such as law.<sup>11</sup>

Such reflective practice is critical but challenging for ‘time poor’ workers in community legal centres. The underlying principles of collaborating to learn however resonate with the experience of being a community legal centre worker. Such collaboration is critical to ensure access to justice for Queenslanders experiencing vulnerability. As identified in QAILS’

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<sup>4</sup> Helen Beetham, ‘Designing for Active Learning in Technology-Rich Contexts’ in Helen Beetham and Rhona Sharpe (eds), *Rethinking Pedagogy for a Digital Age* (Routledge, 2nd ed, 2013) 31.

<sup>5</sup> Rob Hubbard, *The Really Useful eLearning Instruction Manual* (Wiley, 2013).

<sup>6</sup> Diana Laurillard, ‘Foreword to the Second Edition’ in Helen Beetham and Rhona Sharpe (eds), *Rethinking Pedagogy for a Digital Age* (Routledge, 2nd ed, 2013) xvi.

<sup>7</sup> Hubbard, above n 5.

<sup>8</sup> Jane Hart, ‘Informal and Social Learning’ in Rob Hubbard (ed), *The Really Useful eLearning Instruction Manual* (Wiley, 2013) 107; Terry Mayes and Sara De Freitas, ‘Technology-Enhanced Learning: The Role of Theory’ in Helen Beetham and Rhona Sharpe (eds), *Rethinking Pedagogy for a Digital Age* (Routledge, 2nd ed, 2013) 17.

<sup>9</sup> Ibid, 117.

<sup>10</sup> See eg Louise Marbina, Amelia Church & Collette Tayler, Victorian Early Years Learning and Development Framework Evidence Paper: Practice Principle 8: Reflective Practice (Melbourne Graduate School of Education, 2010); Henderson A, Briggs J, Schoonbeek S. & Paterson K. ‘A framework to develop a clinical learning culture in health facilities: ideas from the literature’ (2011) 58 *International Nursing Review* 196.

<sup>11</sup> Jeff Giddings and Michael McNamara, ‘Preparing Future Generations of Lawyers for Legal Practice: What’s Supervision Got to Do With It?’ (2014) 37 *University of New South Wales Law Journal* 1226.

*Access All Areas Report 2014*, with additional dedicated funding for training, the sector has significant capacity to draw upon its own expertise to greatly enhance understanding of our client's lived experience and to increase accessibility to specialist services.<sup>12</sup>

Through the online survey, respondents identified a preference for learning opportunities that facilitated collaboration and resonated with the realities of the practice context of community legal centre work. These responses accord with educational research that finds that people prefer to engage with learning opportunities that they find professionally meaningful rather than building expertise through memorising expert knowledge.<sup>13</sup> Authenticity in learning is achieved by building upon the skills and knowledge that are embedded in the realities of daily practice. Respondents noted the challenges of finding training that was specifically targeted to the community legal centre context.

Drawing on models of communities of practice, situational learning offers a more meaningful framework for understanding the training needs of community legal centre workers, as people who are embedded in and responsive to their communities. As learners, community legal centre workers, are subject to their particular social and cultural settings. For learning to be meaningful in a context of complex client issues, high demand and limited resources, it must be authentic to the social context in which it is going to be applied. It is in this context that a dual role exists: develop educational content and provide guided access to content of educational value.

Through this project QAILS has sought to identify how best to organise the mix of learning technologies to support the ongoing learning and development needs of the community legal centre workforce. The proliferation of online resources often means that what counts for useful knowledge, and therefore training opportunities, is increasingly biased towards what can be represented in digital form.<sup>14</sup> Respondents identified a willingness to engage with digital learning, however they want this learning to be directly relevant to the realities of their working context. Through curating existing digital content and where appropriate adapting it to the community legal centre context, QAILS will be able to play a role in providing a comprehensive and coherent learning and development programme. Such a training programme will be considerably enhanced by drawing upon the principles of informal and situational learning to support workplaces, through the development of templates and tools, to practice, evaluate and reflect on their learning. This model offers an opportunity for learning to focus on two critical areas of community legal centre practice: key areas of legal knowledge and effective practice in working with people experiencing vulnerability and stress.

Significantly respondents placed considerable value on the QAILS webinar series. The following section outlines the opportunities and challenges of relying upon webinars to meet the ongoing learning and development needs of the community legal centre workforce.

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<sup>12</sup> Queensland Advocacy Incorporated and Queensland Association of Independent Legal Services, *Access All Areas: Specialist Services Accessibility Project — Final Report* (2014)

<sup>13</sup> Mayes and De Freitas, above n 8, 17.

<sup>14</sup> Helen Beetham and Rhona Sharpe, 'An Introduction to Rethinking Pedagogy' in Helen Beetham and Rhona Sharpe (eds), *Rethinking Pedagogy for a Digital Age* (Routledge, 2nd ed, 2013) 1, 2.

## Making effective webinars – learning in a digital age

In her study of how to use e-learning technologies to enhance general and professional legal education for people living in remote, rural and regional Victoria, Mary Dracup identified webinars had considerable advantages in terms of access, cost, flexibility for different learning designs, social interaction and re-usability.<sup>15</sup> Supporting these findings, the online survey respondents from remote, rural and regional areas identified the critical role that webinars play in overcoming their major barriers to attending training: time, travel and cost.

Through this project QAILS has sought to identify best practice in webinar presentations to enhance their effectiveness as a learning tool. The existing QAILS webinar series is based on intentional learning, providing participants with enhanced knowledge and skills in a particular area of practice to improve outcomes for clients.

*“Good webinars can be like independent movies, they leave you feeling wonderful, inspired and ready to take on the world” [www.wordstream.com/blog](http://www.wordstream.com/blog)*

Recognising the expertise that exists within our networks, QAILS seeks to build the sector’s learning and development capacity by identifying and nurturing potential presenters. Acknowledging that even experienced trainers might have minimal experience of presenting webinars as an educational tool we have developed two guides:

1. how to develop and present engaging webinars<sup>16</sup> and
2. getting feedback - evaluating webinars.<sup>17</sup>

Drawing upon industry best practice,<sup>18</sup> these guides seek to enhance the learning potential of the webinars. The guides encourage presenters to prepare their content with reference to carefully defined learning objectives that are meaningful for the community legal sector audience. By building on existing knowledge, it is anticipated presenters will identify a change that is anticipated in the learners, one that the learners will be both motivated to achieve and capable of implementing.<sup>19</sup>

Similarly it is anticipated that enhancing interactivity and encouraging communities of practice, the webinars will continue to meet the learning needs of the community legal sector workforce. The webinar guides seek to encourage presenters to draw on the conversational potential in webinar presentations to meet the survey respondents desired social engagement in learning.

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<sup>15</sup> Mary Dracup, Centre for Rural and Regional Law and Justice, *Linking Law: Practical Guidelines for Delivering Law to Rural Victoria Using E-Learning Technologies* (2014) 15.

<sup>16</sup> See further **Appendix 3**.

<sup>17</sup> See further **Appendix 4**.

<sup>18</sup> Rob Hubbard (ed), *The Really Useful eLearning Instruction Manual* (Wiley, 2013); Jan Herrington, Jenni Parker and Daniel Boase-Jelinek, ‘Connected Authentic Learning: Reflection and Intentional Learning’ (2014) 58 *Australian Journal of Education* 23.

<sup>19</sup> Mayes and De Freitas, above n 8.



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## Appendix 1: Project overview

### **Key deliverable**

The key deliverable of the project is a clear model for the delivery of training and development initiatives that can be implemented within legal assistance services across Queensland to:

- Induct new staff delivering legal assistance services; and
- Develop the skills and expertise of staff

### **Methodology**

The project will be delivered in accordance with the following proposed methodology:

1. Establishing a steering group with representation from legal assistance services, government and other relevant bodies to provide guidance throughout the project and endorse the recommended training and development model;
2. Engaging with legal assistance services;
3. Engaging with the Best Practice Legal Assistance Forum;
4. Needs mapping;
5. Exploration of induction and training already in operation across the legal assistance sector in Queensland and other jurisdictions, including in community organisations, Aboriginal and Torres Strait Islander Legal Services, Family Violence Prevention Legal Services, Legal Aid Commissions and private practice;
6. Adapting or developing an initial suite of resources (eg training and reference materials) in consultation with organisations that have the relevant expertise; and
7. Delivering a clear recommended model to the Department of Justice and Attorney-General for the delivery of training and development initiatives that can be implemented within legal assistance services across Queensland.

### **Scope**

The project will consider the training and development needs of all community organisations delivering legal assistance services in Queensland. The program of training and development initiatives will cover topics relevant to both legal and support staff, such as:

- Key areas of law for legal assistance lawyers;
- Effective referrals between legal assistance services and other community services, including between specialist and generalist centres;
- Client skills, including client interviewing, working with vulnerable groups, communication skills and cultural competences<sup>20</sup>; and
- Professional responsibilities and risk management.

The project will consider no cost and low cost methods for delivering the program of training and development and mechanisms for maintaining its currency.

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<sup>20</sup> Based on the latest empirical evidence of legal need in Queensland, people with mental health issues and/or intellectual disability, including cognitive impairment, and Aboriginal and Torres Strait Islander people have been identified as high prevalence vulnerable groups in 2014-17.

## Appendix 2: Project steering group

The project steering group included the following members:

- Aboriginal and Torres Strait Islander Legal Service (ATSILS) – Greg Shadbolt
- Department of Justice and Attorney-General (DJAG) – Jessica Kang
- Federation of Community Legal Centres Victoria – Katie Fraser
- Legal Aid Queensland (LAQ) – John Hanley
- Queensland Advocacy Incorporated (QAI) – Julie Hearnden
- Queensland Association of Independent Legal Services (QAILS) – James Farrell, Peter Mott
- Queensland Law Society – Josephine Webb
- Queensland Public Law Clearing House (QPILCH) – Sue Garlick

### Terms of reference

#### 1. Purpose

- 1.1 The T & D Steering Committee (the Committee) will work to ensure that the diverse learning needs of the legal assistance sector are identified to inform the establishment of a model of training and development, in accordance with the attached project details provided by the Department of Justice and Attorney-General (DJAG).
- 1.2 The Queensland Association of Independent Legal Services (QAILS) is the Project Manager for the project. QAILS will be responsible for the day to day management of the project, including the supervision of the Project Worker, and the delivery of the key deliverables as required by the LIPITAF Committee.
- 1.3 The Committee will be responsible for enabling the delivery of the Project outcomes to be as representative, collaborative and sustainable as possible.

#### 2. Objectives

- 2.1 The Committee will provide guidance on the:
  - scope of the project
  - existing induction and training models used across the legal assistance sector
  - methodology and development of a survey instrument to obtain primary data from legal assistance workers regarding their training needs
  - identification of existing training skills within the legal assistance sector
  - promotion of the project across the legal assistance sector
  - development and delivery of training resources created in the course of this project
- 2.2 The Committee will endorse the:
  - training material developed through the course of the Project
  - model of training and development recommended in the final report

#### 3. Membership

- 3.1 The Committee comprises nominees from the following organisations:

- Aboriginal and Torres Strait Islander Legal Service (ATSILS) – Greg Shadbolt
  - Department of Justice and Attorney-General (DJAG) – Jessica Kang
  - Federation of Community Legal Centres Victoria – Katie Fraser
  - Legal Aid Queensland (LAQ) – John Hanley
  - Queensland Advocacy Incorporated (QAI) – Julie Hearnden
  - Queensland Association of Independent Legal Services (QAILS) – James Farrell, Peter Mott
  - Queensland Law Society – Josephine Webb
  - Queensland Public Law Clearing House (QPILCH) – Sue Garlick
- 3.2 The QAILS Learning and Development Project Officer will prepare the agenda, take minutes, co-ordinate meetings and perform the support function for the Committee.
- 3.3 The QAILS Director will undertake the role of Committee Chair.
- 3.4 All recommendations passed by the Committee will be signed off by QAILS.
- 3.5 Steering Committee meetings will be conducted by teleconference. QAILS proposes the following dates for the meetings, unless otherwise determined by the Committee:
- Thursday August 13th
  - Thursday September 24th
  - Tuesday November 3rd

## **4. Procedures**

### **4.1 Process**

Members will commit to functioning in an environment that creates and enhances opportunities for collaboration.

### **4.2 Decision making**

Decisions will be made by consensus, but where required by vote of the meeting. Whilst undertaking to act in accordance with the purposes of the Committee, QAILS reserves the right to act at times in order to deliver the Project outcomes as it sees fit. QAILS will note in its final report to the Attorney-General where actions were contrary to the decisions of the committee.

### **4.3 Absences**

If a nominated member is unable to attend a steering committee meeting, the organisation may nominate a person to attend in their absence. The name and contact details of this new nominee will be forwarded to the Project Officer as soon as possible prior to the scheduled meeting.

## **5. Resources**

- 5.1 Members of the committee will be fully and financially responsible for providing their own resources to achieve the purposes of this Project, including any activities conducted by their organisations which further the aims of this Project.
- 5.2 Members will ensure the compatibility of resources to ensure effective sharing.

## **Appendix 3: Developing a webinar for legal assistance workers**

See next four pages



02 WELCOME  
Engagement recipe  
Active learning!

03 Learning objective  
Time matters  
Know Your Rights!  
Memory

04 What's new  
Lived experience  
Evaluate

# TRAINING

DECEMBER  
2015

*Queensland Association of Independent Legal Services (QAILS)*

## What are your learning objectives?

Start by considering what you think your audience needs to know about your webinar topic. How will this webinar impact on their practice with clients?

Ask yourself how your webinar fits in with what the legal assistance workforce is already likely to know about this issue.

Do some research to find out if this topic, or something similar, has been covered previously. Is there any feedback from these presentations that might assist you to finetune your webinar to target the learning needs of this audience? How will your audience make use of this information?

Learning objectives help to provide focus for you as the presenter and for your audience. All your material is able to be measured against how well it meets the

stated learning outcomes. If intended information does not sit within a learning outcome then it probably needs to be cut. While it is difficult to let go of material we find fascinating, clearly defined learning objectives make this an easier task. Edited information might be more useful provided as additional resources.

To establish clear learning objectives consider asking the following questions:

what does my audience need to be able to do with this knowledge?

what do I want my audience to think about the issues raised in my presentation?

how am I able to build on what my audience already knows about this topic or does in this area?

what are the three important things people need to take away from this webinar?

While there is no set guideline for how learning objectives should be written they usually start with:

By the end of this webinar participants should be able to ...

Leave your audience knowing what to do next and with the capacity to implement the knowledge and/or skills you have been aiming to share.

WHAT  
YOU  
NEED  
TO  
KNOW?



1

Keep it simple, people will only recall 3 things

2

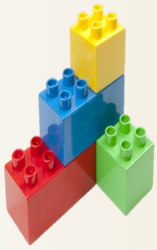
Paint a picture, vivid images will engage.

3

Focus on your niche topic from a fresh angle.



# Welcome



If we were all given a set of lego without instructions, we would probably build completely different constructions.

Some people might find particular pieces useful, while others might question the relevance of providing lego in the first place.

Effective webinars begin by considering the question of relevance and context: what does the audience already know and how might they use the information presented?

Use these handy tips to ensure your webinar hits the spot with legal assistance workers.

## Cooking-up a learning treat is easier than you think

Having special powers might help but the real ingredient for creating effective webinars is to turn your audience into the superhero.

As adult learners we come to training with a range of knowledge, skills and experience. Effective learning draws on these “superpowers”. When we are passionate about the topic we are sharing, it is tempting to ‘information dump’. By acknowledging the skills of our audience we are able to construct a guided discovery. Learners will be engaged rather than overwhelmed.

A training superhero empowers their audience to seek knowledge and apply skills long after the webinar has concluded.



# 01

### Be relevant

Know your audience so you can pitch your learning based on what they already know. While this may vary, depending on experience, consider the workplace context of legal assistance services in which your desired learning will be implemented.



# 02

### Be clear & concise

Your audience will admire your passion and appreciate your expertise - but they do not need to know everything that you do. Choose three main points and build learning objectives around these. Provide references or links for further information.

## An engaging feast

- 01 Use the introduction to encourage discussion and participation.
- 02 Consider using webinar tools like polls at regular intervals.
- 03 Invite comments that participants are willing for you to share.
- 04 Always leave more time for questions than you intended, this allows the audience to clarify their understanding.

Enjoy!

# Did you know?

REPLACE  
WITH  
YOUR  
IMAGE

Webinars are a wonderful opportunity to share stories. Ask participants to talk about their practice context.

## Read the script or ad lib?

It is amazing how quickly you forget things when you are in presentation mode. Experienced presenters accept that things will go wrong during the webinar and learn to go with the flow.

Whether you read from a script or ad lib will largely depend on what makes you the most comfortable. Remember the audience is interested in what you have to say, not how polished you sound. Your audience will be engaged by your passion in the topic. People attend to listen and learn from you, not judge.

Be confident in your knowledge and practice what you want to say. If it helps with your nerves or to keep on track, prepare a script or write down the three most important points you want to share.



However be prepared to deviate from the script based on questions or comments.

Use your presentation to emphasise your message, rather than being a word by word summary of what you are saying.

It is ok to be entertaining, just keep your content relevant to the audience and the learning objectives.



## How long...?

Use the hour of your webinar wisely by allocating sufficient time to set the scene, deliver the content, allow interaction and time for questions.

People will start to multi-task after 15 minutes, so encourage engagement by posing questions or raising a thorny issue for people to consider. Try this at 15 minute intervals.

Practice your timing to finetune it.



# 03

### Be engaging

A webinar is an opportunity for you to engage your audience around a topic you think is important for them to know. Allow time to engage your learners in the challenges they face working in the topic area. Identify the webinar tools that work best for your presentation style.



# 04

### Be prepared for action

Ensure your audience knows what to do next. For legal assistance workers it is imperative they are able to translate the learning into practical actions to support the clients who use our services. A webinar offers an opportunity to add to the legal assistance worker's toolkit of strategies.

## Know?

Presentations tend to be nuts and bolts, fact based speeches.

Consider the power of sharing authentic stories based on people's experiences as a way to enrich learning.

While independent legal services workers engage in defining the law, our essential work is built around people.

We tend to work well with certainty but need to be encouraged to explore the complexity in situations.

Encourage people to explore the nuances.

### Training

Knowledge, competencies  
professional development  
teaching of vocational or practical skills provides the b  
• On-the-job training tak  
• Off-the-job training aw

## Know Your Rights!

As workers in the independent legal services sector ideally we want to know what rights our clients have in any given situation and empowering practical strategies to enforce them.

Draw on your expertise to offer hot tips & useful strategies for workers to use.

## Lived experience

Client perspectives are critical in our learning. Where appropriate and with consideration of confidentiality, draw upon the lived experience of people in your topic area.

How have people with a lived experience of your topic area been included in policy debates?

How has lived experience informed law reform?

How can we draw on this experience to improve our practice?



## What's new?

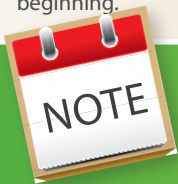


One of the critical issues for legal assistance workers is currency. Keeping abreast of change in law, policies and processes is vital to provide accurate advice.

When preparing your webinar consider what knowledge is new and ensure that you give this priority.

Often these changes are subtle and might involve something as simple as a change in personal, fee or form. However these matters are critical for legal assistance workers.

Often new information is rushed through at the end, so ensure it is given at the beginning.



# And the Winner Is...

Feedback is critical to finding out whether your webinar achieved the learning goals you set.

Consider asking for immediate feedback via comments or a poll at the conclusion of the webinar.

Follow-up with a more detailed set of questions to allow participants to comment on what they expected and what they learnt from the webinar.

Often simple questions elicit the most useful information. A simple rating scale is useful and likely to get responses. However for more in-depth feedback consider asking:

what did you enjoy about the webinar, what did you learn, what would you change and how has the webinar changed workplace practice?

Draw on evaluations to alter your next presentation.

There are many ways to seek feedback.



"Good webinars like independent movies - they leave you feeling wonderful, inspired & ready to take on the world"

## Appendix 4: Evaluating a webinar for legal assistance workers

Evaluation is a critical, though often overlooked aspect of delivering webinars.

The nature of online delivery provides some additional opportunities to seek feedback from your audience. Building in a poll or inviting final comments is one way to conclude your webinar. People are usually happy to provide instant feedback if they are able to click a button.

We are probably all familiar with the ubiquitous – happy sheet – delivered by the trainer at the end of the session and completed on the spot. Essentially this evaluation measures your audiences' reaction to what has just happened. Accordingly, it tends to reflect mood rather than measure learning outcomes. Often offered as a sliding scale this type of evaluation is easy to administer and analyse. There is a definite 'feel good' factor to this feedback, though it might not provide you with useful information about what learning has occurred.

There are several levels of evaluation that measure different aspects of learning:

- Is there any evidence of learning?
- Has the anticipated change in knowledge, skills or attitudes been transferred to inform workplace practice?
- Has the anticipated change resulted in further challenges and/or changes in outcomes for clients?
- Is there an identified need to alter the webinar to help achieve the anticipated learning objectives?

The level of evaluation you seek will depend on the nature of your learning objectives. You might want to measure changes over a very short timeframe or take a longitudinal approach. Webinars are particularly vulnerable to technology glitches so this may impact on your audiences' experience of the learning environment. Often external factors outside your control might influence the learning outcomes or make it difficult to implement the anticipated changes at the workplace level.

Deciding how to evaluate will largely depend on what you want to measure. Consider the following questions as a guide to help you determine the most appropriate type of evaluation for your webinar.

## Suggested evaluation questions

- What were you hoping to achieve from the webinar?
- In what ways did the webinar help you achieve your learning goals?
- In what ways did the webinar prevent you from achieving your learning goals?
- What new insights did you gain on the webinar topic?
- How has the webinar changed the way you practice in this area?
- How has the webinar changed the way you think about this topic?
- How has the webinar assisted you to do your job?
- What questions did the webinar raise for you about this topic?
- How would you describe your learning from this webinar to your colleagues?
- What changes would you suggest for future webinars on this topic?



## Appendix 5: Self-directed learning: a [recipe?] for legal assistance workers

Increasingly we are engaged in learning that is opportunistic. With a wealth of online material available to us, we are able to guide our own learning in a way that would not have been imagined even five years ago.

Self-directed learning has the advantage that, subject to the availability of material, we are able to learn at our own pace and at a time that we find convenient. However as self-directed learners we don't always make time to record and reflect on what we have learnt.

The purpose of this self-directed learning record template is to assist you to:

- identify your ongoing learning and development needs,
- identify learning goals prior to attending training,
- reflect on training attended and how you might apply what you have learnt to enhance your practice,
- encourage you to develop a community of practice to share your learning and
- keep records of training attended and how it met your learning and development needs.

Complete and retain a copy of this form as a record of the learning and development activities you have undertaken.

While some of this learning will involve formal attendance at a workshop or online webinar, it could also involve reflection on an interesting article, podcast or other learning opportunity related to your workplace context and/or professional development.

This template is generic in nature to ensure it remains relevant to a wide variety of self-directed learning opportunities.

You might want to consider making a diary note to revisit each record you make to enable further reflection on your learning and development needs. You might find this is useful at quarterly intervals.

## Self-Directed Learning Record Template

<b>Your name:</b>	
<b>Date:</b>	

### Learning opportunity

<b>Title</b>	
<b>Duration</b>	
<b>Format</b>	
<b>Presenter</b>	
<b>Learning objectives</b>	

Identify three ways the learning objectives complement your development goals.

<b>1.</b>	
<b>2.</b>	
<b>3.</b>	

### Reflection exercise

What did you learn about the topic? What new insights did you gain about this area?

List up to three ways you might apply this learning to your own practice.

--

List any outstanding questions you may still have and identify the steps you will take to seek to answer them.

--

How might you be able to share this new knowledge within your work context and/or within a community of practice?

--

Date to review this record

--



## Appendix 6: Core skills and knowledge for CLC workers

Family Law						
Skill/Knowledge	Training content (topics)	Date	Delivery Method	Presenter	Access	Feedback
<b>Divorce</b>	Supporting Families through separation	5 August 2015	Mental Health Practitioners Network MHPN Webinar with speakers	Vanessa Matthews (social worker/family law specialist)	<a href="http://www.mhpn.org.au/WebinarRecording/66/Supporting-Families-Going-Through-Separation#.VlvK6krLIU">http://www.mhpn.org.au/WebinarRecording/66/Supporting-Families-Going-Through-Separation#.VlvK6krLIU</a>	Packaged sessions that includes resources & question & answer session
<b>Child protection</b>						
<b>Child support</b>	Child support	9 September 2014	QAILS Webinar	Joseph Ho (solicitor)		
<b>Family law</b>	Managing Risks in family law practice	March 2016	QLS Symposium	Tracy Skellern – Legal Risk Solicitor	Event for generalist legal practitioners	Symposium fee
<b>Family violence</b>	Working with victims and perpetrators of domestic violence	March 2016	QLS Symposium	Kara Cook (WLS) facilitates panel incl: Zoe Rathus & Diane Mangan CEO – DV Connect	Event for generalist legal practitioners	Symposium fee
	Opportunities to improve the legal response to family violence	4 August 2015	QAILS Webinar	Professor Leigh Goodmark (academic)		
	Abuse on contact II	28 July 2015	QAILS Webinar	Stephanie Ewart (solicitor)		
	Abuse on contact I	27 July 2015	QAILS Webinar	Angela Lynch Rebecca Shearman Anna Jones		
	Safe at home, safe at work: changes to the Fair Work Act	21 August 2014	QAILS Webinar	Kerriann Dear		
	Human rights and domestic violence	9 January 2014	QAILS Webinar	None cited		
<b>Grandparents in family law</b>	Legal issues for grandparents	<b>27 April 2015</b>	<b>QAILS Webinar</b>	None cited		
<b>Parenting and custody</b>	Surrogacy laws	14 April 2015	QAILS Webinar	None cited		
	Parenting and post separation safety	18 November 2013	QAILS Webinar	Phoebe Kahlo (solicitor)		
<b>Property and maintenance</b>						

## Civil and administrative law

Skill/Knowledge	Training content (topics)	Date	Delivery Method	Presenter	Access	Feedback
Administrative law	Administrative law basics	Feb 2015	QPILCH face to face	Jackson Walkden-Brown (Bond Uni)		CPD point
Civil procedure	Ethical issues when you think your client is lacking capacity	March 2016	QLS Symposium	Justice Thomas (QCAT) & Rebekah Leong QAI		Fee & CPD point
	Litigation essentials	Feb 2015	QPILCH face to face	Iain McCowie & Raquel dos Santos (QPILCH)		CPD point
	Legal issues for farmers	11 May 2015	QAILS Webinar	Greer Oliver (solicitor) Simone Farrugia (solicitor)		
	Representing clients at discrimination conciliations	20 November 2015	QAILS Webinar	None cited		
	Applying for grants of legal aid	10 November 2014	QAILS Webinar	Leanne Parker (solicitor)		
	Assisting people duped by door-to-door sales	4 November 2014	QAILS Webinar	Deborah Bean (solicitor) Jeremy Healsmith (solicitor)		
	Practical tips for referring clients to EDR schemes: maximum outcome, minimal involvement	2 October 2014	QAILS Webinar	Simon Cohen (Ombudsman)		
	Assisting clients with impaired capacity	18 June 2014	QAILS Webinar	None cited		
	Representing clients before the Mental Health Review Tribunal	26 February 2014	QAILS Webinar	None cited		
	Civil procedure refresher	28 October 2013	QAILS Webinar	Sophie Devitt (solicitor)		
	The Australian Consumer Law	10 October 2013	QAILS Webinar	Paul Burton (solicitor)		

	Victims assist	2 July 2013	QAILS Webinar	John McKenna		
	Using UN human rights tools	18 June 2013	QAILS Webinar	Ben Schokman (solicitor)		
<b>Credit and debt</b>	Financial hardship	26 November 2014	QAILS Webinar	Paul Holmes (solicitor)		
	Debt recovery: from letter of demand to judgement	23 September 2014	QAILS Webinar	None cited		
<b>Discrimination</b>	Disability discrimination in employment	19 March 2015	QAILS Webinar	James Barnes (solicitor)		
	Representing clients at discrimination conciliations	20 November 2015	QAILS Webinar	None cited		
<b>Elder law</b>	Consumer law and elder abuse	Feb 2015	QPILCH face to face	Sarida McLeod (AGS)		CPD point
	Legal issues for grandparents	27 April 2015	QAILS Webinar	None cited		
	Preparing wills for Indigenous clients	1 November 2013	QAILS Webinar	Anne Cregan (solicitor)		CPD point
<b>Employment law</b>	Employment law overview	Feb 2015	QPILCH face to face	Abby (Caxton) & Liz (QPILCH)		
	Recovering unpaid wages	14 September 2014	QAILS Webinar	Michael Murray (solicitor)		
	Disability discrimination in employment	19 March 2015	QAILS Webinar	James Barnes (solicitor)		
	Employment disputes 101	1 December 2014	QAILS Webinar	Belinda Copley (solicitor)		
	Safe at home, safe at work: changes to the Fair Work Act	21 August 2014	QAILS Webinar	Kerriann Dear		
	Workplace bullying	12 December 2013	QAILS Webinar	Ben Keenan (solicitor)		
	Employment law basics	28 August 2013	QAILS Webinar	Ben Quinn (solicitor) Helen Donovan (solicitor)		
<b>Freedom of information</b>	Accessing information from government	9 July 2015	QAILS Webinar	Lemm Ex (government officer)		
	Intro to right to information	3 September 2013	QAILS Webinar	Eleanor Dickens (solicitor)		

<b>Guardianship &amp; administration</b>	Understanding guardianship	2015/2016	Face to face half or full day in-house by arrangement	QADA	<a href="http://www.qada.org.au/services/guardianship-training">http://www.qada.org.au/services/guardianship-training</a>	Fee by negotiation
	Understanding mental health guardianship	2015/2016	Face to face half or full day in-house by arrangement	QADA	<a href="http://www.qada.org.au/services/guardianship-training">http://www.qada.org.au/services/guardianship-training</a>	Fee by negotiation
	Toolkit for health care decision making	2015/2016	2 hour in house by arrangement	QADA	<a href="http://www.qada.org.au/services/guardianship-training">http://www.qada.org.au/services/guardianship-training</a>	Fee by negotiation
<b>Motor vehicle</b>	Best practice CLC casework arising from motor vehicle accidents	7 August 2015	QAILS Webinar	Denis Nelthorpe (solicitor) Rose-Marie Galea (government officer)		
	Insurance disputes	17 October 2014	QAILS Webinar	Gregg Sivyver (solicitor) Doug Fox (solicitor)		
<b>Personal injury</b>						
<b>Privacy</b>						
<b>Neighbourhood disputes</b>						
<b>QCAT processes</b>						
<b>Residential tenancy</b>	Tenancy law	2015	Tenants Qld – face to face & webinar	TQ workers		Fees & Accreditation option for some courses
	Tenancy law basics	7 August 2013	QAILS Webinar	Peter Mott		
<b>Social security</b>	Social security fraud	15 May 2015	QAILS Webinar	Catherine Eagle (solicitor)		
	Disability support payments	20 August 2013	QAILS Webinar	Bryony Walters (solicitor)		

Client skills						
Skill/Knowledge	Training content (topics)	Date	Delivery Method	Presenter	Access	Feedback
<b>Alcohol and drug awareness</b>	'Safe night out' laws	5 February 2015	QAILS Webinar	Kate Volk (solicitor)		
	Fetal Alcohol Spectrum Disorder	13 May 2014	QAILS Webinar	Dr Janet Hammill (academic) Professor Heather Douglas (academic)		
	Youth Alcohol & Drug Toolbox series	2015	Youth Support and Advocacy Service – online modules, self paced	Series of modules that lay foundational knowledge and frameworks for drug and alcohol work (clear overview of major areas)	<a href="http://www.youthadtoolbox.org.au/what-trauma-informed-care">http://www.youthadtoolbox.org.au/what-trauma-informed-care</a>	Comprehensive series of self-guided modules covering skills & knowledge for youth work in alcohol and drugs but with wider application
	Ed X	2015	Adelaide University - Addiction	MOOC style – with a range of lecturers presenting different aspects of the courses	<a href="https://www.edx.org/course/managing-addiction-framework-successful-adelaidex-addictionx">https://www.edx.org/course/managing-addiction-framework-successful-adelaidex-addictionx</a>	Five week guided course provide a comprehensive introduction to addiction and treatment (when live has a certificate option for a fee, otherwise free)
<b>Cultural competency</b>	Preparing wills for Indigenous clients	1 November 2013	QAILS Webinar	Anne Cregan (solicitor)		
<b>Mental health</b>  (please note MHPN webinar series is wide-ranging & this table selects a few only)	Working together to support the mental health of people who have experienced family violence	19 February 2015	MHPN Webinar	Prof Kelsey Hegarty GP Ms Carmel O'Brien, Psychologist & "Amy" with lived experience	<a href="http://www.mhpn.org.au/WebinarRecording/61/Working-Together-to-Support-the-Mental-Health-of-People-Who-Have-Experienced-Family-Violence#.VlwvuvkrLIU">http://www.mhpn.org.au/WebinarRecording/61/Working-Together-to-Support-the-Mental-Health-of-People-Who-Have-Experienced-Family-Violence#.VlwvuvkrLIU</a>	Packaged sessions that includes resources & question & answer session
	Working together to overcome challenges of rural practice in mental health	31 July 2014	MHPN Webinar	Dr Graham Fleming GP et al	<a href="http://www.mhpn.org.au/WebinarRecording/57/Working-Together-to-Overcome-Challenges-of-Rural-Practice-in-Mental-Health#.VlwvsvfkrLIU">http://www.mhpn.org.au/WebinarRecording/57/Working-Together-to-Overcome-Challenges-of-Rural-Practice-in-Mental-Health#.VlwvsvfkrLIU</a>	Packaged sessions that includes resources & question & answer session

	Collaborative care and mental health of people from migrant backgrounds	3 June 2014	MHPN Webinar	Dr Harry Minas et al	<a href="http://www.mhpn.org.au/WebinarRecording/53/Collaborative-Care-and-Mental-Health-of-People-from-Migrant-Backgrounds#.VlwYvkrLIU">http://www.mhpn.org.au/WebinarRecording/53/Collaborative-Care-and-Mental-Health-of-People-from-Migrant-Backgrounds#.VlwYvkrLIU</a>	Packaged sessions that includes resources & question & answer session
	Collaborative Mental Health Care to Support a Young Person from a Refugee Background	November 2013	MHPN webinar	Dr Georgina Paxton et al	<a href="http://www.mhpn.org.au/WebinarRecording/41/Collaborative-Mental-Health-Care-to-Support-a-Young-Person-from-a-Refugee-Background#.VlwpxpvkrLIU">http://www.mhpn.org.au/WebinarRecording/41/Collaborative-Mental-Health-Care-to-Support-a-Young-Person-from-a-Refugee-Background#.VlwpxpvkrLIU</a>	Packaged sessions that includes resources & question & answer session
<b>Suicide awareness</b>	Salvation Army	2014/15	Online self paced module for legal workers		Need link	Short self paced & useful discussion around advocate-lawyer/counsellor divide
<b>Supported decision-making</b>						
<b>Trauma informed care</b>	Youth Alcohol & Drug Toolbox series	2015	Youth Support and Advocacy Service – self paced, online	Series of modules that lay foundational knowledge and frameworks for drug and alcohol work including trauma informed	<a href="http://www.youthadtoolbox.org.au/what-trauma-informed-care">http://www.youthadtoolbox.org.au/what-trauma-informed-care</a>	Comprehensive series of self-guided modules covering skills & knowledge for youth work in alcohol and drugs but with wider application
	Complex Trauma series	2015	MHPN webinar series	Range of presenters including lived experience from consumers	<a href="http://www.mhpn.org.au/webinars">http://www.mhpn.org.au/webinars</a>	Packaged sessions that includes resources & question & answer session
<b>Working with interpreters</b>						
<b>Working with vulnerable people</b>	Working with children and young people	17 September 2015	QAILS Webinar	Katrina Jefferson (community legal education officer)		
	Working with clients experiencing homelessness and specialist homelessness services	10 August 2015	QAILS Webinar	Marissa Dooris (solicitor)		

	Enhancing LGBTIQ awareness and capability in CLCs	25 June 2015	QAILS Webinar	Julie Howes (solicitor)		
	Changes to Queensland's youth justice system	28 July 2014	QAILS Webinar	Katrina Jefferson (solicitor)		
	Assisting clients with impaired capacity	18 June 2014	QAILS Webinar	None cited		
	Identifying clients' legal needs: QPILCH legal health check	1 May 2014	QAILS Webinar	Sue Garlick (solicitor)		
	Advocacy-health alliances: better health through legal advocacy	16 April 2014	QAILS Webinar	Nickie King Peter Noble		
<b>Vicarious trauma</b>						

## Professional responsibility and risk management

Skill/Knowledge	Training content (topics)	Date	Delivery Method	Presenter	Access	Feedback
<b>Data collection</b>						
<b>File management</b>	Compulsory Practice Management	2015	Face to face	QPILCH – Karen Dyhrberg & LAQ – Anthony Reilly		CPD point available
<b>Leadership skills</b>						
<b>Management and human resources</b>	CLC101	9 June 2015	QAILS Webinar	None cited		
	Reviewing and developing staff performance	24 February 2015	QAILS Webinar	None cited		
	CLC101	15 September 2014	QAILS Webinar	None cited		
	CLC101	31 March 2014	QAILS Webinar	None cited		
	Assisting Queensland NFPs	4 November 2013	QAILS Webinar	Ros Williams		
	CLC101	31 March 2014	QAILS Webinar	None cited		
	CLC101	23 April 2013	QAILS Webinar	None cited		
<b>Occupational health and safety</b>						
<b>PII and risk management</b>	Mental ill-health in the legal profession, and its ethical implications	4 September 2015	QAILS Webinar	Dr Michelle Sharpe (barrister)		
	Lessons from 2014 legal discipline cases	30 March 2015	QAILS Webinar	None cited		
	Defamation in CLC advocacy	12 May 2015	QAILS Webinar	None cited		
	Conflicts and CLCs	11 July 2013	QAILS Webinar	Mark Thomas		
	Ethics	30 May 2013	QAILS Webinar	Stafford Shepherd (solicitor)		
	PII	Annual	QAILS workshop			
<b>Project management</b>	Navigating the Canberra zoo	2 July 2015	QAILS Webinar	Caterina Giorgi (policy and research)		
	Fundraising	17 February 2015	QAILS Webinar	Cathy Baker (communications officer) Paul Perovic (communications officer)		
	Commonwealth funding reforms	29 January 2015	QAILS Webinar	None cited		
	Legal outreach clinics: what makes it work?	6 March 2014	QAILS Webinar	Michael Giles (solicitor) Ellie Ryan (solicitor)		
	'When I tell my story, I'm in charge': ethical and	17 February 2014	QAILS Webinar	None cited		



	effective story-telling in advocacy					
<b>Social media</b>	Social media 101 for CLCs	16 December 2014	QAILS Webinar	Steve Womersley		
<b>Time management</b>						
<b>Working with volunteers</b>	Women's Legal Service support worker volunteers	2 June 2015	QAILS Webinar	None cited		
	Sharing your knowledge with next generation lawyers (PLT hosting)	6 August 2014	QAILS Webinar	Helen McGowan (project manager) Catherine Kenny (academic officer)		

## Appendix 7: Research brief from UQ Pro Bono Centre

As part of the Project's desktop research, students from the University of Queensland's Pro Bono Centre were asked to assist us to review:

- What are the formal training needs of lawyers immediately post-admission, for the first few years of practice?
- What formal training programs are provided/required for the following roles, post-appointment?
  - Social Worker
  - Nurse practitioner
  - Doctor

This useful research, prepared by Amy Clarke and Caleb Theunissen, is provided below.

### Introduction

The training and development of graduate lawyers has changed to accommodate for changing needs and requirements of the legal profession. This issue has previously been addressed by the Campbell Report, which introduced Practical Legal Training (PLT). Now, there is an ongoing need for lawyers in their first few years after graduating university to have further skills to allow them to succeed in the profession. This is extremely important for community lawyers, who are required to have a vast amount of knowledge across many fields of law, and also have advanced practical skills in order to engage with clients.

### Post-admission training for lawyers

#### Continuing Professional Development

Continuing Professional Development (CPD) is a scheme that was introduced to Queensland in 2005 with the purpose of helping lawyers continue to develop their skills throughout their careers. It divided necessary core legal skills into three broad areas:<sup>21</sup>

1. Practical Legal Ethics Core Area;
2. Practice Management and Business Skills Core Area; and
3. Professional Skills Core Area.

Lawyers are required by the scheme to complete 10 CPD units annually; which can be attained by participating in a variety of activities which include attending seminars, writing articles and presenting law lectures.<sup>22</sup> CPD is mandatory for lawyers wishing to retain their practising certificate. The core areas of CPD have been identified by authors to be the general framework to highlight what skills are useful to graduate lawyers.

#### Core Skills

The core skills which lawyers should have when entering the profession have been categorised in the following as professional, interpersonal, life and ethical skills. This literature review has focused on areas where newly admitted lawyers may lack the

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<sup>21</sup> Queensland Law Society, *CPD Guide: Your guide to meeting CPD requirements in Queensland* (2014) <[http://www.qls.com.au/For\\_the\\_profession/Your\\_legal\\_career/Continuing\\_professional\\_development\\_CPD](http://www.qls.com.au/For_the_profession/Your_legal_career/Continuing_professional_development_CPD)>.

<sup>22</sup> A complete guide for which activities accumulate CPD units and at what rate can be found in the Queensland Law Society's CPD Guide.

necessary core skills to practice effectively and has posited suggestions from various commentators to address these concerns.

## Professional Skills

While opinions vary as to what professional skills new lawyers should require when entering the profession, the MacCrate Report highlighted ten fundamental skills (including legal research, communication, counselling, negotiation)<sup>23</sup> driven by four fundamental values. These values included the provision of competent legal representation, striving to promote justice, striving to improve the profession, and professional self-development.<sup>24</sup>

As legal cases are increasingly being resolved outside of the court system, lawyers need to adapt their skills to effectively operate in this environment. It has been suggested that whilst the majority of a lawyer's education is focused on legal research, analysis and reasoning; the real-life work of a modern lawyer requires 'various other strengths including perseverance, judgment, interpersonal skills, and the ability to communicate effectively both orally and in writing'.<sup>25</sup>

It has been suggested that teaching Alternative Dispute Resolution in law school (focusing particularly on negotiation and mediation) would equip new lawyers with the skills to thrive in the modern legal world.<sup>26</sup> While knowledge of black letter law is important, the realities of lawyering exist in a far messier world of 'disputed facts; with subjective or even 'unreasonable' clients; and sometime, dare we say it, opposite numbers or even judges who are less than perfectly rational'.<sup>27</sup>

This is particularly important for practitioners in Community Legal Centres who focus on assisting disadvantaged Australians who may not be able to afford to go to court.<sup>28</sup> The ADR process, which focuses on mediation and negotiation, provides law students with a broader understanding of a client's needs beyond the outcome of a court case. These professional skills are especially required when assisting clients in the evaluation of the 'economic, reputational, psychological, moral, and justice implications of alternative courses of action'.<sup>29</sup>

## Interpersonal Skills

### Communication

Another essential skill that needs to be developed post-admission is communication. Many young lawyers exhibit strong written communication skills however they are less effective at expressing their opinion orally.<sup>30</sup> In a community legal context, oral communication is particularly essential as many clients simply want to have the solution to their issue

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<sup>23</sup> Richard A Matasar, 'Skills and Values Education: Debate about the continuum continues' (2003) 46 *New York Law School Law Review* 395, 399.

<sup>24</sup> Ibid, 400.

<sup>25</sup> John M Lande and Jean R Sternlight, 'The Potential Contribution of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering' (2010) 25 *Ohio State Journal on Dispute Resolution* 247, 259.

<sup>26</sup> Charlie Irvine, 'The future of legal education - What's ADR got to do with it?' (2010) 25 *Scots Law Times* 139.

<sup>27</sup> Ibid.

<sup>28</sup> Community Law Australia, *Unaffordable and out of reach: The problem of access to the Australian legal system* (July 2012) <[http://www.communitylawaustralia.org.au/wp-content/uploads/2012/07/CLA\\_Report\\_Final.pdf](http://www.communitylawaustralia.org.au/wp-content/uploads/2012/07/CLA_Report_Final.pdf)>, 6.

<sup>29</sup> John M Lande and Jean R Sternlight, 'The Potential Contribution of ADR to an Integrated Curriculum: Preparing Law Students for Real World Lawyering' (2010) 25 *Ohio State Journal on Dispute Resolution* 247, 261.

<sup>30</sup> Theodora Ahilas of Maurice Blackburn, quoted by Samantha Woodhill, 'Are young lawyers lacking crucial communication skills?' (04 February 2015) <<http://www.australasianlawyer.com.au/news/are-young-lawyers-lacking-crucial-communication-skills-196455.aspx>>.

explained to them in a way that they will understand.<sup>31</sup> Equally as critical are listening skills, which can lead to greater effectiveness of practicing in the legal profession.<sup>32</sup> There are a number of self-reflection and role-playing exercises that can identify and correct any listening flaws.<sup>33</sup>

In the legal context, communication extends beyond merely providing legal advice; it is the ability to attend to any office issues, address the concerns of an employer or client, and coexist with support staff.<sup>34</sup> These communication skills are an important part of lawyers duties and are often overlooked in law school<sup>35</sup> or taught in contexts that are not relevant to everyday practice.<sup>36</sup> Having the skills to build a personal connection with another person is often an essential part of the collaborative bargaining that lawyers often engage in.<sup>37</sup>

### Client relationships

Many of the skills that commentators have identified as lacking in new lawyers are essential for maintaining good relationships with clients. Lawyers should have an understanding as to their clients needs and problems, in order to build and maintain a good client relationship. Possessing skills such as common sense, creativity and understanding human nature are crucial in this regard.<sup>38</sup>

## Life Skills

### Work-life balance

It's no secret that law is a difficult, time consuming profession. Justice Sulan of the South Australian Supreme Court commented that it is often said that lawyers have two spouses, their husband or wife and their legal work.<sup>39</sup> Due to this skewed work-life balance, depression and anxiety rates amongst lawyers and law students is significantly higher than the general population.

The question for the profession is how to impart the necessary skills and support for law students to manage depression during their studies and how to continue this development post-admission. Whilst 'lifestyle' skills may not conjure up the same enthusiasm in law students and newly admitted practitioners as more legally focused issues, the fact that up to 80% of practitioner complaints relates to substance abuse (which is very high within the profession) illustrates how essential it is for a successful legal career, to learn to maintain a healthy mindset.<sup>40</sup>

### Mental health

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<sup>31</sup> Community Law Australia, *Unaffordable and out of reach: The problem of access to the Australian legal system* (July 2012) <[http://www.communitylawaustralia.org.au/wp-content/uploads/2012/07/CLA\\_Report\\_Final.pdf](http://www.communitylawaustralia.org.au/wp-content/uploads/2012/07/CLA_Report_Final.pdf)>, 6.

<sup>32</sup> Neil Hamilton, 'Effectiveness requires listening: How to assess and improve listening skills' (2012) 13 *Florida Coastal Law Review* 145.

<sup>33</sup> *Ibid*, 160-179

<sup>34</sup> Neil Joel Dilloff, 'Law School Training: Bridging the gap between legal education and the practice of law' (2013) 24(2) *Stanford Law & Policy Review* 425, 439.

<sup>35</sup> *Ibid*

<sup>36</sup> Joshua D Rosenberg, 'Interpersonal Dynamics: Helping Lawyers Learn the Skills, and the Importance, of Human Relationships in the Practice of Law' (2004) 58 *University of Miami Law Review* 1225, 1226.

<sup>37</sup> *Ibid*, 1256.

<sup>38</sup> Douglas S Lavine, 'Advocacy from the Human Perspective' (2012) 17 *National Law Journal* 22. \

<sup>39</sup> Candice Marcus, 'Lawyers' alarming depression rates prompt efforts to boost mental health support' (21 November 2014), <<http://www.abc.net.au/news/2014-11-21/lawyers-depression-rates-alarming/5903660>>.

<sup>40</sup> Australian Legal Students Association, 'Depression in Australian Law Schools' (2009) <<http://www.alsa.net.au/oldsite/images/2011/ALSA%20Depression%20Handbook.pdf>>, 6.

Mental health issues should be addressed throughout law school and training on coping with any issues should continue throughout the transition from university to practice, as issues often arise early in a lawyer's career. Given the long term problems associated with mental illness, it is necessary to explore how law students are taught to manage their mental well being.

The Australian Legal Students Association (ALSA) summarised a report by Professor Ian Hickie of the University of Sydney's Brain and Mind Institute, which found that 41% of law students, 31% of solicitors and 19% of barristers in Australia suffer from depression.<sup>41</sup>

The prevalence of depression and substance abuse has provided numerous law schools with incentive to begin developing methods to educate law students to effectively manage their mental health and lifestyle. Depression in law has been linked to the two most prevalent character traits, being perfectionism and pessimism, and many of the programs are tailored to try and teach law students to indulge more optimistic thinking and engage in relaxing activities.

### Available services

Even though law schools and firms have been attempting to institute various programs to promote mental well-being, more can always be done. Newly admitted lawyers should be encouraged to engage in mental health programs, such as the National Workplace Program.<sup>42</sup> There are also free resources available from the Queensland Law Society (QLS) to help recognise and manage mental health challenges, which can be incorporated into training programs post-admission.<sup>43</sup> Law Schools in the United States have experimented with a number of programs to teach law students how to relax and develop stress relieving techniques. These range from law school sponsored athletic activities, teaching relaxation techniques, yoga classes and counseling.<sup>44</sup>

It is important to note that while there are a variety of programs and counselling services available to help promote good mental health and stress management, these programs should be 'conducted regularly over the course of a lawyer's professional life, rather than on one-off occasions or over short periods'.<sup>45</sup>

### Ethical Skills

In Australia, the standards of practice for solicitors and barristers are set out in the *Australian Solicitors Conduct Rules 2012* and the *Barrister Rules 2011*. In cases where the various duties conflict, ethical issues arise and without a high level of ethical skills and professional conduct, the duties may be difficult to reconcile.

New lawyers perceive these ethical skills to be ones which they are least prepared for in practice, despite the importance placed on them.<sup>46</sup> A senior litigation partner at US Law Firm

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<sup>41</sup> Ibid.

<sup>42</sup> Beyondblue, '*National Workplace Program*' <<https://www.beyondblue.org.au/about-us/programs/workplace-and-workforce-program/programs-resources-and-tools/national-workplace-program>>.

<sup>43</sup> Queensland Law Society, '*Factsheets and videos*' <[http://www.qls.com.au/For\\_the\\_profession/Love\\_Law\\_Live\\_Life/Factsheets\\_and\\_videos](http://www.qls.com.au/For_the_profession/Love_Law_Live_Life/Factsheets_and_videos)>.

<sup>44</sup> Todd Peterson and Elizabeth Peterson, 'Stemming the Tide of Law Student Depression: What law schools need to learn from the science of positive psychology' (2008) *GW Law Faculty Publications & Other Works*, Paper 871, 22

<sup>45</sup> Sharon Medlow, Norm Kelk and Ian Hickie, 'Depression and the Law: Experiences of Australian barristers and solicitors' (2011) 33 *Sydney Law Review* 771, 799.

<sup>46</sup> Amy B Cohen, 'The Dangers of the Ivory Tower: The obligation of law professors to engage in the practice of law' (2004) 50 *Loyola Law Review* 623, 633-4.

DLA Piper stated that most of the problem legal malpractice cases stem from a lack of moral, ethical or legal judgment, and emphasised that 'young lawyers need to know the right way to do things--or at least the questions to ask--so that they can get appropriate answers to sticky questions'.<sup>47</sup> Law students want to learn 'how to avoid legal malpractice-including how to identify a potential problem and a potential problematic client, what steps to take...to avoid and cure client relationship issues that can lead to claims against lawyers, the "how-to" and ethics of dealing with various situations and when to seek help'.<sup>48</sup>

An extremely helpful free resource to assist newly admitted lawyers, both during their first few years in practice as well as throughout their career, is the Queensland Law Society Ethics Committee. There are online fact sheets relating to ethical issues that frequently arise,<sup>49</sup> and there are contacts within the QLS who can be called upon to assist with providing guidance on particularly difficult ethical dilemmas.<sup>50</sup> There are also a number of paid courses online which are designed to help practitioners develop a strong ethical code, and which also forms part of their CPD requirements.<sup>51</sup>

## Comparable training in other professions

Other professions, such as doctors, nurses and social workers, offer similar 'post-admission' training to new graduates of the respective degrees. There are differences in the approaches which are taken in order to bridge the gap between theory and practice, as well as other training and development techniques specific to each profession.

### Doctors

Doctors are required to engage in continuing professional development whilst practicing as a registered medical practitioner, where it is relevant to their scope of practice.<sup>52</sup> In their first years after graduation, junior doctors can undertake in the Australian General Practice Training (AGPT) to gain general practitioner qualifications in hospitals,<sup>53</sup> alternative options such as overseas and rural placements available in certain circumstances.<sup>54</sup> It has been suggested that junior doctors should undertake some form of mandatory rural experience, as there are higher expectations and more opportunities for hands on experience compared to metropolitan hospitals.<sup>55</sup> The 2014-15 Federal Budget has included changes to address this suggestion by consolidating training organisations in rural areas, however this measure is

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<sup>47</sup> Neil Joel Dilloff, 'Law School Training: Bridging the gap between legal education and the practice of law' (2013) 24(2) *Stanford Law & Policy Review* 425, 438.

<sup>48</sup> Ibid, 444.

<sup>49</sup> Queensland Law Society, 'Ethics FAQs' <[http://www.qls.com.au/Knowledge\\_centre/Ethics/FAQs](http://www.qls.com.au/Knowledge_centre/Ethics/FAQs)>.

<sup>50</sup> QLS Ethics Committee, Email: [ethics@qls.com.au](mailto:ethics@qls.com.au), Phone: (07) 3842 5843. Further details: <[http://www.qls.com.au/Knowledge\\_centre/Ethics/Ethics\\_contacts](http://www.qls.com.au/Knowledge_centre/Ethics/Ethics_contacts)>.

<sup>51</sup> See for example - CPD Interactive Online Professional Course, 'Ethics' <<https://cpdinteractive.com.au/product-category/ethics>>.

<sup>52</sup> *Health Practitioner Regulation National Law 2009* (Qld).

<sup>53</sup> Anne A Martin, Caroline O Laurence, Linda E Black and Bruce V Mugford, 'General practice placements for pre-registration junior doctors: adding value to intern education and training' (2007) 186(7) *Medical Journal of Australia* 346.

<sup>54</sup> Australian Government Department of Health, *Australian General Practice Training - Alternative Training Options* <<http://www.gpet.com.au/Junior-doctors/Alternative-Training-OptionsAlternative-Training-Options>>.

<sup>55</sup> Casey Jane Rowe, Ian S Campbell and Lynton Ashley Hargrave, 'Rural experience for junior doctors: Is it time to make it mandatory?' (2014) 22 *The Australian Journal of Rural Health* 63.

focused on relocation and retention of qualified GPs;<sup>56</sup> there is no general incentive in the budget for junior doctors to undertake their placement in these areas.

Mentoring programs are now also being encouraged in response to a Beyond Blue survey<sup>57</sup> which identified high levels of depression and burnout due to long hours and workloads.<sup>58</sup> The Mentoring Doctors initiative is currently supported by the Australian Medical Association of Queensland,<sup>59</sup> and while it is not a formal training program, it encourages hospitals to match senior and junior doctors for their mutual benefit. Other organisations such as the Royal Australian College of General Practitioners (RACGP) and the Australian Indigenous Doctors' Association (AIDA) have developed similar programs to allow for a wider reach across the profession.<sup>60</sup>

## Nurses

Nurses are also generally required to do a minimum of 20 hours of continuing professional development each year under the Nursing and Midwifery Board of Australia (NMBA). There is also an additional requirement for midwives to undertake a Midwifery Professional Practice Review (MPPR) every three years.<sup>61</sup> There is an expectation that once a nurse finishes their formal education, they continue to develop and improve their skills throughout their career.<sup>62</sup> As CPD is not defined in the legislation or specifically prescribed by NMBA, there is more flexibility for nurses to choose training based on their individual circumstances.

In addition to the general requirements, graduate transition programs are in place to support and socialise new nurses, by providing opportunities to integrate knowledge and practical skills. These programs are sometimes offered as part of a university degree, or as a standalone program for recent graduates.<sup>63</sup> While there are no national standard in place to ensure uniformity between programs,<sup>64</sup> this is likely due to the differing norms and values of each organisation and to allow for flexibility. There has been doubt cast on whether these transition programs are as effective as they aim to be.<sup>65</sup>

## Social Workers

Continued professional development is required to be undertaken by social workers, however the requirements are somewhat different to other professions as they are required

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<sup>56</sup> RACGP, *Federal Budget delivers hits to primary health care* (13 May 2014) <<http://www.racgp.org.au/yourracgp/news/media-releases/federal-budget-little-good-news>>.

<sup>57</sup> Beyond Blue, *Doctors' Mental Health Program* <<https://www.beyondblue.org.au/about-us/programs/workplace-and-workforce-program/programs-resources-and-tools/about-the-doctors-mental-health-program>>.

<sup>58</sup> Virginia Trioli, *Effort to better mentor stressed out young lawyers* (27 July 2014) <<http://www.abc.net.au/news/2014-06-27/effort-to-better-mentor-stressed-out-young-doctors/5554084>>.

<sup>59</sup> Australian Medical Association, *Mentoring for junior doctors in Queensland* (17 July 2014) <<https://ama.com.au/edit-newsletter/mentoring-junior-doctors-queensland>>.

<sup>60</sup> The Royal Australian College of General Practitioners, *Mentor program to nurture the next generation of Indigenous doctors* (13 March 2015) <<http://www.racgp.org.au/yourracgp/news/news/13-03-2015>>.

<sup>61</sup> Nursing and Midwifery Board of Australia, *Professional Codes & Guidelines* (11 August 2015) <<http://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements.aspx>>.

<sup>62</sup> Anthony Summers, 'Continuing Professional Development in Australia: Barriers and Support' (2015) 46(8) *Journal of Continuing Education in Nursing* 337.

<sup>63</sup> Susan M Dyess and Rose O Sherman, *The First year of Practice: New graduate nurses' transition and learning needs* (2009) 40(9) *The Journal of Continuing Education in Nursing* 403.

<sup>64</sup> Rosalind Bull, Toniele Shearer, Michelle Phillips and Anne Fallon, 'Supporting Graduate Nurse Transition: Collaboration between practice and university' (2015) 46(9) *The Journal of Continuing Education in Nursing* 409.

<sup>65</sup> Tracy Levett-Jones, 'A review of graduate nurse transition programs in Australia' (2005) 23(2) *Australian Journal of Advanced Nursing* 40.

to properly record the activities they have completed.<sup>66</sup> They are required to do a minimum of 30-50 hours per year as part of their accreditation. The Australian Association of Social Workers (AASW) provides documents for social workers in order for them to create a CPD plan which outlines any opportunities that they seek to engage in for the future year, giving the plan a forward focus.<sup>67</sup>

Social workers are also subject to professional supervision throughout their career to maintain best practice and reinforce any requirements and responsibilities of the role. The standards by which the supervision must be undertaken is prescribed by the AASW, and the functions are identified as education, support and accountability.<sup>68</sup> While direct supervision is preferred there are mechanisms which allow for substituted forms of supervision, including means such as online, telephone, or video conferencing; these alternatives allow for a broad range of supervisory arrangements that suit both professionals involved.

## Conclusion

While the introduction of PLT and CPD have assisted in bridging the gap between law school and practice, more can be done to ensure that newly admitted lawyers have the required skills to effectively carry out their position. Programs to address these skills, as well as greater recognition of issues such as mental health, should ensure that the proper training and support is available to young lawyers in their first few years after admission.

Comparable professions use training mechanisms such as mentoring or supervision in order to ensure that the required skills and career outlook are fostered by another more experienced member of the profession. These are generally focused on the larger subset of the profession, however rural and minority programs have found success. Community Legal Centres can adopt these types of development ideas for newly admitted lawyers. It would be useful to foster required skills and give guidance to allow for maximum effectiveness; rather than solely relying on newly admitted lawyers completing formal CPD requirements, which may not suit the needs of the centres. As these types of programs would be run at a smaller scale compared to the counterparts in other professions, these types of programs are relatively low cost and allow for flexibility, but may require senior lawyers to provide their time to assist in the longevity of these programs.

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<sup>66</sup> Australian Association of Social Workers, *Continuing Professional Development for members* (2012) <<https://www.aasw.asn.au/document/item/3374>>.

<sup>67</sup> Australian Association of Social Workers, *Creating a CPD Plan* (2013) <<https://www.aasw.asn.au/professional-development/creating-a-cpd-plan>>.

<sup>68</sup> Australian Association of Social Workers, *Supervision Standards* (2014) <<http://www.aasw.asn.au/document/item/6027>>. Note there are also separate Practice Standards for Mental Health Social Workers and School Social Workers.



## Appendix 8: Continuing professional development for financial counsellors

### About the Specified Professional Development Program (SPDP)

The Specified Professional Development Program (SPDP) was introduced by Consumer Affairs Victoria (CAV) as a part of the revised Financial Counselling Program (FCP) 2014-17.

The SPDP contains minimum professional development requirements that all CAV financial counsellors must complete.

CAV funded financial counsellors (part and full time) are required to undertake a minimum of four SPDP sessions each year in the areas of legal and systems knowledge. A session comprises 3 hours of training at any one time on related topic areas.

All SPDP courses are indicated in the Summary Calendar document for your records and are available for all financial counsellors to attend.

The SPDP Core topics are:

#### **LEGAL KNOWLEDGE AND SKILLS**

1. Australian Consumer Law
2. Consumer Credit Law
3. Debt collection and enforcement
4. Bankruptcy and insolvency
5. Superannuation and insurance
6. New legislative development (eg: utility regulation)

#### **SYSTEMS KNOWLEDGE AND SKILLS**

7. Ombudsman schemes
8. Infringements and penalties
9. Hardship systems
10. Centrelink systems
11. Housing systems
12. Family Law
13. Injury compensation
14. Codes of practice

#### **MANDATORY TOPIC FOR FINANCIAL COUNSELLING CASEWORK SUPERVISORS**

15. Casework supervision

FCP financial counsellors are also required to ensure that they complete at least 12 of the 14 SPDP topics over the duration of the three year contract period. This will ensure that all FCP financial counsellors maintain the breadth of their legal knowledge and skills and systems knowledge and skills.

FCP supervisors will be required to complete 12 SPDP topics and the mandatory casework supervision topic.

FCP managers will report 6 monthly on financial counsellors progress against the SPDP requirements.



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