

Education Act Prosecutions Working Group Report to NLA – November 2016

The Education Act (EA) Prosecutions working group met on 30 November 2016. Key issues discussed included:

Attendance at school by children/young people in Out of Home/Residential Care

Trisha Ladogna, Director Child Protection Services at the Department of Education, spoke about changes that were occurring in line with recommendations of the recently released Independent Review of Out of Home Care in NSW (David Tune Review) – [Their Futures Matter: A new approach](#). The Department of Education is working closely with FaCS to ensure when decisions are made regarding placement of children in OOHC/setting up of residential care facilities that enrolment and attendance at school is prioritised, streamlined and supported through education of carers/services and school infrastructure/services.

Work with the NSW Ombudsman

The NSW Ombudsman reported that they have a meeting with the new Secretary of the Department of Education in early December to discuss issues raised by the NLA and President of the Children's Court with them regarding EA prosecutions. A meeting of select key stakeholders is planned as the likely best way to progress these issues. They are also planning to examine the behavioural supports for school-aged children and young people in residential care including school attendance.

Training for Legal Assistance Services regarding Education Act matters

The Legal Aid NSW Solicitor in Charge of Care and Protection will work in partnership with the Department of Education to arrange a training day for legal assistance services in 2017 regarding working with children/young people and parents on Education Act matters. This training day will take a wholistic approach to ensure services are aware of the context in which these matters come about and additional supports available.

Promotion of Legal Aid assistance available for EA matters

A new flyer has been developed which will be distributed by Department of Education, Courts and Legal Aid to parties as well as lawyers to ensure all are aware of the availability of Legal Aid for EA matters in both the Children's and Local Courts.

Law Reform

It was agreed that the ability to issue warrants to children/young people who do not attend Court for EA matters needs to be removed from the legislation in line with current practice that has been negotiated informally as an undertaking by the Department of Education. Legal Aid NSW will commence this process.

The next meeting of the Education Act Prosecutions Working Group is on Wednesday 1 March 2017.

Annmarie Lumsden

Director Crime, Legal Aid NSW

Chair NLA Educations Act Prosecutions Working Group, November 2016.