



MSEI POLICY 6.0

PROTOCOL FOR PRINCIPALS OF MERCY SPONSORED SCHOOLS REGARDING LEGAL ISSUES ARISING AT THE SCHOOL LEVEL

This protocol should be read in conjunction with the Principal's Handbook contained in the MSEI Manual. Refer Section 4: Duties, page (6) under *Education and Administration*.

1. PREAMBLE

The Sisters of Mercy - Melbourne Congregation, a member of the Institute of Sisters of Mercy of Australia (Sisters of Mercy), is involved with seven fully sponsored secondary schools in Victoria. In 1997, Mercy Secondary Education Inc (MSEI) was established under the Associations Incorporation Act 1981, as the legal entity responsible for operating the educational interests of the Sisters of Mercy in Victoria. The Congregation Council ultimately oversees the actions of MSEI.

Whilst bearing in mind that the history of the secondary schools has reflected a strong emphasis on local government in decision making at the appropriate level, it needs to be understood that under this governance structure, MSEI has a responsibility under law to appear and act on behalf of each of the seven sponsored schools in court when required. Therefore any matter of a litigious nature that may arise in any of the seven sponsored schools, will be managed by the Board of Management of MSEI in coordination with the schools.

2. PROCESS

The following process provides the appropriate instructions for the Principal of the school when such legal matters do arise:

- a) When a need arises for a Mercy sponsored school to seek legal advice, the Principal of school, in the first instance, will contact the MSEI Executive Officer. After discussion with the Principal, the Executive Officer will inform the Board's legal consultant. After the initial briefing, the Principal will be asked to contact the Board's legal consultant to further inform him of details relating to the issue.
- b) The Principal will provide all relevant documentation to the Board's legal consultant, and any further information requested, to enable a speedy response. A second copy of the information is to be forwarded to MSEI at the same time.
- c) The Board's legal consultant will determine the kind of implications that the issues raised have for MSEI and/or the Congregation and will advise MSEI accordingly.
- d) In instances where it is considered that the issues raised do have legal implications for MSEI and/or the Congregation, the Board's legal consultant will inform the Executive Officer who will then inform the Chair of the Board and Congregation Leader. This legal matter will then be handled by the Board's legal consultant in consultation with the Principal, the Board and the Congregation. On occasions and after further investigation, other expert legal advice may be required.



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- e) Following discussion with the Principal, a procedure for seeking further advice of, or providing information to, other appropriate authorities will be determined by the Board. Such authorities would include but not be limited to:

CECV Industrial Relations Unit for employment related matters
Catholic Church Insurances Ltd for accident or employment liability
Diocesan Catholic Education Office for student welfare matters

- f) Principals must be mindful of the fact that if matters proceed to litigation, court proceedings will be issued in the name of MSEI and consequently a close working relationship between the Board and the Principal must be maintained.

3. COSTS

Legal fees and associated costs will be the responsibility of the School.

MSEI LEGAL CONSULTANT

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