

UMSU Legal Service

Supervision Policy and Workload Monitoring Protocol

Policy number: 005	Date adopted: 12.11.2014	
Authorised by: Phoebe Churches, Manager, Advocacy & Legal		
Date last reviewed: 10.11.2016	Reviewed by: A & L SAG	Date of next review: 10.11.2017

Policy context: This policy relates to:	
Standards or other external requirements	NACLC Mandatory Standards 3, 4, and 7
UMSU standards	Intake, Information, Referral & Advice Policy Casework Policy Casework Guidelines File Management Policy
Legislation or other requirements	<u>Legal Profession Uniform Law Application Act 2014 (Vic)</u> <u>Legal Profession Uniform General Rules 2015</u> <u>Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015</u> <u>Legal Profession Uniform Legal Practice (Solicitors) Rules 2015</u>

POLICY STATEMENT

The Principal Solicitor is responsible for ensuring that the Service operates within its limits and resource constraints and does not take on more work than the Service can handle.

Casework must be kept within reasonable limits taking into account staffing levels and available resources. Workload must be continually monitored and reviewed to ensure that it is kept at a manageable level.

The Solicitor will receive support and guidance from the Principal Solicitor as well as from a developed network of solicitors and barristers that can be referred to when necessary.

WORKLOAD PROTOCOL

Replacement of Principal Solicitor on leave

All staff accrue 5 weeks annual leave per year (pro rata) which must be taken in accordance with the provisions of the MU Student Union Collective Agreement 2015 or replacement instrument.

The Manager, Advocacy & Legal is responsible for ensuring that the staff in the Legal Service practice appropriate leave management and are able to take annual and other accrued leave as required.

Due to funding restrictions – it is not always possible to employ a locum to replace the Principal Solicitor. Where the Principal Solicitor will be unable to fulfil the role for a period of two weeks or longer, including the taking of annual or other leave, another suitably qualified staff member holding an unrestricted practising certificate will be responsible for supervision of the Legal Service. If the Legal Service does not have another suitably qualified staff member holding an unrestricted practising certificate, arrangements will be made with the Federation of Community Legal Centres to find a suitable arrangement for supervision of the Legal Service.

Service at capacity

A staff solicitor's open caseload should not exceed 60 (sixty) open files at any time. If the open file number exceeds 70 files notwithstanding that the staff solicitor has undertaken a file review to close any matters that can be closed the Solicitor shall consult the Principal Solicitor, and where necessary the Principal Solicitor will consult with the Manager, Advocacy & Legal. The staff solicitor and the Principal Solicitor will determine at first instance how to quickly reduce the number of live matters, by

sharing out the work load in relation to open files and only opening new matters on a strict priority basis. If these measures do not seem to reduce the open case load, a process to manage caseload will be determined by the Manager, Advocacy and Legal in collaboration with the Principal Solicitor.

The Principal Solicitor’s caseload should not generally exceed 10 (ten) open files at any time without the express approval of the Manager, Advocacy & Legal. The Principal Solicitor will only take on complex matters which entail systemic or law reform issues and will consult the Manager, Advocacy & Legal for assistance in determining whether to accept any potentially large matter.

Notice to students

During periods of suspended service, a notice will be placed on the UMSU website notifying students that the service is unable to take on new clients during this period and referring to other appropriate services according to the Intake and Referral Policy and the relevant Internal Legal Service Operating Procedures.

Students emailing and contacting the service by phone will also be directed to these referral services.

DOCUMENTS

Documents related to this policy	
Related policies	Intake, Information, Referral & Advice Policy Casework Policy Casework Guidelines File Management Policy
Forms or other organisational documents	Legal Service Charter
Policy review frequency: Annually	Responsibility for review: A & L SAG
<p>Review process: The Advocacy & Legal Student Advisory Group in conjunction with the Principal Solicitor has responsibility for leading the review of this policy. The process for reviewing the policy includes:</p> <ul style="list-style-type: none"> • Assessment of policy implementation to date; • Those covered by the policy are provided with the opportunity to give feedback; • All feedback and suggestions will be considered by the review of the policy; • Proposed changes will be presented to UMSU staff to achieve consensus; • A & L SAG will endorse the finalised policy; and • The policy will be available on the Legal Services web page. 	