

PROFESSIONAL PLACEMENT GUIDELINES

WESTERN AUSTRALIA

1. PURPOSE OF GUIDELINES

These *Professional Placement Guidelines* set out the respective roles, rights and responsibilities of all parties involved in the Professional Placement (the “**Placement**”) component of the Leo Cussen Practical Legal Training course (“**PLT**”) in Western Australia.

Those parties are:

- a) the Trainee;
- b) the Placement Supervisor; and
- c) Leo Cussen Centre for Law (“**Leo Cussen**”).

2. OVERVIEW OF PROFESSIONAL PLACEMENT

All Leo Cussen Trainees are required to carry out a period of supervised work experience as a component of the PLT. Placements carried out under the WA PLT are generally 20 days in length, but may vary in duration depending on each Trainee’s individual circumstances. Trainees must successfully complete the Placement in order to complete the PLT and to be eligible to apply for admission to the legal profession.

The purpose of the Placement is to provide the Trainee with an opportunity to:

- a) apply, test and reflect on what has been learned during the PLT in a practical, ‘real-world’ environment;
- b) receive experienced supervision by a qualified member of the legal profession in the execution of legal or law-related work;
- c) interact with various stakeholders including lawyers, government officers, clients and other staff;
- d) develop an understanding of the nature of legal practice, and the Trainee’s aptitude for engaging in it;
- e) acquire a basic understanding of what a legal practitioner does in the course of legal practice; and
- f) critically reflect upon their experience during the Placement, and consider how that experience will influence the Trainee’s future actions.

3. THE PLACEMENT SUPERVISOR: Roles, Rights & Responsibilities

PRIOR TO PLACEMENT COMMENCEMENT

- a) Supervisors must provide the Trainee with a short introduction on their first day. This includes information about the office systems and work hours.
- b) Supervisors must ensure that the Trainee will carry out at least **two** days (or four half-days) of work experience per week during the Placement period.
- c) Supervisors must discuss mutual expectations for the Placement with the Trainee from the outset of the Placement. This includes expectations regarding allocation of tasks and provision of regular feedback.
- d) Supervisors must be aware of, and comply with:
 - a. all laws and legislation relating to vocational placements and employment, including but not limited to the *Fair Work Act 2009*; and
 - b. the legal requirements in relation to prolonged periods of unpaid work which, under certain circumstances, may be characterised as payable employment.

For further information on your obligations (including relevant Award provisions), please visit the Fair Work Ombudsman website or contact the Law Society of Western Australia.

REMUNERATION

- a) Supervisors may, but are **not** required to, remunerate Trainees for the duration of the Placement, in accordance with the 'Vocational Placement Exception' in the *Fair Work Act 2009*.

SUPERVISION REQUIREMENTS

- a) Supervisors must ensure Trainees are supervised by a person who:
- has at least **three** years of post-admission experience practising law; and
 - is admitted to the legal profession; and
 - holds a current practising certificate; and
 - is currently practising law; and
 - is currently of good standing in the legal profession.
- b) Alternatively, a Supervisor may be a judge or magistrate of an Australian court, or member of an Australian tribunal.
- c) Upon request from Leo Cussen, Supervisors may be required to provide evidence of their qualifications, admission to practice, or practising certificate.
- d) Trainees must be provided with ongoing guidance and constructive feedback on their work.
- e) Supervisors may share supervision in conjunction with other staff who qualify as Placement Supervisors under these *Professional Placement Guidelines*.
- f) Supervisors are **not** permitted to supervise any more than **two** PLT students at any one time. This is to ensure Trainees receive a high quality of training and supervision.

SUITABLE TASKS AND ACTIVITIES

- a) Supervisors must ensure Trainees receive appropriate legal or law-related work that allows the Trainee to apply, test and reflect on skills being learned during the PLT course. Appropriate legal or law-related work must include most or all of the following:
- significant interaction with external or in-house clients;
 - drafting documents;
 - legal research;
 - using a file management system.

Please refer to the [Placement Task Checklist](#) for more guidance and examples of suitable tasks. The checklist is a useful guide to help identify placement activities, but its use is not compulsory.

Some other examples of suitable activities include, but are not limited to:

- attending interviews with clients and conducting interviews in minor matters
- reviewing documents, including contracts, court documents, agreements, wills etc.
- observation of, or involvement in, office procedures
- liaising with internal and/or external clients or stakeholders
- arranging, preparing for and attending settlements
- attending conferences, mediations, court hearings, or other dispute resolution forums

- drafting documents of a straightforward nature (eg Transfers, Probate Applications, simple Wills, Affidavits of Documents, etc)
- drafting letters and other correspondence
- conducting legal research and drafting memoranda of advice
- discussing issues with Placement Supervisor, eg after reading a file

b) Supervisors must:

- avoid or limit the allocation of administrative and/or non-legal tasks to the Trainee;
- ensure that, wherever possible, Trainees are allocated a variety of experiences and activities;
- provide, wherever possible, a constant flow of work to the Trainee; and
- provide Trainees with ongoing guidance and constructive feedback on their work.

Please refer to the [Placement Task Checklist](#) for more guidance and examples of suitable tasks.

AT CONCLUSION OF PLACEMENT

Supervisors are asked to:

- conduct an 'exit interview' with the Trainee at the conclusion of the Placement to reflect on the experience and discuss overall feedback.
- complete a *Supervisor Feedback Form* and submit it to Leo Cussen by no later than the next business day after Placement completion.
- be aware that any arrangement to retain the Trainee beyond the Placement completion date will be a separate arrangement between the Placement organisation and the Trainee, and Leo Cussen would not be a party to any such arrangement. Your organisation would also be responsible for complying with any relevant employment laws/salary awards. If the completed placement was unpaid, you may now find it useful to refer to [Fair Work](#) and the [Legal Practice Board of WA](#) for guidance on appropriate remuneration (including the Legal Services Award) and the cost of employee practising certificates, respectively; and
- be aware that they must provide their own insurance for any subsequent arrangements made with the Trainee following completion of the Placement. Leo Cussen provides Professional Indemnity and Personal Accident insurance for the duration of the Placement period only.

SUPPORT AND ASSISTANCE

- Placement Supervisors may seek support and assistance from Leo Cussen in relation to the Placement for matters including:
 - further guidance on the Placement Supervisor's rights and responsibilities;
 - further guidance on acceptable and recommended activities to allocate to the Trainee (please also refer to the [Placement Task Checklist](#));
 - any concerns with the Trainee, including options for dealing with unacceptable or inappropriate behaviour.

Such support can be sought by contacting the Placements team at Leo Cussen on (03) 8667 5690 or placement@leocussen.edu.au.

4. THE TRAINEE: Roles, Rights & Responsibilities

PRIOR TO PLACEMENT COMMENCEMENT

- a) Trainees must read and comply with the [Placement Rules & Procedures Manual](#).
- b) Trainees must source their own Placement and must seek approval from Leo Cussen prior to commencing the Placement by submitting a [Placement Arrangement Form](#).
- c) Trainees must contact the Placement Supervisor (or other designated contact person) prior to Placement commencement in order to confirm arrangements for the first day.

CONDUCT DURING PLACEMENT

- a) Trainees are expected to demonstrate appropriate professional behaviour during Placement, including:
 - maintaining the confidentiality of the organisation and its clients/other stakeholders
 - Being punctual
 - Following instructions and diligently carrying out assigned tasks
 - Dressing professionally and behaving with courtesy and respect
 - Refraining from texting/taking private calls
 - complying with the reasonable office hours of the Placement organisation, even if this results in the completion of additional hours
- b) Trainees are also expected to take a level of responsibility for their own Placement, and to proactively seek out tasks and feedback from staff.
- c) Where appropriate, Trainees should make all reasonable efforts to resolve any concerns while on Placement directly with the Placement Supervisor.
- d) In the first instance, Trainees should refer to the [Placement Troubleshooting](#) document for guidance on resolving common issues. If Trainees continue to experience difficulties, or the matter is of a serious nature, they should contact Leo Cussen for guidance on (03) 8667 5690 or placement@leocussen.edu.au.

PLACEMENT DURATION AND ATTENDANCE

- a) Trainees must complete either:
 - a. **four weeks** (equivalent to 20 days full-time) of work experience, provided they complete the PLT coursework in entirety; or
 - b. **nine weeks** (equivalent to 45 days full-time) of work experience if they elect to apply for, and are granted, an exemption from the 'Career Planning and Profession Ready' module.
- b) **Placement Credit:** Work experience carried out prior to the commencement of the PLT course may be counted as **partial** credit towards Placement requirements, provided the work experience complies with the [Placement Rules & Procedures Manual](#).
- c) **Minimum Term of Concurrent Placement:** It is **not** possible to receive credit for the entire Placement, and all Trainees must carry out at least **three weeks** of their Placement requirements **concurrently** with the PLT, regardless of credit.
- d) Full details on how to apply for credit (as well as how to apply for an exemption from the 'Career Planning and Profession Ready' module) are available in the [Placement Rules & Procedures Manual](#).

- e) For at least **three weeks** of the Placement, Trainees must ensure that they carry out no less than **two days** (or **four x four-hour** sessions) of work experience per week during the Placement period. For any **additional weeks** of Placement, Trainees must carry out no less than **one full day** (or **2 x four-hour** sessions) of work experience per week.
- f) Trainees are eligible to commence Placement no earlier than the date they accept a place offered to them in the course. Trainees must complete Placement no later than **nine weeks** from the end of the final intensive.
- g) If extenuating circumstances prevent completion of the Placement by the deadline, Trainees must submit a [Placement Extension Request Form](#), approval of which is at the discretion of Leo Cussen. Please note that extensions are not indefinite, and the national regulators place restrictions on the maximum length.
- h) Trainees must comply with the reasonable office hours of the Placement organisation, even if this results in the completion of additional hours.
- i) Trainees must keep a record of Placement hours and activities undertaken and produce that record to Leo Cussen upon request. Trainees may choose to use the optional [Placement Diary template](#) to record hours and activities (use of this template is not mandatory).
- j) Trainees must promptly inform their Placement Supervisor if they are unable to attend a scheduled Placement day due to illness or other extenuating circumstances. The Trainee must also make alternative arrangements with the Placement Supervisor to complete the lost hours.
- k) If requested by Leo Cussen, Trainees must produce a Certificate of Sickness for any Placement days missed due to illness.

AT CONCLUSION OF PLACEMENT

Trainees are asked to ensure that:

- a) they carry out an 'exit interview' with the Placement Supervisor at the conclusion of the Placement to reflect on the experience and discuss overall feedback.
- b) Leo Cussen receives both a completed *Trainee Feedback Form* and completed *Supervisor Feedback Form* (which Leo Cussen sends directly to each party) by no later than the next business day after Placement completion. It is ultimately the Trainee's responsibility to ensure these forms are submitted to Leo Cussen.

SUPPORT AND ASSISTANCE

- a) Trainees may seek further support and assistance from Leo Cussen in relation to the Placement for matters including:
 - further guidance on the Trainee's rights and responsibilities
 - any concerns with the Placement Supervisor or other staff, including options for dealing with unacceptable or inappropriate behaviour
 - insufficient or inappropriate allocation of tasks/activities
 - ethical dilemmas
 - concerns regarding feedback from the Placement Supervisor
 - advice on sourcing a Placement where the Trainee is having difficulty.
- b) If Trainees are experiencing difficulties during placement, they should first refer to the [Placement Troubleshooting](#) document for guidance on resolving common issues. If Trainees continue to experience difficulties, or the matter is of a serious nature, they should contact Leo Cussen for guidance. Contact details are below.

5. LEO CUSSEN CENTRE FOR LAW: Roles, Rights & Responsibilities

PLACEMENT LOGISTICS, SUPPORT & ASSISTANCE

Leo Cussen will:

- a) provide appropriate Placement support and assistance to the Trainee and Placement Supervisor. Such support can be sought by contacting the Placements team at Leo Cussen on (03) 8667 5690 or placement@leocussen.edu.au.
- b) provide Professional Indemnity and Personal Accident insurance for Trainees undertaking Placements as part of the PLT for the duration of the Placement.

Leo Cussen reserves the right to:

- c) decline to approve a Placement sourced by the Trainee where Leo Cussen deems that it does not comply with these Guidelines or the *Placement Rules & Procedures Manual*.
- d) end a Placement early where Leo Cussen deems it necessary, and to require the Trainee to complete his/her balance of hours at an alternative Placement organisation.
- e) require Trainees to complete supplementary hours/days of Placement where Leo Cussen determines that they have not completed suitable or sufficient tasks during their Placement.

6. FURTHER INFORMATION & SUPPORT

For support from Leo Cussen:

Elaine Mostajo or Alex Giannopoulos

(03) 8667 5690

placement@leocussen.edu.au

For further information regarding work/internship rights:

Fair Work Ombudsman

13 13 94

<https://www.fairwork.gov.au/>

Local Employment Law Community Legal Centres

<https://www.fwc.gov.au/resources/where-get-legal-help>