



Summary.

This is a summary of the Review of Recruitment and Working Arrangements of Staff Working in a Primary Relationship with Judicial Officers. It is a concise overview of the original document. The Summary provides background context and groups the review's 27 recommendations into five categories.

Review of recruitment and working arrangements of judicial staff who work in a primary relationship with judicial officers in Victorian courts and VCAT

Background

Recommendation four of the Szoke Review into Sexual Harassment in Victorian Courts and VCAT directed Court Services Victoria (CSV) to commission an independent expert to review and make recommendations on the recruitment processes and working arrangements for CSV staff who work in a primary relationship with judicial officers (the Report).

The Hon Julie Dodds-Streeton KC and barrister Jack O'Connor undertook this work. The Courts Council has endorsed the Report's 27 recommendations. Work is now underway to implement the recommendations.

Aims

The Report aims to provide concrete, practical measures to reduce and eliminate sexual harassment at Victorian courts and VCAT. It seeks to:

- Provide guidance on how to **diversify and broaden** recruitment arrangements, workplace practices and opportunities for staff working with judicial officers
- Extend **training** for judicial officers, CSV managers and staff who work closely with judicial officers through improved **induction materials**
- Clarify and streamline **reporting lines** including the creation of **new roles** where necessary
- Increase **social cohesion** for staff who work closely with judicial officers
- Create more **transparency** about the prevalence of sexual harassment at courts and VCAT through new methods to record and document incidents of inappropriate behaviour
- Continue and increase **leadership** involvement on preventing and eliminating sexual harassment, bullying and discrimination

Research design and conclusions

The Report makes recommendations based on extensive consultations with key stakeholders across courts, VCAT, and the legal profession, along with research into comparable national and international jurisdictions. It draws on cross-disciplinary research and analyses of cross-jurisdictional risk factors. It recognises cross-jurisdictional variation as an organising challenge of its review.

The Report acknowledges the low number of reported cases of sexual harassment within courts and VCAT. It argues that sexual harassment is not fundamentally widespread, but that the reporting rate may be depressed by ineffective reporting mechanisms, fear of ongoing victimisation and the lack of perceived consequences for perpetrators. Further, when it occurs, sexual harassment has catastrophic consequences for victim-survivors, the judge, the courts and public confidence in the administration of justice. Therefore, the Report emphasises the need to be proactive about responding to red flags and risk factors, and conscious of upholding bystander obligations.

In recognition that there are many known positive benefits to the unique relationships between judicial officers and staff who work closely with them, the Report seeks to preserve this historic and productive relationship in ways that maintain healthy workplace cultures and align with cultural change in the broader community.

Summary of recommendations

The Report includes 27 recommendations which can be themed as follows.

For associates and staff in a close working arrangement with judicial officers

- **Recommendation 1:** Supreme Court and County Court should implement measures to diversify the demographic composition and include some longer-term appointees in the associate workforce.
- **Recommendation 11:** To the extent possible, introduce flexible short-term staff exchanges or rotations, to ensure that chambers staff are known to several judges (Supreme and County Courts).
- **Recommendation 12:** Each court and tribunal to take measures to reduce segregation and foster a sense of collegiality among judicial staff.
- **Recommendations 13 and 14:** Interviews for associates in the Supreme and County Courts to routinely be run by judicial officers with a CSV representative. Judicial officers to retain final decision-making responsibilities. Other courts and VCAT to continue court-specific 'assignment' processes.
- **Recommendation 15:** The introduction and/or formalisation of a clear policy and process whereby, in matters involving sexual harassment or inappropriate conduct by a judicial officer, CSV staff can be transferred to a role which involves no diminution of pay or status.
- **Recommendation 17:** Introduce associate wellbeing checks by CSV.
- **Recommendation 19:** Introduce peer support mechanisms / buddy systems and facilitate social interactions for chambers staff, particularly associates.
- **Recommendation 24:** Each jurisdiction to encourage court staff exit interviews.
- **Recommendation 26:** Devise and adopt appropriate arrangements for circuit.

Education and training

- **Recommendation 2, 16 and 18:** Induction of associates and court staff who work in a primary relationship with judicial officers include specified practical training on sexual harassment at courts, reporting lines and workplace practices (to vary across courts and tribunals).
- **Recommendation 3:** Newly appointed and existing judicial officers to receive training as to the role of CSV staff and the limits of that role, how to work with CSV staff, as well as training on sexual harassment, the power differential that exists between judicial officers and CSV staff, the impact of power and its potential abuse.

Leadership

- **Recommendations 6, 7 and 8:** Heads of jurisdiction and other leaders in courts and VCAT continue to affirm the courts' policies on eliminating sexual harassment and bullying and its commitment to maintaining a safe workplace. This should proceed throughout the working year, during induction and through encouraging greater involvement and commitment from all judicial officers.
- **Recommendation 10:** Where appropriate, heads of jurisdiction consider whether to exercise their discretion to take measures within their powers in relation to judicial officers.
- **Recommendation 20:** All courts to consider the feasibility of introducing online 'town hall meetings' such as currently run in the Magistrates' Court and VCAT.
- **Recommendation 25:** CSV to tackle identification of and responses to open secrets, with heads of jurisdiction.

New roles – staff judges

- **Recommendations 4, 5 and 25:** Where appropriate, courts and VCAT appoint 'staff judges' with specified responsibilities including to facilitate induction, work with judicial officers on managing staff and judicial conduct, and help to tackle 'open secrets'.
- **Recommendation 9:** Lines of communication to be established between staff judges and CSV.

Complaints, reports and records

- **Recommendation 21:** Consistent with the Szoke Report, CSV, the courts and VCAT provide multiple and varied means for making a complaint or raising a concern about inappropriate judicial conduct, including the option of speaking to a 'staff judge'.
- **Recommendation 22:** Surveys of judicial staff be conducted; CSV and heads of jurisdiction to consider the feasibility of CSV keeping records of staff complaints and expressions of concern about inappropriate behaviours.
- **Recommendation 23:** With input from key stakeholders, facilitate the publication of reports of substantiated allegations of significant judicial misconduct.
- **Recommendation 27:** Recommendations to be reviewed by CSV after three years.