

EDUCATION COUNCIL OF AOTEAROA NEW ZEALAND

POSITION DESCRIPTION

POSITION TITLE	Lawyer
REPORTS TO	Lead Lawyer
UNIT	Teacher Practice
Position Purpose	To contribute to the performance of the Education Council by providing legal advice on disciplinary and competence matters to the Complaints Assessment Committee (CAC), the Impairment Committee and the Competence Team, and act as the Council's Privacy/OIA Officer
Key Relationships	<p>Internal: Manager Teacher Practice, Lead Lawyer, CAC Chairs and members, Impairment Committee Chair and members, Investigators, Competence Assessors. Other Managers and Council staff</p> <p>External: Other education agencies, the Ministry of Education, Ministry of Justice, teachers, professional leaders, boards of trustees, legal counsel, lawyers and various other interested parties.</p>
Delegated Authorities	<p>No. of Direct Reports: 0</p> <p>Financial Delegations: None</p>
Updated	October 2015

Key Result areas	
Provide Legal Advice	<ul style="list-style-type: none"> • Provide legal advice and feedback to the Competence Assessors and Investigators for allocated cases • Provide legal advice to the CAC, Impairment Committee and the Council and competence decision making bodies in respect of allocated cases before these committees and bodies • Provide instructions to prosecuting lawyers in the Disciplinary Tribunal • Work with investigators to ensure that all investigations carried out by or on behalf of the Council, and decisions of the Council and its decision making bodies are legally sound and compliant with the law • Ensure the Lead Lawyer is kept informed of legal developments relating to disciplinary matters and that all complex matters are agreed before final advice is provided • Keep abreast of relevant Court proceedings such as appeals and procedural changes • Provide advice where appropriate to the Lead Lawyer on general legal matters affecting the Council, to ensure compliance with all legal requirements • Provide legal advice in relation to OIA and Privacy Act requests; cases referred to the Ombudsman and complaints about disciplinary body cases. • Act as the Council's Privacy/OIA Officer
Specific Assistance to the CAC, Investigators and Competence	<p>Provide legal advice to the CAC and other bodies by:</p> <ul style="list-style-type: none"> • Dealing with evidence objections • Providing guidance on standard of proof, evidence and decision making process • Ensuring decisions are considered and well-reasoned

Assessors	<ul style="list-style-type: none"> • Appropriate interviewing of initiators, witnesses and teachers to the conduct that is the subject of investigation • Ensuring accurate and accessible information on the disciplinary processes is made available to initiators and teachers <p>Drafting decisions and letters (at times under supervision) as required by the CAC and other bodies</p> <p>Work alongside investigators and Competence Assessors to ensure proper legal process is carried out with:</p> <ul style="list-style-type: none"> • Gathering any additional evidence required • Co-coordinating witness briefings • Briefing witnesses prior to hearings • Organising expert witnesses where appropriate • Preparation of witnesses • Obtain/assess original documents where required
Contribute to the wider Education Council	<ul style="list-style-type: none"> • Ensure that all communication both internally and externally is professional, courteous and timely • Provide backup support to other team members • Share skills and knowledge • Comply with internal Council policies, such as the Council's Health and Safety processes • Ensure the Treaty of Waitangi is reflected in all decision making
Other areas	<ul style="list-style-type: none"> • Carry out other projects and tasks as required by the Manager Teacher Practice

Competencies and Skills	<p>Qualifications, Experience and Skills</p> <ul style="list-style-type: none"> • Has a minimum of two and preferably four plus years' experience as a practising lawyer • Qualified and able to practice as a lawyer with the Council • Has litigation experience in Court and with disciplinary bodies • Has experience in working in a regulatory environment and enjoys a core litigation and very hands on advocacy role • A sound understanding of the law and legal issues in relation to disciplinary bodies • Demonstrated understanding of and provide advice on legal risks • Demonstrated ability to work as a collaborative team member to deliver a quality outcome for an organisation • Demonstrated ability to understand, analyse and accurately convey complex information in clear and simple written language <p>Communication</p> <ul style="list-style-type: none"> • Excellent communication skills including written, oral and listening skills <p>Relationship management</p> <ul style="list-style-type: none"> • Excellent interpersonal skills which enable the establishment of highly effective relationships with a wide range of people • The ability to listen • The ability to find common ground in difficult circumstances and negotiate successful and enduring outcomes • The ability to recognise and acknowledge high quality work and to provide constructive feedback in a way that maintains positive relationships • Takes the time to share knowledge and skills with staff and answer their questions
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	<ul style="list-style-type: none"> • Commitment to providing high level and seamless customer service • Highly developed facilitation, consultation and leadership skills <p>Time management, planning and organising</p> <ul style="list-style-type: none"> • Excellent time management and planning skills and the ability to maintain high standards, meet deadlines and remain calm under pressure • The ability to develop and successfully manage change initiatives and projects • Resource and cost awareness <p>Personal Qualities</p> <ul style="list-style-type: none"> • Has a high level of personal motivation, initiative and adaptability • Has a high level of personal integrity and is respected and treats others with respect • Is able to work through and recover from setback or disappointment without affecting performance • Controls emotions that may negatively affect performance or relationships • Has a continuous improvement focus • Proactively seeks to improve the service provided • Actively scans the environment for trends, changes and issues and their possible application • Identifies possible obstacles early and seeks to remove or work through them • Takes responsibility for work and when things do not proceed according to plan, proactively seeks solutions and learns from the experience • Is discrete and has the ability to maintain the confidentiality of information • Has a willingness to continually learn and develop • An understanding of and empathy with Māori both as clients and Treaty partners • An understanding of the needs of Pasifika peoples
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