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| **Senior Executive Work Level Standards** | Work Contribution Stream: Professional/Technical/Specialist |
| **Classification/Grade/Band** | Band 2 |
| **Date of Approval** | 19 June 2020 |

Primary purpose of the role

The Executive Director, Legal Services leads and directs the legal portfolio and establishes robust legal governance frameworks across the Agency to ensure that the organisation’s strategic priorities are achieved and are supported by appropriate legal, policy, regulatory and compliance advice and structures, and that risk is effectively minimised.

Key accountabilities

* Provide legal counsel and lead litigation services through the development and implementation of legal policy and governance frameworks, and the best mix of internal and external legal services to the Executive to provide the highest quality legal advice
* Develop and implement legal, policy, regulatory and compliance, and litigation management frameworks to minimise and manage risks, ensure compliance and facilitate reporting requirements
* Provide innovative, practical and contemporary legal leadership and expertise to resolve significant and complex legal issues on behalf of the Cluster/Agency
* Contribute to strategic planning processes at both Agency and Cluster levels, to ensure that plans are informed by high quality legal, policy, regulatory and compliance advice to identify, minimise and manage legal risks
* Direct the research, analysis, interpretation and delivery of high quality strategic and operational legal, policy, regulatory and compliance advice and support services, and resolve complex and sometimes unchartered legal issues to enable the execution of policy, program and service delivery strategies
* Anticipate and keep informed of Government direction and the implications for legislation and for Agency activities to develop and respond to legislation and generate innovative solutions to legal matters which lack precedence

Key challenges

* Achieving an effective balance between the implementation of robust governance frameworks which fulfil legal, regulatory and compliance obligations with the organisation’s capacity to effectively, efficiently and innovatively achieve its strategic priorities
* Managing the volume and mix of legal, compliance and regulatory demands with the requirement to develop immediate responses to changes in Government priorities and anticipate and plan for future requirements while protecting the Agency’s reputation

Key relationships

| Who | Why |
| --- | --- |
| **Ministerial** |  |
| Minister/Office of the Minister | * As General Counsel, provide legal services advice and support on significant policy, regulatory and legal issues * Oversee preparation of legislative proposals, develop solutions and prepare relevant documentation, including legislative Cabinet Minutes, Bills and providing support in Parliamentary debates * Conduct and supervise litigation involving the Minister |
| **Internal** |  |
| Executive | * Ensure the effectiveness of legal, regulatory and compliance planning, decision making and governance frameworks across the cluster * Provide legal services, advice and support on legal and regulatory matters * Provide advice and guidance on corporate governance, risk management policies and external agencies’ matters * Seek and evaluate stakeholder satisfaction with the quality of legal, regulatory and compliance advice and support |
| Manager | * As General Counsel, provide a full range of in-house legal services and support, and independent legal advice and related strategic advice on significant, whole-of-system issues * Provide authoritative and expert advice on current and emerging legal concepts and practices, providing counsel and recommendations which influence planning and decision making * Establish agency legal funding and resourcing that are consistent with strategic plans and priorities * Communicate information related to Cluster and Agency performance against legal budgets and outcome measures |
| Direct Reports | * Direct Reports |
| **External** |  |
| Other NSW Government Agencies | * Establish effective high-level networks with Executive Directors, Legal Services of other NSW clusters and agencies, and with similar organisations across other jurisdictions to enable performance benchmarking, monitor industry trends, maintain currency, and collaborate on common responses to emerging and future issues |

| Who | Why |
| --- | --- |
| Department of Premier and Cabinet | * Build and maintain strong relationships with key stakeholders to keep informed of Government’s policy direction and contributing and sharing information to progress the aims of Government * Advocate for the Cluster/Agency’s position on key legal and legislative policy, regulatory and compliance, and governance issues * Consult on policy and legislative developments and issues |
| Ombudsman’s Office and Independent Commission Against Corruption (ICAC) | * Represent Cluster/Agency’s position in regulatory and compliance issues and investigations * Liaise on regulatory and compliance issues * Advocate on behalf of NSW entities and staff as necessary |
| Other NSW Government Agencies | * Ensure that the Agency’s strategic interests are advanced by maintaining effective, collaborative relationships and partnerships |
| External Vendors/Service Providers and Consultants | * Negotiate and approve significant contracts and service level agreements on behalf of the Cluster/Agency * Interact and engage with specialised legal and industrial services, including Crown Solicitor’s Office or IRNSW and private providers to enhance the quality of outcomes for the Agency * Monitor and oversight the performance of legal services, including regular feedback to improve services |

# Role dimensions

## Decision making

NA

## Reporting line

NA

## Direct reports

NA

## Budget/Expenditure

NA

# Capabilities for the role

The [NSW public sector capability framework](https://www.psc.nsw.gov.au/workforce-management/capability-framework/the-capability-framework) describes the capabilities (knowledge, skills and abilities) needed to perform a role. There are four main groups of capabilities: personal attributes, relationships, results and business enablers, with a fifth people management group of capabilities for roles with managerial responsibilities. These groups, combined with capabilities drawn from occupation-specific capability sets where relevant, work together to provide an understanding of the capabilities needed for the role.

The capabilities are separated into **focus capabilities** and **complementary capabilities**.

# Focus capabilities

*Focus capabilities* are the capabilities considered the most important for effective performance of the role. These capabilities will be assessed at recruitment.

The focus capabilities for this role are shown below with a brief explanation of what each capability covers and the indicators describing the types of behaviours expected at each level.

| FOCUS CAPABILITIES | | | | |
| --- | --- | --- | --- | --- |
| **Capability group/sets** | **Capability name** |  | **Behavioural indicators** | **Level** |
| Personal Attributes | **Display Resilience and Courage**  Be open and honest, prepared to express your views, and willing to accept and commit to change | | Remain composed and calm and act constructively in highly pressured and unpredictable environments  Give frank, honest advice in response to strong contrary views  Accept criticism of own ideas and respond in a thoughtful and considered way  Welcome new challenges and persist in raising and working through novel and difficult issues  Develop effective strategies and show decisiveness in dealing with emotionally charged situations and difficult or controversial issues | Advanced |
| **Act with Integrity**  Be ethical and professional, and uphold and promote the public sector values | | Champion and model the highest standards of ethical and professional behaviour  Drive a culture of integrity and professionalism within the organisation, and in dealings across government and with other jurisdictions and external organisations  Set, communicate and evaluate ethical practices, standards and systems and reinforce their use  Create and promote a culture in which staff feel able to report apparent breaches of legislation, policies and guidelines and act promptly and visibly in response to such reports  Act promptly and visibly to prevent and respond to unethical behaviour | Highly Advanced |

| FOCUS CAPABILITIES | | | | |
| --- | --- | --- | --- | --- |
| **Capability group/sets** | **Capability name** |  | **Behavioural indicators** | **Level** |
| Relationships | **Communicate Effectively**  Communicate clearly, actively listen to others, and respond with understanding and respect | | Present with credibility, engage diverse audiences and test levels of understanding  Translate technical and complex information clearly and concisely for diverse audiences  Create opportunities for others to contribute to discussion and debate  Contribute to and promote information sharing across the organisation  Manage complex communications that involve understanding and responding to multiple and divergent viewpoints  Explore creative ways to engage diverse audiences and communicate information  Adjust style and approach to optimise outcomes  Write fluently and persuasively in plain English and in a range of styles and formats | Advanced |
| **Work Collaboratively**  Collaborate with others and value their contribution | | Recognise outcomes achieved through effective collaboration between teams  Build cooperation and overcome barriers to information sharing, communication and collaboration across the organisation and across government  Facilitate opportunities to engage and collaborate with stakeholders to develop joint solutions  Network extensively across government and organisations to increase collaboration  Encourage others to use appropriate collaboration approaches and tools, including digital technologies | Advanced |
| **Influence and Negotiate**  Gain consensus and commitment from others, and resolve issues and conflicts | | Engage in a range of approaches to generate solutions, seeking expert inputs and advice to inform negotiating strategy  Use sound arguments, strong evidence and expert opinion to influence outcomes  Determine and communicate the organisation’s position and bargaining strategy  Represent the organisation in critical and challenging negotiations, including those that are cross-jurisdictional  Achieve effective solutions when dealing with ambiguous or conflicting positions  Anticipate and avoid conflict across organisations and with senior internal and external stakeholders  Identify contentious issues, direct discussion and debate, and steer parties towards an effective resolution | Highly Advanced |
| Results | **Think and Solve Problems**  Think, analyse and consider the broader context to develop practical solutions | | Establish and promote a culture that encourages innovation and initiative and emphasises the value of continuous improvement  Engage in high-level critical analysis of a wide range of complex information and formulate effective responses to critical policy issues  Identify and evaluate organisation-wide implications when considering proposed solutions to issues  Apply lateral thinking and develop innovative solutions that have a long-lasting, organisation-wide impact  Ensure effective governance systems are in place to guarantee quality analysis, research and reform | Highly Advanced |
| Business Enablers | **Procurement and Contract Management**  Understand and apply procurement processes to ensure effective purchasing and contract performance | | Ensure that whole-of-government approaches to procurement and contract management are integrated into the organisation’s policies and practices  Ensure that effective governance processes are in place for the organisation’s provider, supplier and contractor management, tendering, procurement and contracting policies, processes and outcomes  Monitor and evaluate compliance and the effectiveness of procurement and contract management within the organisation | Highly Advanced |
| People Management | **Inspire Direction and Purpose**  Communicate goals, priorities and vision, and recognise achievements | | Promote a sense of purpose and enable others to understand the links between government policy, organisational goals and public value  Build a shared sense of direction, clarify priorities and goals, and inspire others to achieve these  Work with others to translate strategic direction into operational goals and build a shared understanding of the link between these and core business outcomes  Create opportunities for recognising and celebrating high performance at the individual and team level  Instil confidence, and cultivate an attitude of openness and curiosity in tackling future challenges | Advanced |

| FOCUS CAPABILITIES | | | | |
| --- | --- | --- | --- | --- |
| **Capability group/sets** | **Capability name** |  | **Behavioural indicators** | **Level** |
|  | **Optimise Business Outcomes**  Manage people and resources effectively to achieve public value | | Engage in strategic and operational workforce planning that effectively uses organisational resources to achieve business goals  Resolve any barriers to recruiting and retaining people of diverse cultures, backgrounds and experiences  Encourage team members to take calculated risks to support innovation and improvement  Align systems and processes to encourage improved performance and outcomes | Advanced |

# Complementary capabilities

*Complementary capabilities* are also identified from the Capability Framework and relevant occupation-specific capability sets. They are important to identifying performance required for the role and development opportunities.

Note: capabilities listed as ‘not essential’ for this role are not relevant for recruitment purposes however may be relevant for future career development.

| COMPLEMENTARY CAPABILITIES | | | | |
| --- | --- | --- | --- | --- |
| **Capability group/sets** | **Capability name** |  | **Description** | **Level** |
| Personal Attributes | Manage Self | | Show drive and motivation, an ability to self-reflect and a commitment to learning | Advanced |
| Value Diversity and Inclusion | | Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives | Advanced |
| Relationships | Commit to Customer Service | | Provide customer-focused services in line with public sector and organisational objectives | Advanced |
| Results | Deliver Results | | Achieve results through the efficient use of resources and a commitment to quality outcomes | Advanced |
| Plan and Prioritise | | Plan to achieve priority outcomes and respond flexibly to changing circumstances | Advanced |
| Demonstrate Accountability | | Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines | Advanced |

| COMPLEMENTARY CAPABILITIES | | | | |
| --- | --- | --- | --- | --- |
| **Capability group/sets** | **Capability name** |  | **Description** | **Level** |
| Business Enablers | Finance | | Understand and apply financial processes to achieve value for money and minimise financial risk | Advanced |
| Technology | | Understand and use available technologies to maximise efficiencies and effectiveness | Adept |
| Project Management | | Understand and apply effective planning, coordination and control methods | Adept |
| People Management | Manage and Develop People | | Engage and motivate staff, and develop capability and potential in others | Advanced |
| Manage Reform and Change | | Support, promote and champion change, and assist others to engage with change | Advanced |