

# Role Description

## Legal Operations Manager



Role Description Fields	Details
Department/Agency	Health Care Complaints Commission
Division/Branch/Unit	Legal Services
Classification/Grade/Band	Clerk Grade 11/12
ANZSCO Code	512299
PCAT Code	1221381
Date of Approval	21 January 2022
Agency Website	<a href="https://www.hccc.nsw.gov.au/">https://www.hccc.nsw.gov.au/</a>

### Agency overview

The Health Care Complaints Commission (“the Commission”) acts to protect public health and safety by resolving, investigating and prosecuting complaints about health care. It is an independent statutory body set up under the Health Care Complaints Act 1993 (“the HCC Act”). It has a central role in maintaining the integrity of the NSW health system, with the overarching aim of protecting the health and safety of individuals and the community. The Commission works in a complex co-regulatory environment within which we receive complaints via many different pathways and there is a dynamic legal and procedural framework which operates at both State and National levels.

The Commission deals with complaints about all types of health services and providers in NSW including:

- All registered health practitioners, such as medical practitioners, nurses, dentists and pharmacists
- All non-registered health practitioners, such as naturopaths, massage therapists and alternative health care providers.
- Health organisations such as public and private hospitals, medical centres, imaging and radiation services

Investigations relating to registered practitioners can be referred to the Director of Proceedings, Legal Services, for consideration of disciplinary prosecution before NCAT or a professional standards committee. Investigations against unregistered practitioners can result in reviewable prohibition orders and public statements.

In all aspects of our complaints handling the Commission aims to be customer-focused, accessible, responsive, transparent and accountable.

### Primary purpose of the role

This role provides support to the Executive Director, Legal Services Division and Director of Proceedings and to the Legal Service Division as a whole, to establish and maintain systems and processes that will ensure that the legal functions of the Division are conducted in an efficient, effective, transparent and sustainable way.

The focus of the role is on the improvement of service delivery, information management, data and analytics, strategic planning, onboarding, professional development, staff engagement and a wide range of

reporting activities as well as the establishment and management of policies and procedures which aim to increase efficiency, productivity and consistency.

## **Key accountabilities**

- Recommend and implement process, system and procedural improvements that will deliver effective and efficient of the management of all legal matters, in support of the Commission's corporate strategy and in accordance with established KPIs.
- Oversee the implementation and ongoing management of a practice management IT system which aids the efficiency of lawyers within Legal Services, its reporting capabilities and records maintenance.
- Establish and maintain effective collaboration and consultation pathways with the HPCA and professional councils.
- Provide leadership in relation to program and change management, business planning, data analysis, continuous improvement, staff engagement and understanding and responding to the customer experience.
- Facilitate appropriate Divisional practices around case data and record keeping and ensure monitoring and reporting of the status and outcomes of all legal matters, including preparation and QA for performance data and analysis for monthly, quarterly and Annual Reporting.
- Develop and maintain processes and policies to manage external counsel usage and spend.
- Oversee effective management all aspects of the Division's legal cost recovery work, including Division wide practices for recording case time, calculating costs to be recovered, and negotiating the quantum of costs.
- Manage requests for information and release of information under section 99B.
- Prepare and review written material including operational policies, business cases, reports and executive briefs and corporate documentation
- Manage the preparation of sensitive or complex communications including media releases and notifications to Ministry of Health and other co-regulators.
- Partner with other Managers within Legal Services to manage staffing matters within the Division, including recruitment, attendance and health and well-being of staff.
- Lead legal recruitment processes.
- Undertake and oversee research and analysis to support the development of key projects within the Commission as relevant to the Division.
- Contribute to legal research/policy functions of the Division, including maintaining a library of seminal cases , advices and precedents for use across the Commission.
- Participate and contribute as a member of the Commission's leadership team, building and nurturing relationships with other divisions of the Commission to achieve a coordinated approach to the Commission's functions and an integrated and collaborative culture

## **Key challenges**

- Once matters are referred to the Director of Proceedings and ED Legal Services there are performance measures to ensure timely determination of prosecution or other action, necessary consultations with the relevant professional councils, compilation of complaint drafting and lodgement of the complaint with a Tribunal or PSC. Close monitoring and reporting on the management of matters is essential, and will rely on formalisation of case management approaches and tools.
- The Commission is poised to select a legal case management tool but this will require implementation and training and optimal usage across the Division, as well as integration with other operating systems as appropriate.
- Even when there are new systems for case management and recording, effective administration of the legal cost recovery function will continue to rely on the practices of individual legal officers and these administrative aspects may continue to be crowded out by to day to day prosecutorial and legal activity. Fostering a culture of commitment to real time recording of costs and timely consideration of costs orders sought at the time of preparing for hearings will be important.

- Legal fees (for experts, witnesses and counsel) costs are a very substantial component of the Commissions operating costs. These costs are difficult to manage as there are fluctuations in the volume and nature of matters that are referred for consideration of prosecution, some lack of clarity about delegations and processes for briefing out matters, limited control over the scheduling hearings, some looseness in management of invoices, unclear fee settings for counsel. Measures to achieve effective management and projection of legal expenditure are central to effective corporate budget management.
- A number of administrative actions follow a prosecution. Legal cost recovery as mentioned above is one of those, but there are also other actions relating to aspects such as the obligation to publish the decision that need to be fulfilled, with a failsafe system for ensuring this occurs in a reliably timely way.

## Key relationships

### Internal

Who	Why
Executive Director, Legal Services Director of Proceedings	<ul style="list-style-type: none"> <li>• Provide expert advice to influence decisions regarding Legal operations.</li> <li>• Escalate issues, keep informed, advise, and propose solutions.</li> <li>• Receive guidance and provide advice and regular updates on operational, issues and priorities to contribute to decision making.</li> </ul>
Executive Unit, Commissioner's Office	<ul style="list-style-type: none"> <li>• Providing legal input to formal corporate reporting</li> <li>• Ensuring publication of disciplinary decisions</li> <li>• Supporting consultations with professional councils in which the Commissioner is involved.</li> <li>• Collaborating of preparations for Parliamentary appearances.</li> <li>• Providing input on Ministerial requests.</li> </ul>
CFO and Finance	<ul style="list-style-type: none"> <li>• Work closely with Finance on management of invoicing for legal services, the recovery of legal costs, and management of debts.</li> </ul>
Managers, Legal services and internal stakeholders	<ul style="list-style-type: none"> <li>• Ensure that Legal initiatives align with operational and strategic priorities</li> <li>• Collaborate with leadership group and key stakeholders and contribute to strategic planning, policy formulation and decision making.</li> <li>• Monitor and report on priority legal projects.</li> </ul>
Team and Legal Services Division staff	<ul style="list-style-type: none"> <li>• Collaborate with and engage in teamwork to ensure quality in the delivery of an effective and efficient legal service.</li> <li>• Sponsor an environment that fosters cohesive and collaborative work practices.</li> <li>• Provide expert advice and professional support through mentoring and development opportunities.</li> <li>• Participate in regular meetings to build mentoring relationships and increase awareness of activity across the legal team.</li> </ul>

### External

Who	Why
Legal Counsel	<ul style="list-style-type: none"> <li>• To communicate in relation to costs and briefing out matters</li> </ul>
Cost Consultants	<ul style="list-style-type: none"> <li>• To request advice on matters</li> </ul>

## Role dimensions

### Decision making

Exercise financial and administrative delegations to ensure efficient management of the team and be accountable for decisions made. This includes making staffing decisions within allocated funds, including recruitment, training and development, and managing individual performance.

### Reporting line

The role reports directly to the Executive Director, Legal Services & Director of Proceedings.

### Direct reports

This role currently has two direct reports: Clerical Support Officers which may change in accordance with the Commission's workforce development strategy.

### Budget/Expenditure

Exercise financial delegation as per approved Financial and Purchasing delegations.

## Key knowledge and experience

- Legal qualification desirable and/or relevant experience working in a legal environment.
- Demonstrated high level experience in project management and business improvement, preferably in a litigation environment
- Extensive experience in legal cost recovery
- Demonstrated ability to write and speak in plain English and to communicate with all audiences through a variety of mediums
- Strong organisational, time management and analytical skills and the ability to work independently.

## Essential requirements

- The HCCC has a unique and critical part to play in maintaining the integrity of the NSW health system. As such, it is an essential requirement that all prospective employees are able to carry out their duties in an honest and consistent way, with uncompromising adherence to strong moral and ethical principles and values.

## Capabilities for the role

The [NSW public sector 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	<b>Manage Self</b> Show drive and motivation, an ability to self-reflect and a commitment to learning	<ul style="list-style-type: none"> <li>Act as a professional role model for colleagues, set high personal goals and take pride in their achievement</li> <li>Actively seek, reflect and act on feedback on own performance</li> <li>Translate negative feedback into an opportunity to improve</li> <li>Take the initiative and act in a decisive way</li> <li>Demonstrate a strong interest in new knowledge and emerging practices relevant to the organisation</li> </ul>	Advanced
 Relationships	<b>Work Collaboratively</b> Collaborate with others and value their contribution	<ul style="list-style-type: none"> <li>Recognise outcomes achieved through effective collaboration between teams</li> <li>Build cooperation and overcome barriers to information sharing, communication and collaboration across the organisation and across government</li> <li>Facilitate opportunities to engage and collaborate with stakeholders to develop joint solutions</li> <li>Network extensively across government and organisations to increase collaboration</li> <li>Encourage others to use appropriate collaboration approaches and tools, including digital technologies</li> </ul>	Advanced
 Results	<b>Deliver Results</b> Achieve results through the efficient use of resources and a commitment to quality outcomes	<ul style="list-style-type: none"> <li>Seek and apply the expertise of key individuals to achieve organisational outcomes</li> <li>Drive a culture of achievement and acknowledge input from others</li> <li>Determine how outcomes will be measured and guide others on evaluation methods</li> <li>Investigate and create opportunities to enhance the achievement of organisational objectives</li> <li>Make sure others understand that on-time and on-budget results are required and how overall success is defined</li> <li>Control business unit output to ensure government outcomes are achieved within budgets</li> <li>Progress organisational priorities and ensure that resources are acquired and used effectively</li> </ul>	Advanced



### Think and Solve Problems

Think, analyse and consider the broader context to develop practical solutions

- Research and apply critical-thinking techniques in analysing information, identify interrelationships and make recommendations based on relevant evidence
- Anticipate, identify and address issues and potential problems that may have an impact on organisational objectives and the user experience
- Apply creative-thinking techniques to generate new ideas and options to address issues and improve the user experience
- Seek contributions and ideas from people with diverse backgrounds and experience
- Participate in and contribute to team or unit initiatives to resolve common issues or barriers to effectiveness
- Identify and share business process improvements to enhance effectiveness

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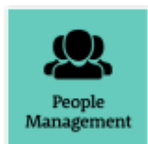


### Project Management

Understand and apply effective planning, coordination and control methods

- Understand all components of the project management process, including the need to consider change management to realise business benefits
- Prepare clear project proposals and accurate estimates of required costs and resources
- Establish performance outcomes and measures for key project goals, and define monitoring, reporting and communication requirements
- Identify and evaluate risks associated with the project and develop mitigation strategies
- Identify and consult stakeholders to inform the project strategy
- Communicate the project's objectives and its expected benefits
- Monitor the completion of project milestones against goals and take necessary action
- Evaluate progress and identify improvements to inform future projects

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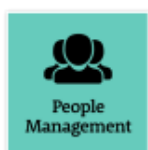


### Inspire Direction and Purpose

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



### 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.

Capability group/sets	Capability name	Description	Level
	Display Resilience and Courage	Be open and honest, prepared to express your views, and willing to accept and commit to change	Adept
	Act with Integrity	Be ethical and professional, and uphold and promote the public sector values	Adept
	Value Diversity and Inclusion	Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives	Adept

 Relationships	Communicate Effectively	Communicate clearly, actively listen to others, and respond with understanding and respect	Advanced
 Relationships	Commit to Customer Service	Provide customer-focused services in line with public sector and organisational objectives	Adept
 Relationships	Influence and Negotiate	Gain consensus and commitment from others, and resolve issues and conflicts	Adept
 Results	Plan and Prioritise	Plan to achieve priority outcomes and respond flexibly to changing circumstances	Adept
 Results	Demonstrate Accountability	Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines	Adept
 Business Enablers	Finance	Understand and apply financial processes to achieve value for money and minimise financial risk	Intermediate
 Business Enablers	Technology	Understand and use available technologies to maximise efficiencies and effectiveness	Adept
 Business Enablers	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Adept
 People Management	Manage and Develop People	Engage and motivate staff, and develop capability and potential in others	Adept
 People Management	Manage Reform and Change	Support, promote and champion change, and assist others to engage with change	Adept