

Role Description

Legal Officer Grade 3/4

Cluster	Education
Agency	NSW Department of Education
Division/Branch/Unit	People Group / Legal Services / Liability
Location	105 Phillip St, Parramatta
Classification/Grade/Band	Legal Officer Grade 3/4
Child Related Role	Yes
Role number	126882
ANZSCO Code	271299
PCAT Code	1128192
Date of Approval	May 2021
Agency Website	education.nsw.gov.au

Agency overview

The NSW Department of Education serves the community by providing world-class education for students of all ages.

We ensure young children get the best start in life by supporting and regulating the early childhood education sector. We are the largest provider of public education in Australia with responsibility for delivering high-quality public education to two-thirds of the NSW student population. We are committed to fostering vibrant, sustainable and high-performing vocational and higher education sectors.

We are responsible for enacting NSW Government policy, driving improvement in education, and overseeing policy, funding and compliance issues relating to non-government schools. We respect and value Aboriginal and Torres Strait Islander people as First Peoples of Australia.

Legal Services Directorate

Legal Services supports schools, regional and state offices to navigate the law to put students at the centre of decision-making. We are a trusted and credible partner, delivering excellent service and promoting community confidence in public education. Our legal advice and expertise builds organisational capabilities so that every student, every teacher, every leader and every school can improve, every year.

Primary purpose of the role

The Legal Officer Grade 3/4 provides high-level litigation and/or legal advice, briefings and correspondence on relevant areas of law to ensure efficient and effective legal services. Legal practice areas may include commercial and property law, contracts, liability, discrimination, privacy, employment, attendance, civil, criminal and administrative law and general litigation.

The role provides supervision and guidance to legal staff to ensure delivery of quality professional legal services and enhance and motivate staff to create a cohesive and skilled team.

Key accountabilities

- Provide high-level legal services, advocacy and advice to clients, senior management and staff in accordance with legislation, policy, guidelines and practice standards to ensure consistent, quality services are delivered and outcomes are improved for the department and its students.
- Supervise and guide staff to ensure delivery of quality professional legal services and to foster a culture of professional development and continual improvement.
- Interpret, analyse and prepare complex legal documents including contracts, commercial agreements, instruments, submissions, court process, orders, civil agreements, drafting instructions, legislation, briefing notes, internal policies and procedures, and instructions to external legal advisors to support the department's operations.
- Represent the department before courts and tribunals and in contract and settlement negotiations, to ensure optimum outcomes in the resolution of legal matters for clients and the department.
- Provide high level advice and recommendations on the development and implementation of legal standards and practices, strategies, systems, procedures and processes for the practice area.
- Support the team to deliver legal education and training programs to internal and external stakeholders and clients to build capacity and facilitate the provision of quality advice and services and a culture of collaboration and continuous improvement.
- Assist with the collection and analysis of accurate and relevant legal data to deliver high quality responsive reporting that informs and improves the department's operations.

Key challenges

- Delivering high quality legal services in a high volume work environment, in accordance with instructions and timeframes.
- Keeping up-to-date on legal developments and procedures and identifying relevant training and development to maintain professional standards and retain a practising certificate.
- Clearly communicating legal concepts to a wide range of internal and external stakeholders and clients and understanding their requirements.

Key relationships

Who	Why
Internal	
Line manager	<ul style="list-style-type: none"> • Provide timely and accurate advice regarding legal issues • Actively seek, reflect and act on performance feedback • Develop and maintain effective working relationships
Team members	<ul style="list-style-type: none"> • Provide information, advice, support and performance feedback • Provide an effective and valuable two-way liaison
Other Education divisions	<ul style="list-style-type: none"> • Provide timely and accurate legal advice within negotiated timeframes • Develop and maintain effective working relationships
External	
External legal panel firms	<ul style="list-style-type: none"> • Allocate work as negotiated • Build positive relationships
Community groups	<ul style="list-style-type: none"> • Provide timely and accurate legal advice within negotiated timeframes • Develop and maintain effective working relationships

Who	Why
Clients, counsel, witnesses, experts, other members of the legal profession and court officials	<ul style="list-style-type: none"> • Receive instructions and represent clients, provide instructions, advice and information and conduct legal matters • Build positive relationships

Role dimensions

Decision making

The role

- ☐ works with some supervision carrying a level of autonomy in setting own priorities in alignment with management
- ☐ maintains a degree of independence to develop a suitable approach in managing the workload, as well as that of supervised staff, and provision of advice and recommendations as well as input to the development of relevant systems, frameworks, team planning and projects
- ☐ determines own actions undertaken, within government and legislative policies, and for ensuring quality control in the implementation of own, and any staff supervised, workload
- ☐ ensures recommendations are based on sound evidence, but at times may be required to use their judgment under pressure or in the absence of complete information or as a source of expert advice to internal stakeholders across the Department as well as externally to ministerial level and
- ☐ as necessary, consults with management on a suitable course of action in matters that are sensitive, high-risk or business-critical, or for those issues that have far reaching implications with respect to resources or quality advice provision.

Reporting line

The role reports to the Principal Legal Officer, General Counsel or Chief Legal Officer, depending on practice area.

Direct reports

Paralegal Officers

Budget/Expenditure

Financial delegation equivalent to Clerk Grade 7/8

Key knowledge and experience

- Knowledge and experience in the relevant area/s of law impacting on the NSW Department of Education.
- Experience as a solicitor.
- Knowledge of and commitment to implementing the Department's [Aboriginal Education Policy](#) and upholding the [Department's Partnership Agreement with the NSW AECG](#) and to ensure quality outcomes for Aboriginal people.

Essential requirements

- Legal qualifications and with a current NSW legal practising certificate
- Working with Children Check clearance for paid employment or ability to apply for clearance as this is a child-related role.
- Demonstrated understanding of and commitment to the value of public education

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**.

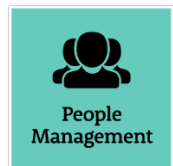
Focus capabilities

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	Act with Integrity Be ethical and professional, and uphold and promote the public sector values	<ul style="list-style-type: none"> Represent the organisation in an honest, ethical and professional way and encourage others to do so Act professionally and support a culture of integrity Identify and explain ethical issues and set an example for others to follow Ensure that others are aware of and understand the legislation and policy framework within which they operate Act to prevent and report misconduct and illegal and inappropriate behaviour 	Adept
	Communicate Effectively Communicate clearly, actively listen to others, and respond with understanding and respect	<ul style="list-style-type: none"> Tailor communication to diverse audiences Clearly explain complex concepts and arguments to individuals and groups Create opportunities for others to be heard, listen attentively and encourage them to express their views Share information across teams and units to enable informed decision making Write fluently in plain English and in a range of styles and formats Use contemporary communication channels to share information, engage and interact with diverse audiences 	Adept
	Influence and Negotiate Gain consensus and commitment from others, and resolve issues and conflicts	<ul style="list-style-type: none"> Negotiate from an informed and credible position Lead and facilitate productive discussions with staff and stakeholders 	Adept

		<ul style="list-style-type: none"> • Encourage others to talk, share and debate ideas to achieve a consensus • Recognise diverse perspectives and the need for compromise in negotiating mutually agreed outcomes • Influence others with a fair and considered approach and sound arguments • Show sensitivity and understanding in resolving conflicts and differences • Manage challenging relationships with internal and external stakeholders • Anticipate and minimise conflict 	
 <p>Results</p>	<p>Deliver Results</p> <p>Achieve results through the efficient use of resources and a commitment to quality outcomes</p>	<ul style="list-style-type: none"> • Use own and others' expertise to achieve outcomes, and take responsibility for delivering intended outcomes • Make sure staff understand expected goals and acknowledge staff success in achieving these • Identify resource needs and ensure goals are achieved within set budgets and deadlines • Use business data to evaluate outcomes and inform continuous improvement • Identify priorities that need to change and ensure the allocation of resources meets new business needs • Ensure that the financial implications of changed priorities are explicit and budgeted for 	Adept
	<p>Think and Solve Problems</p> <p>Think, analyse and consider the broader context to develop practical solutions</p>	<ul style="list-style-type: none"> • 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 	Adept
 <p>Business Enablers</p>	<p>Technology</p> <p>Understand and use available technologies to maximise efficiencies and effectiveness</p>	<ul style="list-style-type: none"> • Demonstrate a sound understanding of technology relevant to the work unit, and identify and select the most appropriate technology for assigned tasks • Use available technology to improve individual performance and effectiveness 	Intermediate



Manage and Develop People
Engage and motivate staff, and develop capability and potential in others

- Make effective use of records, information and knowledge management functions and systems
 - Support the implementation of systems improvement initiatives, and the introduction and roll-out of new technologies
 - Clarify the work required, and the expected behaviours and outputs
 - Clearly communicate team members' roles and responsibilities
 - Contribute to developing team capability and recognise potential in people
 - Recognise good performance, and give support and regular constructive feedback linked to development needs
 - Identify appropriate learning opportunities for team members
 - Create opportunities for all team members to contribute
 - Act as a role model for inclusive behaviours and practices
 - Recognise performance issues that need to be addressed and seek appropriate advice
- Foundational

Occupation specific capability set –

Legal Professionals Capability Set



Legal Advice
Provide quality independent legal advice and explanation of legal issues






- Identify the client, purpose, scope and form of legal advice required, and factors such as urgency or sensitivity.
 - Obtain relevant information in complex matters and seek clarification or further information where necessary.
 - Manage legal issues relating to vulnerable clients, including where capacity may be in issue or where ethical or cross-cultural issues arise, with minimal guidance.
 - Analyse and apply relevant law to the facts, and advises on available options, while identifying the relevant policy, probity and operational considerations, with minimal supervision.
 - Identify legal risks attached to particular courses of action and appropriate policies, processes and controls to manage legal risks, with minimal supervision.
 - Review and approve the use of external legal services providers based on task and expertise required; supervises briefs.
 - Manage relationship between external legal services providers and legal staff, with minimal supervision.
- Level 2

- Ensure legal work is completed to a high standard, and in a timely and cost-effective manner.

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	Display Resilience and Courage	Be open and honest, prepared to express your views, and willing to accept and commit to change	Intermediate
	Manage Self	Show drive and motivation, an ability to self-reflect and a commitment to learning	Adept
	Value Diversity and Inclusion	Demonstrate inclusive behaviour and show respect for diverse backgrounds, experiences and perspectives	Intermediate
 Relationships	Commit to Customer Service	Provide customer-focused services in line with public sector and organisational objectives	Adept
	Work Collaboratively	Collaborate with others and value their contribution	Intermediate
 Results	Plan and Prioritise	Plan to achieve priority outcomes and respond flexibly to changing circumstances	Intermediate
	Demonstrate Accountability	Be proactive and responsible for own actions, and adhere to legislation, policy and guidelines	Intermediate
 Business Enablers	Finance	Understand and apply financial processes to achieve value for money and minimise financial risk	Intermediate
	Procurement and Contract Management	Understand and apply procurement processes to ensure effective purchasing and contract performance	Intermediate
	Project Management	Understand and apply effective planning, coordination and control methods	Intermediate
 People Management	Inspire Direction and Purpose	Communicate goals, priorities and vision, and recognise achievements	Foundational
	Optimise Business Outcomes	Manage people and resources effectively to achieve public value	Foundational
	Manage Reform and Change	Support, promote and champion change, and assist others to engage with change	Foundational

Occupation specific capability set – Legal Capability		Legal Professionals Capability Set link
	Behaviours	Level
Statutory Interpretation	Interpret legislation, subordinate legislation and instruments in accordance with legislation and accepted legal principles	Level 1
Legal Research	Undertake legal research	Level 2
Legal drafting	Prepare legal documents to achieve client outcomes	Level 2



Litigation and Dispute
Resolution

Advocacy

Litigate and resolve disputes effectively in relevant
forums and jurisdictions

Level 2

Act as an effective and ethical advocate

Level 2