

## Rōia Ārahi | Lead Lawyer

### Position Description

The Teaching Council of Aotearoa New Zealand is the professional body for all teachers. We are independent, and act in the interests of teachers to enable and support leadership to teachers and direction for the education profession, including teacher education and continued professional and leadership development.

We establish and maintain criteria for teacher registration, standards for ongoing practice, and criteria for the issue of practising certificates of different kinds. Alongside this, we monitor and maintain the requirements relating to conduct, competence, and impairment, and establish and maintain a code of professional responsibility for teachers.

### Our Vision

The Teaching Council will enable and support leadership by the profession to maximise the success of every learner in Aotearoa through highly effective leadership and teaching.

### Our Behaviours

- Whaihua i a tātou anō  
*Value our colleagues by listening and being open to what they say.*
- Mahi ngātahi  
*Work together with integrity by respecting each other and the profession*
- Whai whakaaro ki ngā mahinga katoa  
*Adopt a solution focussed attitude when working with others*
- Whakarangatira i ngā iwi katoa  
*Honour our bicultural partnership by being culturally competent*
- Whakaaturia te mana Māori me te Ahurea ki ngā reanga katoa o te Kaunihera  
*Demonstrate and foster leadership at all levels of the council*

### Our Values

- Whakamana  
*Empowering all learners to reach their highest potential by providing high-quality teaching and leadership*
- Manaakitanga  
*Creating a welcoming, caring, and creative environment that treats everyone with respect and dignity*
- Pono  
*Showing integrity by acting in ways that are fair, honest, ethical, and just*
- Whanaungatanga  
*Engaging in positive and collaborative relationships with our learners, their families and whānau, our colleagues and the wider community*

## Summary

Position Title	Lead Lawyer
Reports To	Chief Legal Officer
Financial Delegation	No
Statutory Delegations	Yes
Direct Reports	Nil
Purpose	The Lead Lawyer is responsible for leading the provision of accurate and timely legal and regulatory advice. This includes the provision of legal advice and opinions and managing litigation in relation to the disciplinary and competence process contained. Represent the CAC in the Disciplinary Tribunal and manage the Council's disciplinary and competence litigation.
Date	April 2024

## Key Relationships

External	Nature of relationship
Other education and regulatory agencies	<ul style="list-style-type: none"> <li>• Provision of information and liaison</li> </ul>
Ministries of Education and Justice	<ul style="list-style-type: none"> <li>• Provision of information and liaison</li> </ul>
Professional leaders, teachers, Boards of Trustees	<ul style="list-style-type: none"> <li>• Provision of information and liaison</li> </ul>
External lawyers	<ul style="list-style-type: none"> <li>• Provision of information and litigation/prosecution management</li> </ul>
Disciplinary Tribunal	<ul style="list-style-type: none"> <li>• Advocacy as counsel for the CAC</li> </ul>
Internal	Nature of relationship
Manager Professional Responsibility	<ul style="list-style-type: none"> <li>• Supports, informs and advise</li> </ul>
PR Team Leads	<ul style="list-style-type: none"> <li>• Support, inform and advise</li> </ul>
Chief Legal Officer	<ul style="list-style-type: none"> <li>• Reports to</li> </ul>
Management team	<ul style="list-style-type: none"> <li>• Support, inform and advise</li> </ul>
Complaints Assessment Committee (CAC), Impairment Committee, Competence Authority, Triage Committee	<ul style="list-style-type: none"> <li>• Support, inform and advise</li> </ul>
Teams, and staff	<ul style="list-style-type: none"> <li>• Support, inform and advise</li> </ul>

## Key Result Areas

Jobholder is responsible for	Jobholder is successful when
<b>Management of Disciplinary Tribunal litigation</b>	<ul style="list-style-type: none"> <li>• Manage and instruct on a case load, either through external counsel or undertaking these in-house.</li> <li>• Manage and instruct on appeals from decisions of the Disciplinary Tribunal and the Competence Authority.</li> </ul>

**Professional Responsibility Litigation in relation to the Disciplinary Tribunal**

- Effectively managing litigation including Complaint Assessment Committees, Disciplinary Tribunal and Court matters, and providing support and guidance to members of the team as required from time to time.
- Work with Lead Investigators will ensure that all investigations carried out by or on behalf of the Council are legally sound and compliant.
- Chief Legal Officer is kept informed of significant legal developments relating to disciplinary matters.
- Work with decision-making bodies of the Council will ensure that decisions are legally sound and compliant with the law.
- Providing legal advice on complex and serious litigation and other legal matters.
- Providing legal advice in relation to any relevant legislation, regulations and codes.
- Providing assistance / mentoring to members of the legal team as required

**Providing timely and accurate advice**

- Assessing and advising on the regulatory and legal impact of changes to legislation and regulations
- Supporting effective decision making by the Chief Legal Officer


**Specific assistance to the CAC, Investigators and Professional Practice Evaluators**

- Legal advice for the CAC and the Council's other decision-making bodies is provided by:
  - Dealing with evidential issues
  - Providing guidance on standard of proof, evidence, and decision-making process
  - Ensuring decisions are considered and well-reasoned
  - Appropriate interviewing of witnesses and teachers
  - Ensuring accurate and accessible information on the disciplinary processes is made available to initiators and teachers
- Decisions and letters as drafted as required by the CAC and other bodies.
- Work alongside the investigators and Professional Practice Evaluators is carried out and includes:
  - Gathering any additional evidence required
  - Co-coordinating witness briefings
  - Briefing witnesses prior to hearing

	<ul style="list-style-type: none"> <li>• Organising expert witnesses where appropriate</li> <li>• Preparation of witnesses</li> <li>• Obtaining/assessing original documents where required</li> </ul>
<p><b>Process improvement</b></p> <p>Identifying, implementing, monitoring, and reviewing opportunities for process improvements across all Professional Responsibility operations processes</p>	<ul style="list-style-type: none"> <li>• Areas for process improvements are identified.</li> <li>• Recommendations for improvements are provided to the Chief Legal Officer following each review.</li> <li>• New processes are clearly communicated, understood, and agreed.</li> </ul>
<p><b>Health, safety and wellbeing</b></p> <p>Complying with the responsibilities under the Health and Safety at Work Act 2015.</p>	<ul style="list-style-type: none"> <li>• A healthy, safe and wellness-oriented workplace is maintained by setting a good example to team members in relation to HSW practices and policies.</li> <li>• Health and safety issues that may impact on the team or wider organisation are identified and reported.</li> </ul>

## Person Specifications

Qualifications	
Essential	Desirable
Qualified lawyer holding a current practicing certificate	
Knowledge and Experience	
Essential	Desirable
Minimum 6 years' experience as a practicing lawyer	Experience in working in a regulatory environment and enjoys core litigation and very hands on advocacy role
Significant litigation experience in Court	Litigation experience with disciplinary bodies
Experience in stakeholder management and building and maintaining relationships	
Key Skills	
<p><b>Expert Level</b></p> <ul style="list-style-type: none"> <li>• Understanding of and provide advice on legal risks in a litigation and in-house context</li> <li>• Relationship management</li> <li>• Strong and effective communicator</li> <li>• Effective time management and ability to meet deadlines</li> </ul>	
<p><b>Advanced Level</b></p> <ul style="list-style-type: none"> <li>• The law and legal issues in relation to disciplinary bodies</li> <li>• Understanding of the requirements of decision-making in a prosecutorial context</li> <li>• Demonstrated ability to understand, analyse and accurately convey complex information in clear and simple written language</li> <li>• Strategic agility</li> <li>• Self-motivated and able to use initiative</li> <li>• Confidence to work with people from diverse backgrounds</li> </ul>	



### **Working Knowledge**

- Culturally responsive practices reflect commitment to Te Tiriti o Waitangi and its relevance and application in the workplace and the education sector