

## Lawyer - Rōia

### 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	Lawyer - Rōia
Reports To	Lead Lawyer - Rōia Ārahi
Financial Delegation	Nil
Direct Reports	Nil
Purpose	To contribute to the performance of Matatū Aotearoa by providing legal advice on disciplinary and competence matters to the Complaints Assessment Committee (CAC), the Impairment Committee, the Competence Team, and the Registration Panel.
Date	August 2022

## Key Relationships

External	Nature of relationship
Ministry of Education and Justice	<ul style="list-style-type: none"> <li>• Provision of information and liaison</li> </ul>
Other Education agencies	<ul style="list-style-type: none"> <li>• Provision of information</li> </ul>
Teachers, Professional Leaders, Boards of Trustees	<ul style="list-style-type: none"> <li>• Provision of information and liaison</li> </ul>
Legal Counsel and external lawyers	<ul style="list-style-type: none"> <li>• Provision of information</li> </ul>
Internal	Nature of relationship
Senior Manager Professional Responsibility	<ul style="list-style-type: none"> <li>• Reports to</li> </ul>
Lead Lawyer	<ul style="list-style-type: none"> <li>• Reports to</li> </ul>
Professional Responsibility colleagues	<ul style="list-style-type: none"> <li>• Support, inform and advise</li> </ul>
Management team	<ul style="list-style-type: none"> <li>• Support, inform and advise</li> </ul>
All Council employees	<ul style="list-style-type: none"> <li>• Support, inform and advise</li> </ul>
CAC, Impairment and Competence Authority Chairs, and Registration Panel and members	<ul style="list-style-type: none"> <li>• Support, inform and advise</li> </ul>

## Key Result Areas

Jobholder is responsible for	Jobholder is successful when
<p><b>Provide Legal Advice</b> Provide legal advice and feedback to the Competence Assessors and Investigators.</p> <p>Provide legal advice to the CAC, Impairment Committee, Registration panel and the Council and competence decision making bodies.</p> <p>Provide instructions to prosecuting lawyers in the Disciplinary Tribunal.</p> <p>Provide legal advice in relation to OIA and Privacy Act requests; cases referred to the Ombudsman and complaints about disciplinary body cases.</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Keep abreast of relevant Court proceedings such as appeals and procedural changes.</li> <li>• Ensure the Lead Lawyer is kept informed and advised where appropriate of legal developments and requirements relating to disciplinary matters and that all complex matters are agreed before final advice is provided.</li> </ul>

<p><b>Specific Assistance to the CAC, Investigators and Competence Assessors</b></p> <p>Provide legal advice to the CAC and other bodies.</p> <p>Work alongside investigators and Competence Assessors to ensure proper legal process is carried out.</p>	<ul style="list-style-type: none"> <li>• Decisions and letters (at times under supervision) drafted as required by the CAC and other bodies.</li> <li>• Evidence objections dealt with.</li> <li>• Guidance provided on standard of proof, evidence, and decision-making process.</li> <li>• Appropriate interviewing of initiators, witnesses and teachers to the conduct that is the subject of investigation.</li> <li>• Accurate and accessible information on the disciplinary processes is made available to initiators and teachers.</li> <li>• Any additional evidence is gathered as required.</li> <li>• Witness briefings are coordinated, and witnesses briefed prior to hearings.</li> <li>• Organising expert witnesses where appropriate.</li> <li>• Preparation of witnesses.</li> <li>• Original documents obtained/assessed where required.</li> </ul>
<p><b>Contribute to the wider Council</b></p>	<ul style="list-style-type: none"> <li>• Ensure that all communication both internally and externally is professional, courteous, and timely.</li> <li>• Provide backup support to other team members.</li> <li>• Share skills and knowledge.</li> <li>• Comply with internal Council policies.</li> <li>• Ensure the Treaty of Waitangi is reflected in all decision making.</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 and able to practice as a lawyer with the Council	
Knowledge and Experience	
Essential	Desirable
Minimum 2 years' experience as a practising lawyer	Experience in working in a regulatory environment and enjoys a core litigation and very hands on advocacy role
Litigation experience in Court or with regulatory body	
Key Skills	

**Expert Level**

- The law and legal issues in relation to disciplinary bodies
- Relationship management
- Strong and effective communicator
- Effective time management and ability to meet deadlines

**Advanced Level**

- Demonstrated ability to understand, analyse and accurately convey complex information in clear and simple written language
- Understanding of and provide advice on legal risks in a litigation and in-house context
- Self-motivated and able to use initiative
- Confidence to work with people from diverse backgrounds

**Working Knowledge**

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