

POSITION DESCRIPTION



DIRECTOR FAMILY LAW

DATE OF ANALYSIS: July 2003

LOCATION:

Level 3
323 Castlereagh Street
SYDNEY NSW 2000

IMMEDIATE MANAGER/SUPERVISOR:

Deputy Chief Executive Officer, Legal

CURRENT INCUMBENT:

Vacant

**Senior Officer
Grade 2**

LEGAL AID COMMISSION USE ONLY

PRIMARY OBJECTIVES

1. Manage the resources and services for the statewide family practice in line with the priorities and objectives established in the Corporate Plan.
2. In collaboration with the Grants Division and the Strategic Policy and Planning Division, develop policies, practices and systems for Family Law to ensure the highest quality legal assistance for the community.
3. As the most senior family law professional, establish and maintain relationships with the various stakeholders throughout the legal profession and the community to represent Legal Aid NSW, promote its family legal services and actively contribute to family law reforms.
4. As a member of the Executive team, contribute to the development of broader strategies and service delivery planning, to ensure the provision of high quality and innovative legal services.

REPORTING RELATIONSHIPS

The Director is one of three Directors reporting to the Deputy CEO, Legal. Other positions reporting directly to the Deputy CEO, Legal are:

- Director, Civil Law
- Director, Criminal Law
- Senior Librarian
- Regional Administrative Co-ordinator
- Manager, Client Assessment & Referrals

The following positions report to the Director Family Law:

- Regional Program Co-ordinator
- Manager, Family Dispute Resolution
- Senior Solicitor Family Litigation
- Senior Solicitor, Family Relief
- Senior Solicitor, Child Support
- Senior Solicitor, Care and Protection
- Solicitor Advocates (4 positions)
- Executive Assistant
- Solicitors In Charge – Regional Offices (Family Law Practitioners)

(The Solicitors in Charge of all other Regional Offices also report to the Director on Family Law matters.)

ORGANISATIONAL CONTEXT

Legal Aid NSW is the largest legal aid agency in Australia, comprising a Central Sydney office and 21 regional offices in metropolitan and regional centres across NSW, and a number of specialist services and advice clinics. It was established under the *Legal Aid Commission Act 1979* as an independent authority to assist economically and socially disadvantaged people to understand and protect their rights in the legal system. People with disabilities, from people from culturally and linguistically diverse backgrounds, women and children, Indigenous people and people with mental illness are some of the groups who may experience difficulties when enforcing and defending their rights.

Working in partnership with private lawyers, Legal Aid NSW provides legal advice, information and minor assistance and legal representation to eligible people in many areas of law. Legal Aid NSW

also provides alternative dispute resolution services, community legal education programs, and publications on legal issues. For some services, clients need to meet a means and merit test. In most cases, clients who are granted aid for legal representation are required to make a contribution towards the cost of representation.

The Board of Legal Aid NSW, which consists of the Chief Executive Officer and nine part-time members appointed by the Government, establishes the broad policies and strategic plans of the agency.

The key programs and services provided or funded by Legal Aid NSW include:

- legal advice and minor assistance to members of the public;
- duty solicitor services in every local court in NSW;
- the Prisoners Legal Service;
- the Children's Legal Service;
- criminal litigation on behalf of legally aided defendants and appellants in the High Court, Supreme Court, Court of Criminal Appeals, District and Local Courts and before the Parole Authority;
- the Child Support Service;
- alternative dispute resolution services including family law conferencing, family law mediation and civil law pro bono mediation;
- family litigation;
- civil law services;
- the Mental Health Advocacy Service;
- the Veterans Advocacy Service;
- administrative law services, particularly for immigration and refugee matters;
- community legal education and publications;
- the community legal centres funding program;
- the Women's Domestic Violence Court Advocacy Program;
- social work services for clients with socio-legal needs; and
- submissions on law reform issues in relation to which Legal Aid NSW has expertise.

Legal Aid NSW is funded by the Commonwealth Government (for family law matters and some other areas of Commonwealth law) and by the New South Wales Government. A substantial proportion of the revenue of Legal Aid NSW consists of grants from the Public Purpose Fund. Client contributions are another important source of revenue.

The **Family Law Division** spans a number of legal programs and services including case representation, providing legal advice and assistance, providing general family law information, representation and assistance in care and protection matters, alternative dispute resolution (ADR) services and a variety of community education programs. The Division needs to be at the forefront of reform initiatives in family law to enable flexible delivery of legal services that reflect the changes in law and related activities and meet the expectations of the community. The Division coordinates the processes across a statewide practice represented by 20 regional offices.

ROLE OF THE POSITION

The Director, Family Law is primarily responsible for managing delivery of family law services to ensure the highest quality legal assistance is given to clients in accordance with ethical and professional standards as developed in collaboration with both the Grants Division and Strategic Planning and Policy Division. The Director provides leadership and direction to the family law practice involving complex cases and matters that would be determined by the Family Court.

As the most senior family law professional, the Director may be required to brief the Attorney on particularly sensitive legal cases. The position also maintains regular contact with Family Court judges and with magistrates and builds relationships with the Attorney Generals Department and peak bodies representing the legal profession.

The position is expected to contribute to the development, review and determination of broader legal service strategies, plans and policies and is accountable for their promotion and implementation within the Family Law Division.

In addition, as a member of the Executive, the position is expected to contribute to the development of major initiatives, including financial management initiatives, planning processes, and the integration within Legal Aid NSW of performance measurement and management systems.

INTERPERSONAL RELATIONSHIPS

Internally, the key relationships are with other practice Directors and the Grants Division and Strategic Planning and Policy Division in reviewing and developing policy, practice and standards for Family Law case management and services, with practitioners and managers in the Family Law Division in guiding and reviewing draft policies, practices, resources and standards and with program managers in monitoring service delivery. A key aspect is the relationship with Grants Division to ensure practice standards of the highest quality are implemented uniformly across Legal Aid NSW.

Externally, the key relationships managed by the position are with Family Court judges and peak bodies representing the legal profession in negotiating acceptance to approaches and policy of Legal Aid NSW, representing Legal Aid NSW and its clients at large within the justice system, and smoothing the administration of case management, fee and cost arrangements. The position briefs the Attorney on sensitive legal cases and manages the resolution of cases.

CHALLENGES AND CONSTRAINTS

The position faces the following major challenges and constraints:

- Effectively collaborating in the ongoing review, development and authorisation of the policies, resources, practices and standards for family law services provided by Legal Aid NSW and contracted legal firms.
- ensuring that the most complex family law matters are handled effectively for clients.
- developing effective reporting systems to gauge workload trends and budget implications.
- ensuring high standards for quality legal services in family law are set and provided and working closely with Grants Division in establishing the required standards.
- reviewing and implementing reforms to the Commission's family law services to meet best practice in the profession, to better meet client needs, to introduce innovative approaches and to create improved efficiency and cost savings
- ensuring that line managers who report to the Director, Family Law adhere to the business and financial management principles adopted by the Commission.
- contributing to Government and professional committees examining ways to improve the management and hearing of family law cases, a reduction in waiting lists and law reform

- managing a large body of professional staff in central office and regional offices to gain their commitment to quality service provision and building the capabilities of all legal staff to deliver a full range of legal services and respond better to client needs.
- integrating into the business of the Family Law Division the commitment to and delivery of a consistent state-wide practice.

DECISION-MAKING

Within the framework of the mission, goals, strategy and statutory obligations of Legal Aid, the Director makes key decisions on the implementation of family law policies, practices and standards for case management and practice for Legal Aid NSW, on the management of complex and sensitive cases and the on the allocation of resources across the division. It directs all central family law case management and operations, solves major organisational, practice, legal and service delivery problems related to family law work.

The position is also responsible for directing private solicitors engaged on sensitive family law cases.

POSITION DIMENSIONS

Staffing

Reporting Directly:	16
(SIC's reporting to Director Family Law on Family Law matters:	15)
Reporting Indirectly:	102
 TOTAL:	 133

Budget (2008-2009)

Operating:	\$ 6.239M
Staffing:	\$ 15.104M
 TOTAL:	 \$ 21.343M

KEY ACCOUNTABILITIES

1. Manage the development of family law policy, practice and standards within the Division and by working closely with Grants division and Strategic Planning and Policy Division; and contribute actively to the Executive in the consideration, determination and implementation of broader legal services strategies, plans and policies and their implementation to ensure that clients receive an equitable and professional service.
2. Plan and balance staffing and financial resources of the Family Law Division in the provision of legal services in central and regional offices to support a consistent and efficient model of service delivery including the most effective and efficient use of private practitioners.
3. Monitor, evaluate and review the quality and effectiveness of family law programs and services across Legal Aid NSW, to establish the appropriateness of existing policies, practices and standards and to identify and then tackle areas for improvement.

4. Provide expert legal advice and solutions in relation to the planning of complex and highly sensitive family law cases, to support high quality client representation and to offer guidance to staff throughout case management.
5. Provide leadership on projects aimed at reforming family law services within Legal Aid NSW, to support the improvement of programs and operations.
6. Direct the development and management of Family Dispute Resolution (FDR) services and community education programs through central and regional offices and the private legal profession to ensure effective representation for families, parents and children facing Family proceedings in Court.
7. Build networks with external legal professionals within the Family discipline as well as with senior managers and professionals in other justice portfolios to represent Legal Aid NSW within government and the profession on critical issues and development in family law management and practice, and in reform.
8. Foster and strengthen relationships within the Legal Branch / Directorate and develop internal communication processes across the Division to support effective communication, regular sharing of ideas and a co-ordinated effort to legal service delivery.
9. Present regular and ad hoc reports to the Executive and Board on the performance of the Division, key issues in family law services and means to address service challenges and unfavourable performance.
10. Set expectations and performance plans for practitioners and managers, regularly monitoring performance over the year and providing coaching to improve the effectiveness and efficiency of service delivery.
11. Manage the Family Law Division in accordance with the Corporate Plan and divisional responsibilities and provide development, advice, performance feedback and counselling to managers to ensure the required levels of skills and performance.
12. Ensure all practices comply with anti-discrimination and occupational health and safety (OH&S) legislation, and promote the establishment of equal employment opportunities (EEO), affirmative action, cultural diversity and ethical practices.

QUALIFICATIONS, SKILLS AND EXPERIENCE REQUIRED

- Demonstrated leadership and authority in the practice of family law.
- High level management skills and experience in the effective utilisation of staffing and financial resources, for leading staff in the achievement of objectives, and for managing conflicting priorities, timeframes and complex issues.
- Strategic analysis, planning and advisory skills, combined with proven performance in the development of innovative approaches and the use of technology in improving the management and practice of the law.
- Change management skills and a track record in developing and implementing corporate and culture change initiatives.
- Proven capacity in reviewing, developing and setting policy, practice and standards in family law.
- High level communication, consultation, interpersonal and written skills.
- Legal qualifications - hold or be eligible to hold a current NSW practicing certificate.
- Specialist accreditation in family law will be highly regarded.
- Thorough knowledge of or capacity to acquire a knowledge of legal aid functions and services.

- Strong commitment and sound capacity to implement government and Legal Aid NSW policies and practices such as EEO, OH&S, cultural diversity and ethical practice.

ORGANISATIONAL CHART.

FAMILY LAW DIVISION

