

## Independent Police Conduct Authority (IPCA)

### Position Description

Position title:	Senior Adviser Legal and Policy - Corporate
IPCA Team:	Corporate
Location:	Wellington
Date of issue:	June 2024
Reports to:	Manager Corporate
IPCA HR Ref:	

#### PURPOSE OF THE ROLE

The Senior Adviser Legal and Policy - Corporate will contribute to the delivery of required outcomes of the Authority by providing a high level of legal oversight, advice, and analysis on a range of legal and policy matters. While this position has a strong focus on compliance functions (public sector and legislative), they may also be required to advise on operational matters and specific projects as required.

The Senior Adviser Legal and Policy - Corporate will support the Manager Corporate, Board Chair and the General Manager with legal analysis and advice on organisational risk and mitigation strategies, research, quality assurance, policy development and the preparation of written material as required. This will include instructing solicitors and/or external counsel and providing advice for any judicial review hearings.

#### ABOUT THE IPCA

The IPCA is an Independent Crown Entity established by the IPCA Act to investigate and resolve complaints against the Police. The Authority exists to enhance public trust and confidence that complaints about Police conduct and incidents involving death and serious bodily harm are fairly and impartially investigated or overseen, and grievances are appropriately addressed. It also makes recommendations for change in Police policy and practice which contributes to improved Police performance.

The Authority also serves as a National Preventive Mechanism (NPM) under the Crimes of Torture Act 1989, which implements the United Nations Optional Protocol to the Convention Against Torture (OPCAT). This involves inspecting and auditing reports on Police detention facilities throughout New Zealand to ensure that they are safe and humane and that they meet international standards.

The IPCA is an appropriate authority under the Protected Disclosures (Protection of Whistleblowers) Act 2022.

The IPCA is governed by a Board, which is chaired by a Judge. The Chair is also the operational head of the IPCA.

### THE IPCA'S CORPORATE TEAM

The Corporate Team provides sound, customer-oriented services (some outsourced) which ensure the IPCA's capability continues to develop and improve in alignment with wider government and state sector requirements, obligations and responsibilities.

The Corporate team is responsible to the Manager Corporate, the Board Chair and General Manager for the delivery of a wide range of functions, including;

- Business planning, strategy and corporate policy development
- Risk management
- Oversight of corporate legal matters
- Financial management and reporting
- Accountability and performance reporting, compliance and assurance
- Human resources strategy and management
- Procurement, monitoring and management of outsourced services
- IT planning and development
- Information management
- Security

### THE IPCA'S OPERATIONS GROUP

The IPCA Operations Group includes three functional service delivery areas: investigations; resolutions; and assurance which are all contributed to and supported by the Corporate Team.

The operations teams are responsible for the following areas:

#### ***Assurance***

The Assurance team is responsible for:

- Cat B Investigation oversight
- OPCAT work programme
- Management of assigned portfolios including but not limited to Recommendations to Police and monitoring of implementation.
- Management and co-ordination of assurance focused work programmes including but not limited to management and co-ordination of the Quality Assurance Framework.

#### ***Investigations***

The Investigations Team is focused on the investigation, conduct, and conclusion of investigations into complaints against the Police, and incidents where death or serious bodily harm has resulted. This

involves conducting independent investigations. They are responsible for writing final public reports, or letters for Police and complainants, which are appropriate to the level of investigation undertaken.

**Resolution**

The Resolutions team is responsible for receiving, assessing, categorising, managing and resolving complaints submitted to the IPCA that do not require formal investigation by Police or the Authority (Category C or D). This includes communication with complainants, and liaison with the relevant Police Professional Conduct staff.

**IMPORTANT RELATIONSHIPS**

*Internal:*

The IPCA is a small organisation where the teams work collaboratively. This position can expect to have relationships with staff across the organisation including the IPCA Chair, Board members and General Manager, the Senior Legal Adviser Operations as well as their immediate colleagues.

*External:*

- Key external stakeholders
- Ministry of Justice legal, monitoring and policy teams
- Relevant professional contacts

**KEY ACCOUNTABILITIES**

<b>Accountability</b>	<b>Deliverables / Outcomes</b>
Legal research and analysis	<ul style="list-style-type: none"> <li>• Provide high quality legal analysis and advice to the Chair, General Manager, Managers and staff as required to determine legal issues effectively. This includes but is not limited to the following areas:               <ul style="list-style-type: none"> <li>○ Judicial reviews of IPCA, (responding to threatened and actual legal action) and engaging with external solicitors and/or counsel where necessary.</li> <li>○ Justice sector reviews e.g. Waitangi tribunal enquiry of the Justice sector.</li> <li>○ Drafting and review of the MOU with Police and other agencies.</li> <li>○ Respond to parliamentary questions and other government inquiries/investigations.</li> <li>○ Identify when it would be appropriate for IPCA to make proactive submissions e.g. on Bills.</li> <li>○ Commercial and corporate matters such as internal policies, information and privacy requests/breaches, health and safety, leases, supplier agreements and internal HR matters.</li> <li>○ Represent the IPCA before bodies such as the Waitangi Tribunal or select committees as required.</li> <li>○ Review case law and legislation to identify and advise on any relevance to IPCA.</li> </ul> </li> </ul>

<b>Accountability</b>	<b>Deliverables / Outcomes</b>
	<ul style="list-style-type: none"> <li>• Provide advice and recommendations to ensure IPCA is compliant with various administrative law and public sector standards such as, but not limited to: <ul style="list-style-type: none"> <li>○ The Protected Disclosures Act 2022</li> <li>○ Privacy Act 2020</li> <li>○ Crown Entities Act 2004</li> <li>○ Employment Relations Act 2004</li> <li>○ Holidays Act 2003</li> <li>○ Health and Safety at Work Act 2015</li> <li>○ Public Service Act 2020</li> <li>○ Public Services Commission requirements and expectations of Crown Entities</li> </ul> </li> <li>• Identify risks and make recommendations on risk mitigation strategies to the management team and as part of reporting to the Board.</li> <li>• Analyse non mandatory guidelines and standards from the Public Services Commission and through Complywith to inform recommendations and risks of implementing or not.</li> <li>• Undertake the function of Privacy Officer - including advising on breaches and conducting Privacy Impact Assessments.</li> <li>• Participate in any joint interdepartmental groups.</li> <li>• Support the work of the Senior Adviser Legal and Policy - Operations as required.</li> </ul>
Policy	<ul style="list-style-type: none"> <li>• Write, review, and provide high quality research, advice and recommendations on internal corporate policies to ensure compliance with relevant law.</li> <li>• Provide back up to the high-quality interpretation and advice to internal staff on Police policies as required.</li> <li>• Provide feedback and recommendations on changes to Police policies as required.</li> </ul>
General	<p>As required:</p> <ul style="list-style-type: none"> <li>• Meet agreed performance targets and standards.</li> <li>• Ensure the Manager Corporate is kept apprised of significant events, issues and potential risks, and advice provided as appropriate.</li> <li>• Lead or assist on projects.</li> <li>• Assist with quality assurance of corporate outputs.</li> <li>• Undertake such activities and assignments as may be reasonably required by the IPCA from time to time.</li> </ul>
Relationship management	<ul style="list-style-type: none"> <li>• Work collaboratively with all staff and contribute to a positive team environment.</li> <li>• Promote and model IPCA values.</li> <li>• Develop and maintain strong relationships with the Crown Law Office; Government Legal Network; other Crown Entity and Justice Sector legal teams.</li> </ul>

## COMPETENCIES

Competency	Evidence
Advise and Influence	<ul style="list-style-type: none"> <li>• Provides proactive and frank advice that is impactful, influential and able to be utilised.</li> <li>• Frames advice in the context of relative priorities.</li> <li>• Ability to shape debate and thinking influence and convey our viewpoint.</li> </ul>
High-quality delivery	<ul style="list-style-type: none"> <li>• Manages multiple priorities effectively and keeps track of and measures outcomes against a standard of excellence.</li> <li>• Effectively manages workload and is able to deliver on commitments in an accurate and timely manner (including meeting tight timeframes).</li> <li>• Displays awareness of — and ensures compliance with — the rules and policies of the organisation, and consistent with this, recommends best practice approaches.</li> <li>• Remains aware of issues supporting or hindering progress and anticipates potential challenges.</li> <li>• Ensures that contingency plans are in place to respond to changing environments.</li> <li>• Recognises and supports improvements to existing systems and procedures.</li> </ul>
Problem-solving	<ul style="list-style-type: none"> <li>• Thinks methodically, establishes, and maintains sound processes and systems, and responds quickly to complex issues.</li> <li>• Generates creative and practical ideas and solutions to problems.</li> <li>• Analyses and interprets facts to assess their compliance with law, policy, and procedure in a rigorous and organised way.</li> <li>• Analyses large amounts of information and identifies relevant issues and questions quickly.</li> <li>• Processes information from diverse sources.</li> </ul>
Judgement	<ul style="list-style-type: none"> <li>• Acts in an impartial, fair and sensitive manner.</li> <li>• Uses diplomacy and tact.</li> <li>• Develops and forms decisions and opinions based on objective analysis.</li> <li>• Assesses situations or circumstances and draws sound conclusions applying common sense and sound analysis.</li> <li>• Deals with sensitive, confidential and/or disturbing or offensive material.</li> <li>• Understands and identifies risk and takes this into account when making decisions or recommendations.</li> <li>• Demonstrates exemplary judgement by viewing complex issues from various angles and considering alternate solutions and their impacts.</li> </ul>
Decision-making	<ul style="list-style-type: none"> <li>• Maintains a broad perspective, respects the competence and responsibilities of others, and delegates decision making and accountability appropriately.</li> </ul>

Competency	Evidence
	<ul style="list-style-type: none"> <li>• Ensures that confidentiality is maintained where appropriate during the decision-making process.</li> <li>• Consults where appropriate prior to making difficult and sensitive decisions on behalf of the organisation.</li> </ul>
Organisational Cultural Commitment	<p>Contribute to the Authority's cultural commitment of:</p> <ul style="list-style-type: none"> <li>• Recognising the constitutional status of Te Tiriti o Waitangi/The Treaty of Waitangi.</li> <li>• Using best endeavours to act consistently with Te Tiriti o Waitangi/The Treaty of Waitangi and ensure that our policies, practices, and procedures reflect this commitment.</li> <li>• Seeking to deepen collective of understanding of te ao Māori and knowledge of tikanga Māori.</li> <li>• Supporting staff who wish to learn te reo and promote and encourage the use of te reo Māori in the workplace.</li> <li>• Building capacity to engage with Māori.</li> </ul>
Technical knowledge	<ul style="list-style-type: none"> <li>• Demonstrate the qualifications, skills, knowledge, and experience required to successfully undertake the position (detailed in the person specification of the position description)</li> </ul>

## PERSON SPECIFICATION

### ***Education, Knowledge, Experience***

#### Required:

- A legal qualification with a minimum of 5 years + PQE.
- Currently holds or is eligible to hold a practising certificate.
- An excellent understanding and experience of in-house legal practice including knowledge of administrative law and public law.
- Demonstrated strategic, conceptual and critical thinking skills and strong analytical ability.
- Experience in policy development.
- Experience in research and analysis and the development of recommendations.
- Strong communication skills with an ability to convey complex legal issues succinctly - verbally and in writing.
- Strong knowledge of Machinery of Government and of public sector and government processes.
- Demonstrated success in building relationships and gaining the support and participation of key stakeholders.
- Sound experience in providing trusted advice and briefings to senior leaders.
- Demonstrated experience in advising and supporting people at all levels of an organisation.

#### Desirable:

- Experience working in an independent crown entity and/or the Justice sector.
- Experience or understanding of criminal law.
- Experience leading or working on projects.
- Experience in working with, or sound knowledge of, Police or other law enforcement agencies.