# Ministry of Social Development logo

# Appeals Officer

# MSD Legal

## Our purpose

**Manaaki tangata, Manaaki whānau**

We help New Zealanders to be safe, strong and independent

## Our commitment to Māori

As a **Te Tiriti o Waitangi** partner we are committed to supporting and enabling Māori, whānau, hapū, Iwi and communities to realise their own potential and aspirations.

## Our strategic direction



## Our Values



## Working in the Public Service

Ka mahitahi mātou o te ratonga tūmatanui kia hei painga mō ngā tāngata o Aotearoa i āianei, ā, hei ngā rā ki tua hoki. He kawenga tino whaitake tā mātou hei tautoko i te Karauna i runga i āna hononga ki a ngāi Māori i raro i te Tiriti o Waitangi. Ka tautoko mātou i te kāwanatanga manapori. Ka whakakotahingia mātou e te wairua whakarato ki ō mātou hapori, ā, e arahina ana mātou e ngā mātāpono me ngā tikanga matua o te ratonga tūmatanui i roto i ā mātou mahi.

In the public service we work collectively to make a meaningful difference for New Zealanders now and in the future. We have an important role in supporting the Crown in its relationships with Māori under the Treaty of Waitangi.  We support democratic government. We are unified by a spirit of service to our communities and guided by the core principles and values of the public service in our work.

## The outcomes we want to achieve

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| --- | --- | --- |
| New Zealanders get the support they require | New Zealanders are resilient and live in inclusive and supportive communities | New Zealanders participate positively in society and reach their potential |

## We carry out a broad range of responsibilities and functions including

* Employment, income support and superannuation
* Community partnerships, programmes and campaigns
* Advocacy for seniors, disabled people and youth
* Public Housing assistance and emergency housing
* Resolving claims of abuse and neglect in state care
* Student allowances and loans

## **He whakataukī\***

|  |  |
| --- | --- |
| Unuhia te rito o te harakeke  Kei hea te kōmako e kō?  Whakatairangitia, rere ki uta, rere ki tai;  Ui mai ki ahau,  He aha te mea nui o te ao?  Māku e kī atu,  He tangata, he tangata, he tangata\* | If you remove the central shoot of the flaxbush  Where will the bellbird find rest?  Will it fly inland, fly out to sea, or fly aimlessly;  If you were to ask me,  What is the most important thing in the world?  I will tell you,  It is people, it is people, it is people |

\* We would like to acknowledge Te Rūnanga Nui o Te Aupōuri Trust for their permission to use this whakataukī

## Position detail

### Overview of position

The Appeals Officer investigates, reviews and assesses client issues and disputes with decisions by the Ministry described in appeals to the Social Security Appeal Authority and the Student Allowance Appeal Authority, developing a plan for future resolution of the appeal, while identifying and escalating risks, trends and training needs to appropriate stakeholders.

Delivering Quality Legal Services to progress resolution of the appeal to the independent judicial tribunal while working collaboratively with other Ministry legal staff, clients, external lawyers / advocates and a broad range of other stakeholders across the Ministry through facilitating an appropriate resolution of the appeal before hearing. Where resolution before hearing is not possible, providing written documentation to the independent judicial tribunal setting out the facts, reasons and arguments for the Ministry’s decision seeking to persuade the tribunal that the Ministry’s decision is correct.

Appearing in person before the independent judicial tribunal, either independently or in collaboration with Ministry lawyers as appropriate, to formally advocate for and explain the Ministry’s decisions and rebuts challenges to the Ministry’s decisions, seeking to persuade the tribunal that the Ministry’s decision is correct.

### Location

National Office / Regions as applicable

### Reports to

Team Manager MSD Legal

## Key responsibilities

### Investigation

* Scope investigation of written appeals and disputes from clients and their advocates / lawyers to define the issue so that the appropriate resolution can be reached.
* Research and seek out relevant client records / information, the law and past judicial decisions, plus analyse information from other relevant sources to support the investigation.
* Engage with clients, their advocates / lawyers, Ministry decision-makers and wider Ministry stakeholders, plus other agencies seeking further information and exploring all possible questions, issues, and avenues that might help inform Ministry decision-making while keeping the client informed and engaged throughout the appeal process.
* Develop and maintain a comprehensive Litigation Management Plan collaboratively with other MSD Legal staff and the Ministry decision-makers in which the client’s concerns, results of the investigation, and recommendations for future resolution (taking account of case specific and broader systemic risks, issues, and concerns) are worked through with decision makers and wider Ministry stakeholders enabling the Ministry to respond appropriately to the client’s appeal.
* Proactively identify and escalate legal, reputational, and other risks, trends and training needs to appropriate stakeholders as appropriate so that risk can be managed and decision making is consistent nationally.

### Quality Legal Services

* Drive progress on allocated appeal cases, engaging with clients, external lawyers / advocates, the Ministry of Justice, Ministry legal managers and staff, wider stakeholders within the Ministry, and other agencies to progress appeals towards an appropriate resolution or towards a formal hearing before the independent judicial tribunal.
* Provide high quality written legal advice, working collaboratively with Ministry legal managers and staff, considering legal issues, compliance and risk arising from the particular appeal and broader Ministry wide systemic issues or questions, to ensure Ministry is able to make informed decisions about an appeal fully informed of the circumstances, options and risks involved.
* Trains and educates management and staff on their legal duties and obligations, including the provision of education or guidance to lift the capability of Service Delivery managers and staff.
* Support, as directed, other Ministry legal staff through providing assistance, mentoring and coaching so that the quality of legal support is improved.
* Support the development of and operation of systems, processes and tools across MSD Legal to improve the capability and capacity of other legal staff.
* Contribute suggestions for the initiation or amendment of Ministry policies and legislation to address anomalies in the law or in the Ministry’s practice.
* Maintains complete, concise, and up-to-date client and case record information in Objective and HIYA to inform effective decision making that supports the client and ensures a consistent client experience across delivery channels.
* Ensures client information is stored securely and only disclosed to those with appropriate authority to protect client privacy and confidentiality.
* Maintain a high standard of personal integrity in all matters and ensure Ministry processes and protocols are followed ensuring the Ministry is beyond reproach.
* Proactively promote the services available from MSD Legal and perform such other duties and responsibilities set by Managers to support the effective functioning of MSD Legal.

### Judicial Hearing and Advocacy

* Promote and implement the approach described in the Litigation Management Plan for the particular appeal working collaboratively with Ministry legal managers and staff, including undertaking further investigations, ongoing engagement with clients and other stakeholders across the Ministry or other agencies and then as appropriate, working with clients and their external lawyers / advocate towards an appropriate resolution or progressing towards a formal hearing before the independent judicial tribunal.
* Draft, prepare and file accurate, timely and properly researched Regulation 249 reports to the Social Security Appeal Authority and Regulation 37(2) reports to the Student Allowance Appeal Authority, working collaboratively with Ministry legal managers and staff, Ministry decision-makers and other stakeholders across the Ministry.
* Identify, prepare and support witnesses required to support the Ministry’s arguments before the independent judicial tribunals ensuring the Ministry’s position is fully supported by evidence.
* Effectively represents the interests of the Ministry as an advocate before the independent judicial tribunals in pre-hearing conferences and in hearings, working collaboratively with Ministry legal managers and staff as appropriate, ensuring the Ministry’s position is clearly articulated and understood.
* Pro-actively addresses questions, issues or other concerns arising from the hearing, reflecting the Ministry’s responsibilities as a model litigant.
* Facilitate the implementation of the outcomes of the hearing process before the independent judicial tribunal, supporting the Ministry’s commitment to the rule of law.

### Team and Individual Performance

* Effectively collaborates with team and pool members to resolve problems and encourages trust through open and honest sharing of information, helping the team / pool to achieve Ministry goals.
* Proactively participates in peer review, supporting and helping to develop team / pool colleagues, to lift the performance of individuals and the team in delivering Quality Legal Services.
* Participate in the development and operation of projects with MSD Legal, resulting in the improved delivery of Quality Legal Services.
* Identify and act on personal learning and development opportunities to lift performance of the individual and their contribution to the team / pool.

### Relationship Management

* Establishes, develops and maintains close collaborative working relationships across MSD Legal and with a wide array of internal (at varying levels within MSD) and external stakeholders to ensure the effective sharing and flow of information and provide a seamless service.
* Proactively develops and maintains effective client relationships to fully understand their situation and concerns so that quality decisions can be made and a resolution achieved.
* Motivates and works with others to ensure consistency with the organisational vision, values, and systems, building appropriate levels of understanding of the operations, imperatives and constraints of the Ministry, so that risk to the Ministry can be managed while achieving an appropriate resolution.

## Embedding te ao Māori

* Embedding Te Ao Māori (te reo Māori, tikanga, kawa, Te Tiriti o Waitangi) into the way we do things at MSD.
* Building more experience, knowledge, skills and capabilities to confidently engage with whānau, hapū and iwi.

## Health, safety and security

* Understand and implement your Health, Safety and Security (HSS) accountabilities as outlined in the HSS Accountability Framework.
* Ensure you understand, follow and implement all Health, Safety and Security and wellbeing policies and procedures.

## Emergency management and business continuity

* Remain familiar with the relevant provisions of the Emergency Management and Business Continuity Plans that impact your business group/team.
* Participate in periodic training, reviews and tests of the established Business Continuity Plans and operating procedures.

## Know-how

* Substantial experience in the Ministry’s Service Delivery front-line, its processes and computer systems, especially in engaging clients and their representatives to resolve concerns or disputes over entitlements
* Extensive knowledge of the Ministry products, services, policies and practices, and a detailed knowledge of products and services provided by other agencies and groups
* Relevant NZQA approved qualification or equivalent experience in public sector frameworks, welfare law and other areas of law relevant to the Ministry’s business
* Thorough understanding and knowledge of the Ministry’s strategic direction and the implications for the welfare system
* Highly skilled in engaging clients, ascertaining their issues, and working collaboratively with clients, MSD staff and other agencies to find appropriate resolutions.
* High level of skill and experience in the preparation and drafting of high-quality written reports and submissions to independent judicial tribunals.
* Practical experience in conducting cases and appearing before Courts and Tribunals.
* Competent level of computer and keyboard skills, including proficiency in Microsoft products (Word, Excel, Outlook, Powerpoint, Project, Visio).

**Attributes**

* Enthusiastic, curious, keen and proactive approach – open to finding solutions and innovative approaches.
* Effective written and verbal communication skills – able to communicate clearly and concisely across multiple channels, adapting communication style to the needs of the audience.
* Interpersonal skills – ability to relate to people with diverse backgrounds and at all levels, demonstrate active listening skills, empathy, the ability to manage difficult conversations confidently, and the ability to develop and maintain effective working relationships with internal and external stakeholders.
* Strong problem solving skills – ability to apply effective solutions to new problems and ‘think outside the square.
* Demonstrates sound judgement, initiative and discretion- able to think critically, analyse and assess individual situations or circumstances, find and evaluate information and evidence, consider alternative options, questions, issues and concerns, and able to make quality judgements and decisions.
* Excellent organisational and time management skills - able to systematically identify approach, priorities, risks, opportunities, manage competing priorities often within tight timeframes and under pressure to meet deadlines, stays calm under pressure, and maintains good records.
* Flexible, adaptable and pragmatic – ability to adapt to a busy and changing environment and take the initiative.
* Attention to detail – accurately complete processes and tasks, able to identify errors or omissions, keeps track of changes.
* Exudes credibility, integrity and professionalism – demonstrates these characteristics at all times.
* Thrives working in a team / pool environment – willingly shares knowledge and actively contributes to a supportive environment based on co-operation and commitment to achieve team / pool goals.
* Welcomes and values diversity, and contributes to an inclusive working environment where differences are acknowledged and respected.

## Key relationships

### Internal

* Chief Legal Advisor
* Legal Managers, Principal Lawyers and other legal staff
* Client Advocacy and Review manager and staff
* Service Delivery, Fraud and Debt management and staff
* Operational Policy and Practice
* Policy managers and staff
* Office of the Deputy Chief Executive for Service Delivery/ Ministerial and Executive Services and other senior functional managers

### External

* Clients and their advocates
* External lawyers
* Independent judicial tribunals and the Ministry of Justice
* Other government and student support agencies, and NGO’s e.g. Department of Internal Affairs, Ministry of Education, Tertiary Education Commission, Immigration New Zealand

## Other

### Delegations

* Financial – No
* Human Resources – No

### Direct reports – No

### Security clearance – No

### Children’s worker – No

Limited adhoc travel may be required

**Position Description Updated:** August 2021