

Auckland Regional Public Health Service

Rātonga Hauora ā Iwi o Tamaki Makaurau



Working with the people of Auckland, Waitemata and Counties Manukau

POSITION DESCRIPTION

POSITION DETAILS:

TITLE: Legal Counsel
REPORTS TO: General Manager (Management Reporting Line)
General Counsel ADHB (Professional Reporting Line)
LOCATION: Greenlane Clinical Centre
AUTHORISED BY: General Manager
APPROVAL DATE: January 2019

PRIMARY FUNCTION:

Provides prompt and practical advice to ARPHS staff in relation to public health regulatory functions, including in relation to technical components and effective compliance with the Sale and Supply of Alcohol Act 2012 and Smokefree Environments Act 1990.

Provide support to public health programmes' strategic goals, including the Smokefree programme, and assist with policy reviews of public health law.

Acting as a single point of contact for nationally significant public health regulatory issues from a legal perspective, including for local and central government.

SERVICE DESCRIPTION:

Our Priorities

ARPHS delivers public health services on behalf of the three district health boards in the Auckland region. ARPHS is a fully integrated public health unit delivering promotion, protection and screening programmes designed to improve the health and wellbeing of the populations of the Auckland region in partnership with mana whenua, striving always to reduce health inequalities, we work across three domains: **Excellence in Core Delivery**, **Leadership and Advocacy** and **Future Focused**.

ARPHS operates under a management/clinical partnership model that means senior managers are partnered with a lead clinician/s to provide strategic leadership on specific portfolios to the organisation and to deliver key operational aspects of ARPHS Annual Operational Plan. On a day to day basis, the Manager may delegate this operational interaction to other non-medical professional leaders in the organisation.

Our Vision: Te ora o Tamaki Makaurau

Our Values:

- **Welcome – Haere Mai**
- **Respect – Manaaki**
- **Together – Tūhono**
- **Aim High – Angamua**

ARPHS Strategic Plan, Statement of Performance Expectations (SoPE) and Annual Operational Plan identify which public health services are delivered and monitored. These plans inform all service, teams and individual work plans.

KEY ACCOUNTABILITIES	
Key Result Area	Expected Outcomes/Performance Indicators
Legal Advice	<ul style="list-style-type: none"> Works with ARPHS staff and ADHB Legal Services in providing prompt and effective legal advice on public health regulatory functions as required
Litigation	<ul style="list-style-type: none"> Works with ARPHS Medical Officers of Health, Compliance Officers and ADHB Legal Services in managing the proceedings and appearing for ADHB in respect to the processes involved in the Sale and Supply of Alcohol Act 2012. Representation of ARPHS in local government review proceedings of Smokefree policies, including providing oral submissions where appropriate. Prepares evidence for, and presents as appropriate, at oppositions and appeals at the District Licensing Committee and Alcohol Regulatory and Licensing Authority.
Client Service	<ul style="list-style-type: none"> Develops strong working relationships and provides efficient, professional and timely legal support to Management, Medical Officers of Health, Compliance Officers and other staff on public health regulatory matters, and alcohol and smokefree related legal issues. Provides appropriate support to Medical Officers of Health, Compliance Officers and staff to improve the quality of their functions in the regulatory processes, including alcohol and smokefree processes.
External Relationships	<ul style="list-style-type: none"> Assists the management of relationships with external bodies including the District Licensing Committee and the Alcohol Regulatory and Licensing Authority and assist in the requests and requirements of those bodies. Works with the Public Health Clinical Network (PHCN) to consolidate information and provide legal advice on nationally significant DLC and ARLA decisions. Provides legal guidance and clarity on smokefree projects developed in collaboration with key stakeholders. Develops and maintains relationships with key stakeholder groups and ensures effective two-way communication. Models ADHBs values in all interactions with stakeholders.
Public Health Unit Collaboration	<ul style="list-style-type: none"> Provides national leadership where appropriate on relevant public health regulatory and alcohol-related legal topics. Assists in the sharing of information and the development of consistency of alcohol licensing reports and oppositions. Assists in developing high quality documentation that may be shared through the national smokefree compliance network.
General Duties	<ul style="list-style-type: none"> ARPHS may request for you to undertake any other reasonable duties as and when required.
Emergency response	<p>At times all ARPHS staff may be expected to respond and return to work to assist in an emergency situation to:</p> <ul style="list-style-type: none"> Protect the health of the affected population. Contribute to the implementing of response & emergency and pandemic incident response plans. Enable the provision of business continuity of the service. Participate in rosters to ensure work coverage during response & emergency events.
Treaty of Waitangi and cultural responsiveness	<p>ARPHS works in partnership to support mana whenua aspirations for health, wellbeing and reduction of inequalities. As a Crown agent we support mana whenua in its role to manaaki (care for) all people within its tribal rohe (area). We ensure participation of mātā waka (those with affiliations other than mana whenua) in</p>

	planning and providing services that promote the wellbeing of all Aucklanders.
Health and Safety	<p>ARPHS is committed to achieving the highest standard of health and safety for its staff.</p> <ul style="list-style-type: none"> You will report all accidents and potential hazards to your manager. All employees are expected to take initiative, identify and report all hazards and incidents that may cause harm to themselves or others in the organisation. As an employee of ADHB, the health and safety of clients and colleagues, as well as your own, are your responsibility. You are expected to work safely at all times, to actively participate in health and safety programmes in your area.
Continuing Professional Development	<p>To be responsible for aspects of own professional development by:</p> <ul style="list-style-type: none"> Attending educational opportunities relevant to the role, Participating in continuous improvement activities such as peer review, Actively maintaining competencies relevant to professional standards /accreditation.
Quality & Risk	ADHB and ARPHS are committed to the concept of quality improvement. As an employee you are expected to actively participate in quality improvement and risk management, both at a professional level and service level. You are also required to participate in quality and risk programmes as an integral part of your position.

<p>MATTERS WHICH MUST BE REFERRED TO THE GENERAL MANAGER</p> <ul style="list-style-type: none"> Significant financial issues Significant political, quality or safety issues Serious clinical standards failure Any emerging factors that could prevent achievement of the service/s objectives at year end Any emerging factors that could prevent budget achievement at year end Any matter that may affect the reputation of the service/s or Auckland District Health Board
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Authorities:	
This position has the delegated authority as per the ADHB Policy Manual	
FTE Nil	Budget Accountability (if applicable): Nil

Relationships		
External	Internal	Committees/Groups
<ul style="list-style-type: none"> External legal counsel (engaged with the agreement of the General Counsel) District Licensing Committee Alcohol Regulatory and Licensing Authority Regulatory agencies including Police and Auckland Council Other Public Health Units and the PHCN Ministry of Health Other public health staff District Health Boards Other health services including primary care General public Mana whenua Solution Vendors 	<ul style="list-style-type: none"> ADHB Legal Quality Department ARPHS General Manager ARPHS Clinical Director Health Improvement Manager Level 4 Managers Programme/Team Supervisors Senior Medical Officers Compliance Officers Team members Other multidisciplinary teams All ARPHS Staff Maori and Pacific Liaison Advisors 	<ul style="list-style-type: none"> National Public health Alcohol Working Group (NPHAWG)

	Essential	Desired
Qualifications	<ul style="list-style-type: none"> • Bachelor of Law 	
Experience	<ul style="list-style-type: none"> • Minimum of 4 years legal experience including; litigation, appearing independently on a variety of complex matters • A strong understanding of public law 	<ul style="list-style-type: none"> • Experience working on public health related issues • Experience working with the Sale and Supply of Alcohol Act 2012 or similar legislation • Experience in the health sector or regulatory agency • Understanding of medico-legal law
Personal Characteristics		
<ul style="list-style-type: none"> • Effective oral and written communication skills • A team player who respects diversity and works well with others • Ability to influence and support change • Proactive and takes initiative • The ability to challenge and question the 'status quo' (i.e.; processes and systems) and facilitate the development of innovative and workable performance improvements • Outcome / solutions focussed • Resourceful and resilient; able to stay calm and cope under pressure. 		

CORE COMPETENCIES	
COMPETENCY	DESCRIPTION
Decision Quality	Makes good decisions (without considering how much time it takes) based upon a mixture of analysis, wisdom, experience, and judgment; most of his/her solutions and suggestions turn out to be correct and accurate when judged over time; sought out by others for advice and solutions.
Conflict Management	Steps up to conflicts, seeing them as opportunities; reads situations quickly; good at focused listening; can hammer out tough agreements and settle disputes equitably; can find common ground and get cooperation with minimum noise.
Motivating Others	Creates a climate in which people want to do their best; can motivate many kinds of direct reports and team or project members; can assess each person's hot button and use it to get the best out of him/her; pushes tasks and decisions down; empowers others; invites input from each person and shares ownership and visibility; makes each individual feel his/her work is important; is someone people like working for and with.
Negotiating	Can negotiate skilfully in tough situations with both internal and external groups; can settle differences with minimum noise; can win concessions without damaging relationships; can be both direct and forceful as well as diplomatic; gains trust quickly of other parties to the negotiations; has a good sense of timing.
Organising	Can marshal resources (people, funding, material, support) to get things done; can orchestrate multiple activities at once to accomplish a goal; uses resources effectively and efficiently arranges information and files in a useful manner.
Priority Setting	Spends his/her time and the time of others on what's important; quickly zeros in on the critical few and puts the trivial many aside; can quickly sense what will help or hinder accomplishing a goal; eliminates roadblocks; creates focus.
Results Orientated	Can be counted on to exceed goals successfully; is constantly and consistently one of the top performers; very bottom-line oriented; steadfastly pushes self and others for results.
Peer Relationships	Can quickly find common ground and solve problems for the good of all; can represent his/her own interests and yet be fair to other groups; can solve problems with peers with a minimum of noise; is seen as a team player and is cooperative; easily gains trust and support of peers; encourages collaboration; can be candid with peers.
Self-Knowledge	Knows personal strengths, weaknesses, opportunities, and limits; seeks feedback; gains insights from mistakes; is open to criticism; isn't defensive; is receptive to talking about shortcomings; looks forward to balanced (plus's and minus's) performance reviews and career decisions.
Courageous	Doesn't hold back anything that needs to be said; provides current, direct,

complete, and “actionable” positive and corrective feedback to others; lets people know where they stand; faces up to people problems on any person or situation (not including direct reports) quickly and directly; is not afraid to take negative action when necessary.

WORKING FOR ADHB – EXPECTATIONS OF ALL EMPLOYEES INCLUDING ARPHS STAFF

CITIZENSHIP

All employees are expected to contribute to the innovation and improvement of Auckland District Health Board as an organisation. This means:

- Using resources responsibly
- Models ADHB values in all interactions
- Maintaining standards of ethical behaviour and practice
- Meeting ADHB’s performance standards
- Participating in organisation development and performance improvement initiatives
- Helping to develop and maintain Maori capability in ADHB, including developing our understanding of the Treaty of Waitangi and ways in which it applies in our work
- Raising and addressing issues of concern promptly

THE EMPLOYER AND EMPLOYEE RELATIONSHIP

We have a shared responsibility for maintaining good employer/employee relationships. This means:

- Acting to ensure a safe and healthy working environment at all times
- Focusing our best efforts on achieving ADHB’s objectives

A performance agreement will be reached between the employee and their direct manager and/or professional leader containing specific expectations.

CONSUMER/CUSTOMER/STAKEHOLDER COMMITMENT

All employees are responsible for striving to continuously improve service quality and performance. This means:

- Taking the initiative to meet the needs of the consumer/customer/stakeholder
- Addressing our obligations under the Treaty of Waitangi
- Involving the consumer/customer/stakeholder in defining expectations around the nature of the services to be delivered and the timeframe
- Keeping the consumer/stakeholder informed of progress
- Following through on actions and queries
- Following up with the consumer/customer/stakeholder on their satisfaction with the services

PROFESSIONAL DEVELOPMENT

As the business of ADHB develops, the responsibilities and functions of positions may change. All staff are expected to contribute and adapt to change by:

- Undertaking professional development
- Applying skills to a number of long and short term projects across different parts of the organisation
- Undertaking such development opportunities as ADHB may reasonably require

Performance Measures

The Legal Counsel will agree an annual performance plan with the manager and take part in annual performance reviews.

Variation To Position Description

This position description describes the accountabilities and requirements of the position and is intended as a guide to the main elements of the role and should not be considered as a complete listing of all duties and tasks that may be undertaken. This position description is not intended to be restrictive and may change as a result of consultation with the post holder or changes internally or externally to the organisation. This position description is subject to review dependent on the needs of the service, any amendments will be discussed with the post holder.