

Attachment 14

ACT Public Service

WORK LEVEL STANDARDS

Classification: Prosecutor



ACT
Government

INTRODUCTION TO ACTPS WORK LEVEL STANDARDS

Work level standards (WLS) describe the distinctive elements of work at each classification level. They are a statement of the broad job requirements and operating context, the typical duties, and the qualifications, skills and experience required of each classification level.

WLS are not supposed to be a comprehensive list of responsibilities and duties for each classification level. Roles will not necessarily involve all of the examples listed in the WLS.

The current WLS have been developed using multiple sources of information to ensure they suitably reflect and are relevant to the operating context within which the classification group is currently operating within.

The descriptions of the functions and characteristics consider the wide-ranging nature of work that occurs within the ACTPS. They should be considered as general in nature and will require some interpretation based on the broad job context and conditions within which the functions and characteristics are performed.

The WLS consist of the following three elements:

- 1. Characteristics** contain general statements about the broad job requirements and operating context for each classification level. They are described in *work value* terms, using the four key elements of the ACTPS Work Value Framework:
 - Responsibility and accountability
 - Physical nature of work (where applicable)
 - Cognitive nature of work
 - Social nature of work
- 2. Functions** detail the typical duties and provides examples of the types of tasks and/or functions performed at each classification level.
- 3. Qualifications, skills, and experience** detail the general type and extent of the qualifications, skills and experience expected at each classification level.

HOW ARE WORK LEVEL STANDARDS RELEVANT?

The ACTPS WLS:

- Provide a common language across work areas and Directorates within the ACTPS.
- Support sound decision-making for role design and classifications.
- Help employees understand what is expected of them in their role.

The main uses for WLS include:

- **Role classification** – for example, a new role is being created and the WLS are used to determine what classification the role should be.
- **Role design or re-design** – for example, the operating context a role is working within has changed and the role needs to be re-designed to reflect the changes.
- **Evaluation of work value** – for example, when the requirements of a role have changed they should be assessed using the *ACTPS Work Value Assessment Framework* to determine the most suitable classification level.
- **Developing a position description or job advertisement** – for example, when advertising to recruit for a role, the WLS can be used to describe the key requirements associated with the role.

- **Learning and development** – for example, an employee who wants to progress to a higher classification level can use the WLS to identify the areas where they need to gain more experience.
- **Performance management** – for example, a manager can use the WLS to set performance expectations related to the role and classification level with their team members.

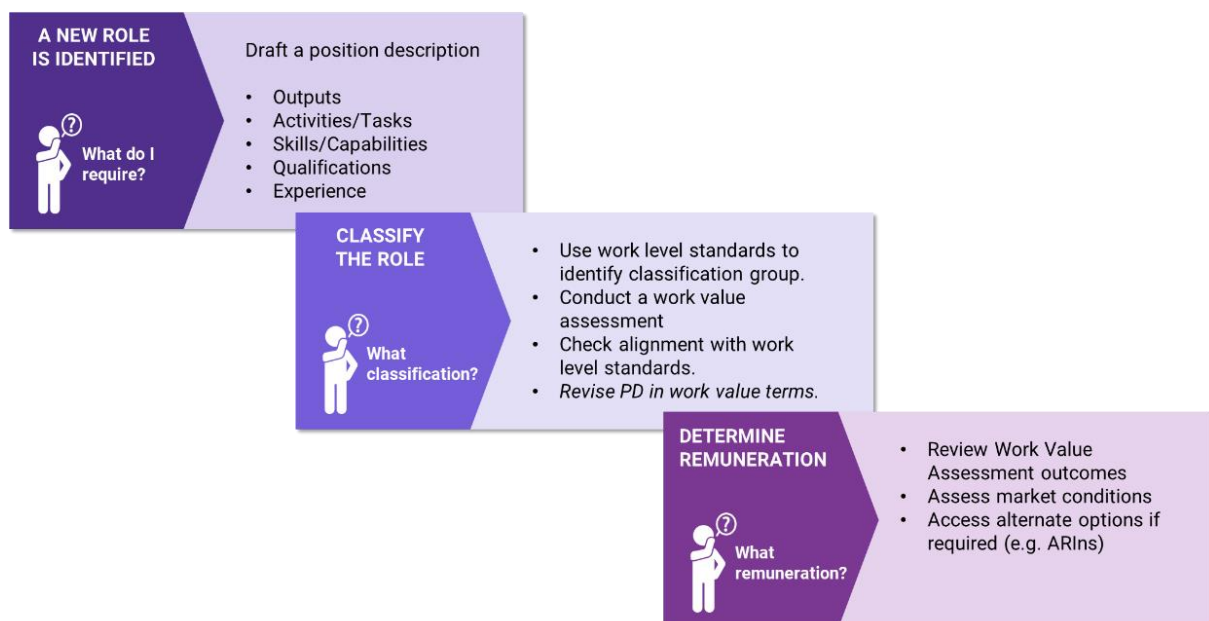
USING WORK LEVEL STANDARDS AND WORK VALUE ASSESSMENT TOOL FOR CLASSIFYING A ROLE

Assessing a role for the purposes of classification involves objectively evaluating a role based on information and evidence gathering and mapping against the ACTPS Work Value Assessment framework features which can be found in the *ACTPS Work Value Assessment Tool*. Information and evidence gathering includes activities such as reviewing position descriptions and interviewing or surveying individuals within a role and those supervising the role.

It is important to note the *ACTPS Work Value Assessment Tool* provides an assessment of work value only. To determine what classification a role best fits within, a review of relevant work level standards will also need to be undertaken. Work level standards capture the way in which tasks, responsibilities, skills, and experience differ across classifications.

There are also additional considerations, such as market conditions, that are important when it comes to determining remuneration for a role.

An example of how the work value assessment, work level standards, and other considerations all form part of determining the classification for a role is depicted below.



Appendix A of this document provides a set of recommended work value scores for this classification group that should be used in line with the guidance provided in the *ACTPS Work Value Assessment Tool*.

SUMMARY

Characteristics

The following table outlines the differences between the Prosecutor Classification levels in terms of the work value factors (*refer to the ACTPS Work Value Assessment Framework for further details*).

WORK VALUE FACTORS	PROSECUTOR 1-2	PROSECUTOR 3	PROSECUTOR 4	PROSECUTOR 5
Organisation of work	Low Responsibility	↑ Limited Responsibility	↑ Moderate Responsibility	→ Moderate Responsibility
Implications of failure	Moderate	→ Moderate	↑ Major	→ Major
Autonomy and decision making	General Supervision	↑ Limited Direction	→ Limited Direction	→ Limited Direction
Accountability	Limited	→ Limited	↑ Moderate	↑ High
Physical environment	Low	→ Low	→ Low	↑ Limited
Degree of physicality	Low	→ Low	→ Low	→ Low
Cognitive complexity	Moderate Complexity	↑ High Complexity	→ High Complexity	→ High Complexity
Application of knowledge and skills	Substantial	→ Substantial	↑ Highly Developed	↑ Advanced
Mental Stress	Moderate Exposure	→ Moderate Exposure	↑ High Exposure	→ High Exposure
Team environment	Moderate Interaction	→ Moderate Interaction	↑ High Interaction	→ High Interaction
Customer and client relationships	Moderately complex and sensitive	→ Moderately complex and sensitive	→ Moderately complex and sensitive	↑ Complex and sensitive

↑ Higher work value than the lower Classification level → Equivalent work value than the lower Classification level

Functions

There are many typical duties which are similar across the levels, with the key differences relating to the additional supervisory, advisory, and representational activities for the higher-level roles.

Note, whilst many of the duties are the same description, the differences are evident when overlaid with the characteristics of the classification level. For example, the function of *appearing in court in summary hearings, supreme court sentences, appeals and trials* applies to most levels in the classification however the complexity and sensitivity of the matters dealt with increases with level (i.e. a Prosecutor Grade 5 role would be expected to handle the most complex and sensitive matters).

Qualification, skills, and experience

All classification levels require the following qualifications:

- A degree in Laws of an Australian tertiary institution, or a comparable overseas qualification, which is appropriate to the duties of the office.
- Admission or eligibility to practice as a legal practitioner in the ACT.

All classifications require similar skills and experience, with the depth and extent of experience increasing with level:

- Knowledge and experience in criminal law and practice, and the laws of evidence applicable to the Territory.
- An understanding of relevant legal statutory, regulatory and policy frameworks.
- Knowledge and experience of criminal law and practice, and the laws of evidence applicable to the Territory and a demonstrated history as an advocate.

There are additional skills and experience related to leadership and management required at the Prosecutor Grade 4 and 5 levels.

PROSECUTOR GRADE 1-2

CHARACTERISTICS

Responsibility and accountability

A role at this level would typically:

- Have little or no supervisory responsibilities.
- Have responsibility for use of own resources in line with established procedures and practices.
- Incur moderate consequences arising from failure to effectively undertake the required work because there are some mitigations in place to prevent major consequences occurring.
- Work under general supervision, conducting work independently within established procedures and guidelines.
- In some circumstances, be accountable for setting priorities for the work area, monitoring workflow, and reviewing work of less experienced employees.
- Be accountable to an immediate supervisor for personal and team outcomes to some extent.
- Be accountable for monitoring emerging issues, identifying their impact on tasks, and identifying and mitigating risks that will impact on personal and team outcomes.

Cognitive nature of the work

Work at this level would typically:

- Be moderately complex to complex in nature and relate to a range of activities.
- Involve exposure to high pressure or extreme demands and may occasionally be completed in an intense environment.
- Require interpretation, analysis, and some judgement to select an appropriate course of action.

Social nature of the work

Work at this level would typically involve:

- Operating within a team where some interaction with and reliance on other team members is required to undertake the work.
- Occasional reliance on other team members to complete simple and straightforward tasks.
- Liaising with a range of stakeholders in relation to difficult or sensitive issues and on moderately complex to complex policy, project, or operational issues.
- Communication with and provision of advice and recommendations to a wide variety of customers and external stakeholders to achieve work area goals.
- Consulting and advising internal and external stakeholders, anticipating, and responding to their needs and expectations.
- Representing the agency by promoting its interest at community and cross-agency levels and undertaking a representation or presentation role on behalf of the immediate work area.

FUNCTIONS

Functions for the Prosecutor 1/2 classification fall into two categories: Prosecutor or Research Officer

Prosecutor

Typical duties for Prosecutor roles at this work level include:

- Prepare for and appear in court in mention lists, summary hearings and coronial inquests.
- Act as instructing solicitor in trials in superior courts.
- Prosecute summary hearings and committals and undertake case management responsibilities including effective file management.
- Exercise judgement in determining what charges should proceed, whether to oppose bail, what evidence should be led.
- Liaising with Australian Federal Police (AFP), members of the defence, complainants/victims, witnesses, and support agencies where appropriate and providing timely updates on court outcomes through preparing written instructions, submissions, committal documentation as well as formal communications.
- Appearing in court to adduce evidence, advocate for outcomes and correct errors emanating from the bench or defence.
- Instruct Counsel in Supreme Court trials.
- Prepare advices.
- Assist with policy analysis on matters affecting the office's practices and procedure and contribute to team and corporate objectives.
- Maintain records and files in accordance with the *Territory Records Act (ACT) 2002*.

Research Officer

Typical duties for Research Officer roles at this work level include:

- Providing support with the research and administrative functions of the Director's Office.
- Conduct research relating to policy, practice, and law reform, and produce executive summaries and advices.
- Maintain the internal legislation register.
- Manage and administer research tools for the Office of the Director of Public Prosecutions (DPP).
- Provide secretarial assistance to the Director including work processing of court documents, spreadsheet creation and maintenance, and use of the DPP Case Management System.
- Maintain records and files in accordance with the *Territory Records Act (ACT) 2002*.

QUALIFICATIONS, SKILLS AND EXPERIENCE

A person in a role at this level is expected to have:

- Knowledge of criminal law and practice, and the laws of evidence applicable to the Territory.
- An understanding of relevant legal statutory, regulatory and policy frameworks.
- A degree in Laws of an Australian tertiary institution, or a comparable overseas qualification, which is appropriate to the duties of the office.
- A proven knowledge of criminal law and practice, and the laws of evidence applicable to the Territory and a demonstrated history as an advocate.
- Admission or eligibility to practice as a legal practitioner in the ACT.

PROSECUTOR GRADE 3

CHARACTERISTICS

Responsibility and accountability

A role at this level would typically:

- Have limited supervisory responsibilities. There may be a requirement to provide advice and guidance on procedural matters.
- Have some direct responsibility for resource management in-line with established procedures and practices.
- Incur moderate consequences arising from failure to effectively undertake the required work because there are some mitigations in place to prevent major consequences occurring.
- Work under limited direction, using professional judgment in determining how objectives are achieved and in interpreting, applying, and modifying policies, practices, and procedures.
- Use professional judgement in evaluating risk in the context of a complex and changing environment.
- Be accountable for setting priorities for the work area, monitoring workflow, and reviewing work of less experienced employees.
- Be accountable for monitoring emerging issues to identify impact on tasks and identifying and mitigating risks that will impact on own and team outcomes.
- Be responsible for managing competing requests, demands, and priorities, and for planning for the achievement of personal or team results.

Cognitive nature of the work

Work at this level would typically:

- Be complex and involve various activities involving different, unrelated processes/methods.
- Deal with unfamiliar circumstances, variations in approach and/or sudden changes and depend on analysis of the issues and the selection of an appropriate course of action from several options requiring sound and evaluative judgement.
- Involve exposure to high pressure or extreme demands and work may occasionally be conducted in an intense environment.

Social nature of the work

Work at this level would typically involve:

- Operating within a team where some interaction with and reliance on other team members is required to undertake the work.
- Occasional reliance on other team members to complete simple and straightforward tasks.
- Liaising with a range of stakeholders in relation to difficult or sensitive issues and on moderately complex to complex policy, project, or operational issues.
- Communication with and provision of advice and recommendations to a wide variety of customers and external stakeholders to achieve work area goals.
- Consulting and advising internal and external stakeholders, anticipating, and responding to their needs and expectations.
- Representing the agency by promoting its interest at community and cross-agency levels and undertake a representation or presentation role on behalf of the immediate work area.

FUNCTIONS

Typical duties for this work level include:

- Preparing for and appearing in court in mention lists, summary hearings and committals in the Magistrate's Court and superior courts.
- Acting as instructing solicitor in trials in superior courts.
- Prosecuting summary hearings and committals and undertake case management responsibilities including effective file management.
- Prosecuting trials, sentencing proceedings and appeals in superior courts. Determining what charges should proceed, whether to oppose bail, what evidence should be led.
- Liaising with the AFP, members of the defence, complainants/victims, witnesses, and support agencies where appropriate.
- Providing timely updates on court outcomes through preparing written instructions, submissions, committal documentation as well as formal communications.
- Appearing in court to adduce evidence, advocate for outcomes, and correct errors emanating from the bench or defence.
- Prepare advices.
- Conducting detailed analysis on matters which affect the office's practices and procedures such as policy, practice, and law reform.
- Producing reports which contribute to the development of related policies and procedures as well as contributing to team and corporate objectives.
- Providing assistance to more senior prosecutors.
- Representing the Director on committees dealing with criminal justice issues.
- Provide the Director with policy analysis on matters affecting the office's practices and procedures.
- Act as second in charge ("2IC") of a team of prosecutors, exercise authority outlined in Director's Instructions and otherwise act as mentor to junior prosecutors.
- Maintaining records and files in accordance with the *Territory Records Act (ACT) 2002*.

QUALIFICATIONS, SKILLS AND EXPERIENCE

A person in a role at this level is expected to have:

- Detailed knowledge of criminal law and practice, and the laws of evidence applicable to the Territory.
- A highly developed understanding of relevant legal statutory, regulatory and policy frameworks.
- A degree in Laws of an Australian tertiary institution, or a comparable overseas qualification, which is appropriate to the duties of the office.
- A proven knowledge of criminal law and practice, and the laws of evidence applicable to the Territory and a demonstrated proven record as an advocate in criminal proceedings.
- A proven history as an advocate and demonstrated ability to provide high quality legal advice.
- Admission or eligibility to practice as a legal practitioner in the ACT.

PROSECUTOR GRADE 4

CHARACTERISTICS

Responsibility and accountability

A role at this level would typically:

- Have responsibility for supervising and organising the day-to-day work of a small number of employees or a small team who carry out similar types of work or has team members undertaking similar tasks or who possess similar skill sets.
- Have direct responsibility for resource management including administering, monitoring, and reporting.
- Incur major consequences arising from failure to effectively undertake the required work though there are some mitigations in place to prevent major consequences occurring.
- Work under limited direction, using professional judgment in determining how objectives are achieved and in interpreting, applying, and modifying policies, practices, and procedures.
- Use professional judgement in evaluating risk in the context of a complex and changing environment.
- Be accountable for developing plans and objectives for short-term tasks and contributing to business improvement strategies.
- Be accountable for monitoring related emerging issues, identifying impact, and conducting risk management activities within a sphere of responsibility.
- Be responsible for providing expertise and technical knowledge across a range of activities, providing technical advice, and ensuring knowledge of and compliance with relevant legislation and policy frameworks.
- Be responsible for setting priorities and ensuring quality of outputs for the work area.

Cognitive nature of the work

Work at this level would typically:

- Be complex and involve various activities involving different, unrelated processes/methods.
- Deal with unfamiliar circumstances, variations in approach and/or sudden changes.
- Depend on analysis of the issues and the selection of an appropriate course of action from a number of options requiring sound and evaluative judgement.
- Involve exposure to high pressure or extreme demands and may be conducted in an intense environment. Work may also potentially include exposure to traumatic incidents.

Social nature of the work

Work at this level would typically involve:

- Operating within a team with a significant level of interaction with and reliance on other team members being required to undertake the work.
- Cooperation and negotiation to solve problems when interacting with team members.
- A high-level of regular interaction with other teams within the organisation.
- Liaising with a range of stakeholders in relation to difficult or sensitive issues and on moderately complex to complex policy, project, or operational issues.
- Communication with and provision of advice and recommendations to a wide variety of customers and external stakeholders to achieve work area goals.
- Consulting and advising internal and external stakeholders, anticipating, and responding to their needs and expectations.

- Representing the agency by promoting its interest at community and cross-agency levels and undertaking a representation or presentation role on behalf of the immediate work area.

FUNCTIONS

Typical duties for this work level include:

- Preparing for and appearing in court in summary hearings, Supreme Court sentences, appeals and trials as well as in the Magistrates and Children's Courts.
- Prosecuting trials, sentencing proceedings and appeals in superior courts.
- Leading and managing a team responsible for prosecutions, inquests, and other related matters to ensure prosecutions are conducted fairly and effectively and in accordance with the prosecution policy and guidelines.
- Liaising with the AFP, members of the defence, complainants/victims, witnesses, and support agencies where appropriate.
- Providing timely updates on court outcomes through preparing written instructions, submissions, committal documentation, as well as formal communications. Determining what charges should proceed, whether to oppose bail, what evidence should be led.
- Conducting detailed analysis on matters which affect the office's practices and procedures such as policy, practice, and law reform and directly contributing to the development of criminal law policies and procedures.
- Acting as supervisor and mentor to prosecution staff and giving guidance on difficult questions of criminal law and practice.
- Provide high-level advice and policy analysis to the Director.
- Contribute to the development of criminal law policy.
- Represent the Director on committees and forums dealing with criminal justice issues.
- Contributing to the management of the office as a part of a senior leadership team.
- Maintaining records and files in accordance with the *Territory Records Act (ACT) 2002*.

QUALIFICATIONS, SKILLS AND EXPERIENCE

A person in a role at this level is expected to have:

- Extensive knowledge of criminal law and practice, and the laws of evidence applicable to the Territory.
- A highly developed understanding of relevant legal statutory, regulatory and policy frameworks and a record in the development, analysis and implementation of criminal justice policy and procedure.
- A degree in Laws of an Australian tertiary institution, or a comparable overseas qualification, which is appropriate to the duties of the office.
- A proven history as an advocate and demonstrated ability to provide high quality legal advice.
- Admission or eligibility to practice as a legal practitioner in the ACT.
- Leadership and management skills including the ability to: manage staff performance; motivate, encourage, and support the development of staff; lead and manage organisational change; and articulate vision and strategic direction.

PROSECUTOR GRADE 5

CHARACTERISTICS

Responsibility and accountability

A role at this level would typically:

- Have responsibility for supervising and organising the day-to-day work of a small number of employees or a small team who carry out similar types of work or has team members undertaking similar tasks or who possess similar skill sets.
- Have direct responsibility for resource management including administering, monitoring, and reporting.
- Incur major consequences arising from failure to effectively undertake the required work though there are some mitigations in place to prevent major consequences occurring.
- Work under limited direction, using professional judgment in determining how objectives are achieved and in interpreting, applying, and modifying policies, practices, and procedures.
- Use professional judgement in evaluating risk in the context of a complex and changing environment.
- Be accountable for developing plans and objectives for short-term tasks and contributing to strategic planning for longer-term initiatives.
- Be responsible for providing expertise and technical knowledge across a range of programs or activities, providing accurate and specialised advice, and ensuring knowledge of and compliance with relevant legislation and policy frameworks.
- Be accountable for monitoring related emerging issues, identifying impact, and conducting risk management activities within sphere of responsibility.
- Help set priorities and ensure quality of outputs for the work area.

Cognitive nature of the work

Work at this level would typically:

- Be complex and involve various activities involving different, unrelated processes/methods.
- Deal with unfamiliar circumstances, variations in approach and/or sudden changes.
- Depend on analysis of the issues and the selection of an appropriate course of action from a number of options requiring sound and evaluative judgement.
- Involve exposure high pressure or extreme demands and may be conducted in an intense environment. Work may also potentially include exposure to traumatic incidents.

Social nature of the work

Work at this level would typically involve:

- Operating within a team with a significant level of interaction with and reliance on other team members being required to undertake the work.
- Cooperation and negotiation to solve problems when interacting with team members.
- A high-level of regular interaction with other teams within the organisation.
- Developing and managing relationships with stakeholders, engaging, and collaborating to achieve outcomes and facilitate cooperation.
- Presenting the agency's position in the context of very complex or sensitive issues to key stakeholders within and outside the agency.
- Providing direct customer or client service and support on complex matters and handling customer complaints and problems.

FUNCTIONS

Typical duties for this work level include:

- Appearing in court in summary hearings, Supreme Court sentences, appeals and trials.
- Prosecute Supreme Court trials and Magistrate Court matters.
- Leading and managing a team responsible for prosecutions, inquests, and other related matters to ensure prosecutions are conducted fairly and effectively and in accordance with the prosecution policy and guidelines.
- Liaising with the AFP, members of the defence, complainants/victims, witnesses, and support agencies where appropriate and providing timely updates on court outcomes through preparing written instructions, submissions, committal documentation as well as formal communications.
- Determining what charges should proceed, whether to oppose bail, and what evidence should be led.
- Contributing to the development of criminal law policies and procedures and formulating internal policies, guidelines and directions, and manuals.
- Acting as supervisor and mentor to prosecution staff and conducting training and performance management.
- Provide high-level advice and policy analysis to the Director.
- Represent the Director on committees and forums dealing with criminal justice issues.
- Management of the office as a part of the senior leadership team.
- Maintaining records and files in accordance with the *Territory Records Act (ACT) 2002*.

QUALIFICATIONS, SKILLS AND EXPERIENCE

A person in a role at this level is expected to have:

- Extensive knowledge of criminal law and practice, and the laws of evidence applicable to the Territory.
- A highly developed understanding of relevant legal statutory, regulatory and policy frameworks and a record in the development, analysis and implementation of criminal justice policy and procedure.
- A degree in Laws of an Australian tertiary institution, or a comparable overseas qualification, which is appropriate to the duties of the office.
- A proven knowledge of criminal law and practice, and the laws of evidence applicable to the Territory.
- A proven history as an advocate and demonstrated ability to provide high quality legal advice.
- Admission or eligibility to practice as a legal practitioner in the ACT.
- Strong leadership and management skills including the ability to: manage staff performance; motivate, encourage, and support the development of staff; lead and manage organisational change; and articulate vision and strategic direction.

APPENDIX A – RECOMMENDED WORK VALUE SCORES

The following graph shows the recommended range of work value scores for the classification group. The vertical axis indicates the work value score range (with the minimum work value score being 22 and maximum 110). The horizontal axis displays each classification level, with the table specifying the minimum and maximum work value score for each classification level. Note these scores should be used in conjunction with the guidance provided in the *ACTPS Work Value Assessment Tool*.

