

IPC Investigation and Review Team Restructure



Employee Briefing January 2019
Proposed restructure

Context

- ▼ Legislative Amendment to the GIPA Act effective 28 November 2018
- ▼ Introduced a legislated statutory timeframe for the conduct of external reviews by the Information Commissioner
- ▼ Legislative statutory timeframe of 40 working days
- ▼ Legislative change communicated since 26 November 2018 following legislation coming into effect
- ▼ New business processes subject to consultation with staff on 19 December 2018

Challenges for current arrangements

- ▼ Dramatic reduction in processing times (by 50%)
- ▼ But we have to:
 - ❖ maintain quality of decisions
 - ❖ Ensure processes sustainable for staff
 - ❖ Recognise broader regulatory role of the team
 - ❖ Ensure balanced, risk based application of resources across streams and case types

Responding to the Challenges

- ▶ Legislative change communicated since 26 November 2018 following legislation coming into effect
- ▶ Established and tested dedicated resources to focus on developing new business processes
- ▶ Assessed risks to case work outcomes for both information access and privacy
- ▶ Assessed impact on resource needs, capabilities and staff
- ▶ Reviewed experience with previous initiatives in proactive regulatory projects

Framework for change

- ▼ Built upon new legislative requirements;
- ▼ Providing equitable customer service requirements for information access and privacy;
- ▼ need to maintain strategic regulatory focus; and
- ▼ operational input of the Investigation and Review staff and management in piloting new arrangements.

The Changes

- ▼ Structural changes and role descriptions respond to:
 - ❖ enhanced timeliness and accountability as required under the legislation
 - ❖ Increased planning, analysis, and prioritisation to achieve statutory timeframes
 - ❖ Greater use of influencing and negotiation skills to support early resolution
 - ❖ Enhanced customer service and engagement to achieve and resolve complaints informally and promptly
 - ❖ Regular and increased collaboration and coaching/supervision in the team environment associated with the triage/preliminary assessment; case management and engagement with parties to achieve statutory timeframes, and promote quality including IPC Customer Service Charter Commitments

The Changes (continued)

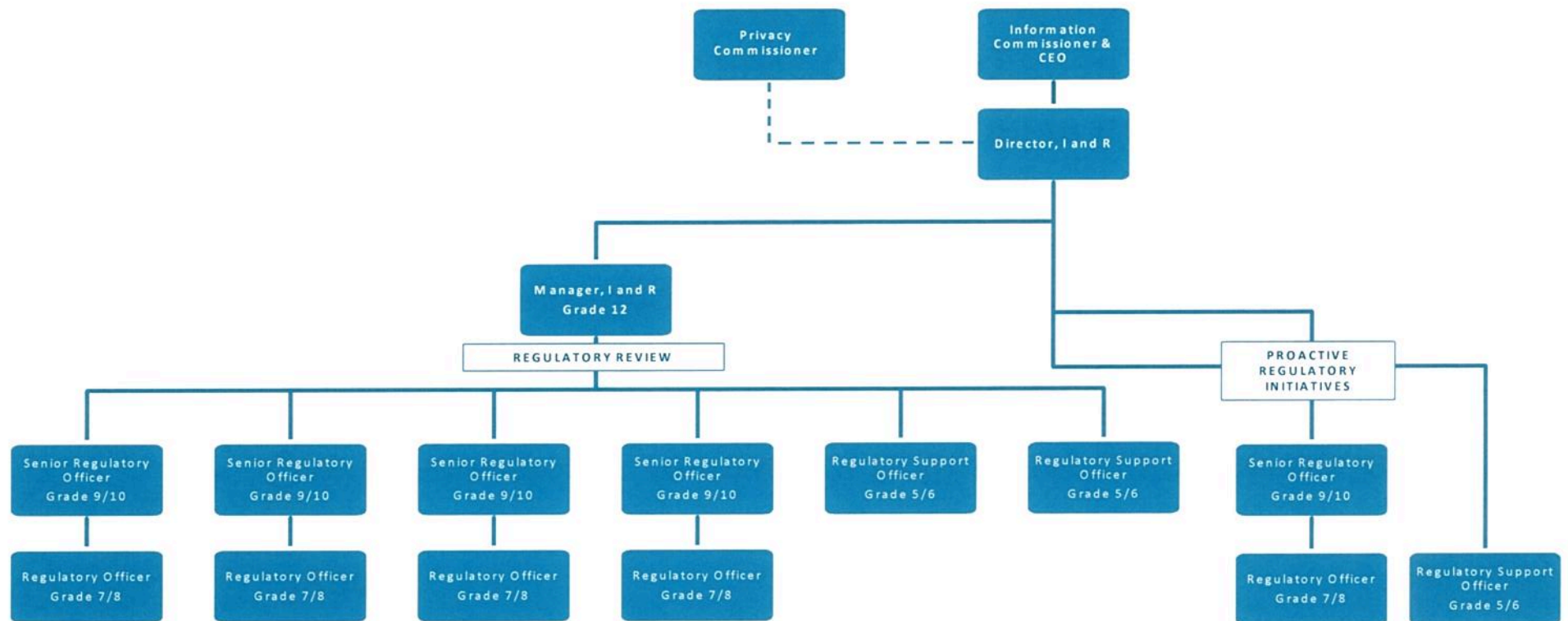
- ❖ Enhanced project management to ensure proactive regulatory initiatives including audits and monitoring functions is undertaken notwithstanding competing priorities
- ❖ Increased focus on managing people, changed reporting lines to promote collaboration and ensure quality under new legislative requirements

Proposed New Structure for consultation

Summary of Proposed change

- ▼ Creates two sub- teams within the Investigation and Review Team
 - ❖ One specialising in reviews for both streams and continues to report to the Manager, Investigation and Review
 - ❖ One dedicated to Proactive Regulatory initiatives for both streams and reporting to the Director, with focus on complaints, investigations, and other initiatives such as audits
- ▼ Increasing the overall staffing to the team from 13 to 14 FTE.
- ▼ A number of positions have been upgraded
- ▼ Expands the number of staff with supervisory/ people management responsibilities

The Proposed New Structure



Next Steps

Next steps?

- ▶ The draft Change Management Plan and Role Descriptions will be provided to your for consideration
- ▶ There will be a 2 week formal consultation period for feedback on the draft Change Management Plan, proposed structure and role descriptions. Process managed by DOJ Strategic Human Resources
- ▶ Consultation will also occur concurrently with the Public Service Association of NSW
- ▶ Consultation will conclude **Wednesday 6th February 2019**
- ▶ Email your feedback to Therese Reyden, Senior HR Officer, Department of Justice on: Therese.Reyden@justice.nsw.gov.au by midnight Wednesday 6th February 2019.

Only feedback submitted via email to Therese Reyden at DOJ will be considered for consultation.

- ▶ Feedback will be considered when developing the final Change Management Plan

Filling the new structure

- ▼ Step 1 – At grade direct assignment to roles (matching)
– where role is comparable and more/same number of roles as ongoing employees at grade
- ▼ Step 2 – Internal EOI for Assignment at Grade –
ongoing employees can submit an EOI for new roles at their grade
- ▼ Step 3 – Advertisement of remaining roles and opportunity to apply for roles at another grade. Roles advertised externally

Step 1- At grade assignment to roles

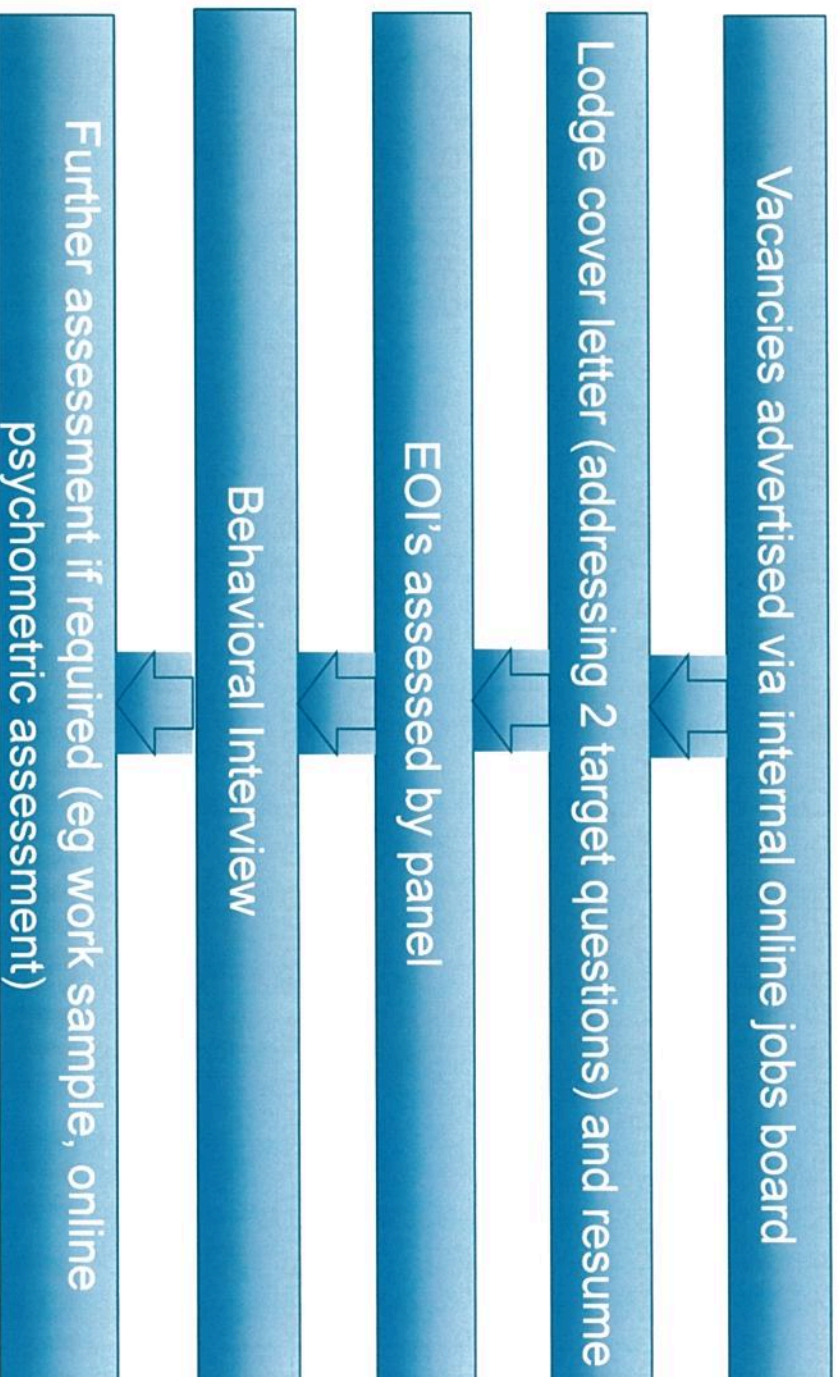
Involves:

- ▼ Ongoing employees at their substantive grade
- ▼ Direct assignment to role: Where the person's role has not substantially changed and there are more roles than people at that grade.
- ▼ For example:
 - 3 employees in Management Accounting roles in the old structure
 - 3 x Management Accounting roles in the new structure
 - Role Descriptions assessed by HR as comparable
 - 3 employees are assigned to the new Management Accounting roles

Step 2 – Internal Expression of Interest for Assignment at Grade

- ▼ If the person's role has changed, or there are more ongoing employees at grade than roles, they will be invited to submit an EOI with preferences for remaining roles at their Grade
- ▼ Assessment will be a 'suitability assessment' based on the Capabilities.
- ▼ The assessment process includes:
 - A **cover letter** addressing two targeted questions (based on the focus capabilities for the role), a **resume**, and if successful progression to **behavioural interview**
 - If deemed necessary by the panel, further forms of assessment may be required which may include TalentQ online psychometric assessment, a work sample or a presentation.

Step 2: Internal Expression of Interest for Assignment at Grade



Step 2- At grade assignment to roles

What happens if I don't lodge an EOI?

- ▼ We will still need to attempt to match you to a role
- ▼ You may be assigned to any vacant role at grade, in the new structure
- ▼ Section 46 of the *Government Sector Employment Act 2013*

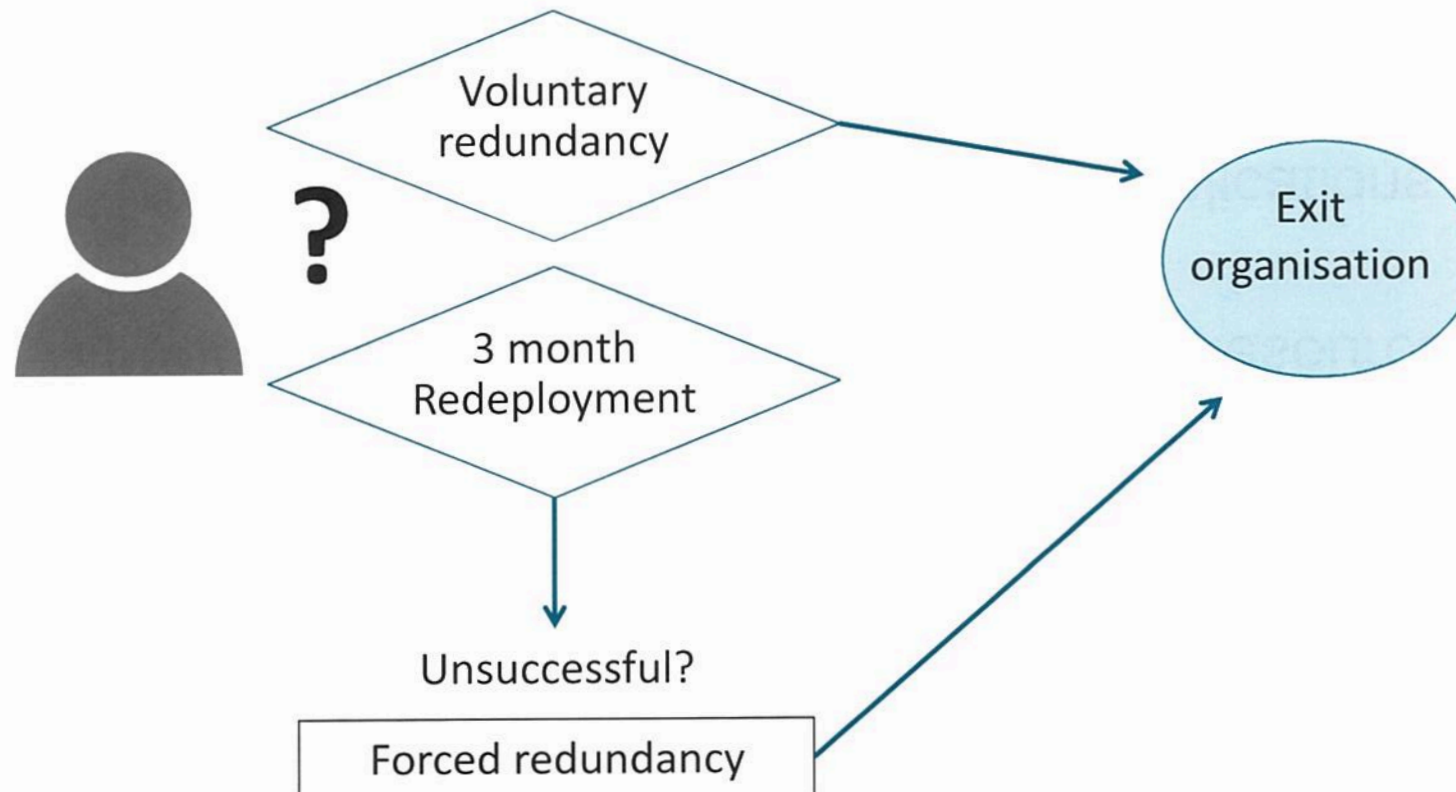
Step 3- Advertisement of roles

Remaining vacancies are advertised internally and externally

- ▼ Roles will be advertised internally and externally
- ▼ iworkforNSW website and applicable jobs boards (eg Seek)
- ▼ Comparative assessment process (at least three capability-based assessments, one of which is an interview)
- ▼ Ongoing and Temporary Employees can apply for any vacant roles at any grade
- ▼ Contractors can also apply

Step 4. What happens if I don't get a role?

Declared excess and managed under the Managing Excess Employees Policy



What support will be provided during the restructure process?

- ▼ Discuss with your manager
- ▼ Information will be distributed by email
- ▼ Discuss any concerns with Managers, Directors and provide feedback to Strategic Human Resources at Department of Justice
- ▼ Training and advice on developing applications, resume writing skills and interview skills conducted by Haydn Gilmore, HR Advisor. One-on-one coaching will also be available.
- ▼ Employee Assistance Program - Ph: 1300 360 364

Public Service Association

Ongoing engagement & communication

There is ongoing communication with the PSA about the structure change process

What can I do to prepare?

- ▼ Take control of the things you can control
- ▼ Review the available information
- ▼ Prepare & be ready
- ▼ Ask questions

Information and Support



Department of Justice – Strategic Human Resources Business Partner team
Miranda Attwood-Mueller, Senior HR Manager (tel) 8688 1403
(email) miranda.attwood-mueller@justice.nsw.gov.au



Public Service Commission – Employment portal



NSW Capability Framework



Your manager



Haydn Gilmore – Training and support in the EOI and interview process, (tel) 8688 8443 (email) haydn.gilmore@justice.nsw.gov.au



Employee Assistance Program (tel: 1300 360 364)

Questions

CHANGE MANAGEMENT PLAN

Change Management Plan for the Organisational Change of NSW Information and Privacy Commission Investigation and Review Team

1. Background and reasons for the organisational change

In 2014, a statutory review of the GIPA and GIIC Acts was commenced by the Department of Justice to consider whether the objects of the Acts remain valid and whether their terms remained appropriate for securing their objectives. In July 2017, the Department of Justice released its report on the statutory review. That report concluded that the GIPA Act and GIIC Act are generally well-supported, the new pathways the GIPA Act created to access government information are useful and effective, and the Acts are operating efficiently. While the report concluded that the objectives of both Acts remain valid, and their terms remain appropriate for securing those objectives, the report made 18 substantive recommendations designed to provide greater clarity about the operation and objectives of the GIPA Act for both agencies and applicants.

Significantly the recommendations proposed included an amendment to the GIPA Act to introduce a statutory timeframe for the Information Commissioner to exercise the external review function. This statutory period may be extended only by agreement with the applicant for review. No statutory timeframe previously existed. However, the IPC adopted an internal KPI of having 80% of reviews finalised within 90 days.

The amendment which introduced a statutory timeframe of completing all reviews within 40 days. This is a significant reduction to the IPC's previous timeframe, representing a more than 50 per cent reduction. NSW is the only jurisdiction to have a statutory timeframe for the Information Commissioner's exercise of the review function

The amendments came into immediate effect on 28 November 2018. The amendments requires significant operational process and organisational

structural change for the Investigation and Review Team to ensure the timely and effective completion of external reviews that underpins both the principles and objectives of the GIPA Act.

This process redesign is being applied to both information access and privacy business processes. This is to ensure equitable customer service requirements for information access and privacy; operational input and the maintenance of a regulatory focus. The piloting of new arrangements for new applications for external review to the Information Commissioner since 28 November 2018 has informed the development of the new operational requirements and structure for the team.

Following the commencement of the amendments the IPC developed a transition plan to manage the impact of the amendments. This included establishing a 'fast track team' to receive and manage all new access applications according to the new statutory timeframes as well as significant process reengineering. This has included developing the required work flow to support the timely management and completion of access reviews within the statutory timeframe. These new workflows place significant emphasis and importance on the process following receipt of an access application, specifically the changes place greater emphasis on the preliminary assessment phase. This requires ensuring availability of information as early as possible following receipt of a review application and the resulting early identification and confirmation of the relevant issues as well as early engagement/resolution with the parties including through alternate dispute resolution. The framework incorporates an earlier and continuous quality assurance process into each stage that will support timeliness, application of sound case management principles and practice, change management responsibilities and reporting lines.

This change also seeks to address the IPC organisational needs to deliver an effective and robust strategy for its review, complaints and strategic regulatory initiatives for both information access and privacy built upon the legislative requirements.

The implementation of significant process redesign and new structure will continue to deliver a single, seamless point of entry and service for information and privacy complaints; investigations and other strategic regulatory compliance initiatives identified for both information access and privacy.

2. Approval

This proposed organisation restructure for the Investigation and Review Team is approved by the Chief Executive Officer of the NSW Information and Privacy Commission.

3. Employee communication strategy

The IPC is committed to clear, timely and relevant consultation, communication and engagement with change impacted employees.

The aim of the communication is to ensure that employees:

- are updated regularly on the restructure process and timeline;
- have a reasonable understanding of the future structure for the Investigation and Review Team in order to make career decisions; and
- are aware and understand how roles in the new structure will be filled.

The IPC will continue to discuss the reasons for the change as well as provide practical steps during the transition period.

Communication activities will include explanation of proposed timings, briefings and presentations, discussion with employees, email communications and provision of updated reference materials and guidance to employees by email and face-to-face meetings. This is to ensure that employees are informed of the structure, available roles, the recruitment and transition processes, related policies and points of contact for assistance and support. For employees not currently on site, (due to approved leave of absence or secondment), the IPC will directly communicate with those employees concurrent with its communications to other affected employees.

The IPC is committed to ongoing engagement during this period with the relevant employee representative organisation, the Public Service Association of NSW (PSA).

4. Support services

The IPC is committed to providing support services to all employees impacted by this change. The IPC Executive Team, supported by the Department of Justice Strategic Human Resources will be available to provide information on the process for implementation of the new organisational structure as well as the management of affected employees.

In addition employees will be provided with:

- support by Strategic Human Resources and Branch Management;
- access to employee support services through the Employee Assistance Program Telephone contact - 1300 360 364; and
- training, advice and assistance in applying for roles focusing on the NSW Public Sector Capability Framework, preparing the application, resume writing skills, together with interview skills.

List of Contacts

The following contact details are provided for external support services:

Financial Planning Advice:

StatePlus (formally State Super Financial Services) can provide financial planning advice to NSW Public Sector employees.

www.stateplus.com.au

Phone: 1800 620 305

Superannuation Advice:

First State Super

<https://firststatesuper.com.au>

Phone: 1300 650 873 or e-mail: enquiries@firststatesuper.com.au

Public Service Commission Redundancy Superannuation Implications http://www.psc.nsw.gov.au/ArticleDocuments/615/D2011-013_Voluntary_Redundancy_Superannuation_Implications.pdf.aspx

Employee Assistance Program:

Benestar

Phone: 1300 360 364

Australian Tax Office:

www.ato.gov.au

Centrelink

<https://www.humanservices.gov.au/customer/dhs/centrelink>

5. Consultation

The PSA will be advised by the IPC regarding the proposed changes to the Investigation and Review Team structure. This will include invitation to the PSA to attend the IPC employee briefing about the specific changes and the reasons that support those changes, and to obtain feedback from the PSA.

Following release of the draft Change Management Plan a two (2) week formal consultation period will be held for employees and the PSA to provide feedback on the draft Change Management Plan for consideration in the development of the final Change Management Plan.

For employees currently on leave, arrangements will be made for concurrent communication about the change proposal to be provided to them.

6. Workforce planning needs and impact on services and functions

The proposed restructure follows the principles of organisation design under the *Government Sector Employment Act 2013*.

The new proposed structure will:

- Delete the three roles of Intake and Enquiry Officer (Grade 3/4). Three Regulatory Support Officers roles at (Grade 5/6) will be created.
- Delete the six Investigation and Review Officers (Grade 7/8). Five Regulatory Officer positions at Grade 7/8 will be created.
- Delete three Senior Investigation and Review Officer positions (Grade 9/10). Five Senior Regulatory Officer positions at Grade 9/10 will be created.

The proposed structural arrangements that are outlined for the Investigation and Review Team result in a change in both the number and mix of FTEs in the team with a focus on:

- Enhanced timeliness and accountability – as required under the legislation.
- Increased planning, analysis and prioritisation to achieve statutory timeframes.
- Regular and increased collaboration and coaching/supervision in the team environment associated with triage/ preliminary assessment; case management and engagement with parties to achieve statutory timeframes, and promote quality including IPC Customer Service Charter commitments.
- Enhanced customer service and engagement to achieve statutory timeframes and resolve complaints informally and promptly, and promote quality including IPC Customer Service Charter commitments.
- Greater use of influencing and negotiation skills to support early resolution of cases
- Enhanced project management to ensure proactive regulatory initiatives including audits and monitoring function is undertaken
- Increased focus on managing and developing people, changed reporting and management lines to promote collaboration and ensure quality under new legislative requirements.

The proposed structure will result in an overall increase in the total number of FTE employees to the Investigation and Review Team by one (1) FTE).

The structure will provide for a Regulatory Review Team and a Proactive Regulatory Initiatives Team. Reflected in the new structure is the creation of a dedicated team that will be led by a Senior Regulatory Review Officer that will lead and manage the complaints, and other regulatory compliance initiatives for information access and privacy. That role will report to the Director, Investigation and Reporting given its strategic value to the IPC.

Senior Regulatory Officer

This role has a focus on timeliness and early dispute resolution skills, project management and direct management and supervision responsibilities for employees. The new structure while requiring people management experience, will continue to provide coaching and mentoring as part of the role. The new structure also provides for a change in management responsibilities and reporting responsibilities.

Specifically, under the proposed structure, the Regulatory Review Team (which includes four of the Grade 9/10 roles) will report to the Manager, Investigation and Review, along with two of the Regulatory Support Officer roles.

The Proactive Regulatory Initiatives Team will comprise of one Grade 9/10 and one Grade 5/6 role which will report to the Director, Investigation and Reporting. This team will have carriage for strategic proactive regulatory initiatives, including complaints and investigations for both information access and privacy.

Staff will be rotated between the the Regulatory Review and Proactive Regulatory Initiatives Team to ensure training and development opportunities in proactive and reactive regulatory work across the teams and that all staff have capabilities in all aspects of the regulatory function.

Regulatory Officer

The roles of Regulatory Officer under the structure will report to a Senior Regulatory Officer.

The Regulatory Officer role will have demonstrated experience in project management, timely, effective case management experience, including applying alternate dispute resolutions, problem solving, influencing and negotiations skills to bring about timely resolution of issues in contention and bring about systemic compliance.

The Regulatory Officer will also exercise project management skills to undertake proactive regulatory initiatives such as compliance audits, and delivers regulatory guidance for diverse stakeholders to promote information access and privacy rights and responsibilities.

In this role employees will undertake sampling, auditing and other regulatory initiatives informed by intelligence and data analysis to educate and elevate regulatory compliance.

Regulatory Support Officer

This role will assume the additional responsibilities in respect of regulatory work including triage, document acquisition, issue identification and a range of casework related activities such as research and analysis of information; identifying interrelationships and make recommendations based on relevant evidence. This role includes the ability to anticipate, identify and address issues and potential problems and select the most effective solutions from a range of options to support timely and early resolution of issues.

Two of the Regulatory Support Officer roles will report to the Manager Investigation and Review and one position will report to the Director Investigation and Reporting in recognition of the increased focus on early identification of issues and case management intervention to promote prompt resolution of issues.

7. Changes to organisational structure

This change management plan applies to the implementation of the proposed non-executive structure for the Investigation and Review team provided at Tab B.

In summary the impact is:

Investigation and Review Team

GRADE	CURRENT ROLE TITLE	PROPOSED NEW ROLE TITLE	CURRENT STRUCTURE (ROLES)	OCCUPANCY (ONGOING EMPLOYEES)	PROPOSED STRUCTURE (ROLES)
11/12	Manager Investigation and Review	No change	1	1	1
9/10	Senior Investigation and Review Officer	Senior Regulatory Officer	3	3	5
7/8	Investigation and Review Officer	Regulatory Officer	6	6	5

5/6	Nil	Regulatory Support Officer	0	0	3
3/4	Intake and Enquiry Officer	deleted	3	3	0
1/2	Nil	Nil	0	0	0
TOTAL FTE			13	13	14

Tab A contains an employees impact table on the new structure.

All new roles have been evaluated by the Department of Justice Strategic Human Resources to validate the new positions and evaluate grade. Recruitment for roles will be undertaken consistent, with the guidelines from the Public Sector Commission for recruitment and selection. Roles will be advertised at Step 3 of the Change Management Plan on I work for NSW and may also be advertised on other social media forums and online job boards.

Employees who are not successful in obtaining a role in the new structure will be declared excess and managed under the Excess Employees Policy.

8. Proposed means for filling positions

Employees will be assigned to the new roles under section 46 of the *Government Sector Employment Act 2013*. The implementation approach will be prioritised by business need. The structural arrangements and role descriptions respond to specific requirements as detailed in Section 6 above.

The process for filling roles is as follows:

Step 1 – At Grade – Assignment to roles (ongoing IPC employees only)

Step 1 involves placement of employees with an ongoing substantive role in IPC at grade via direct assignment.

Specifically, where a role is directly comparable and there are fewer or the same number of ongoing employees as roles at grade, ongoing employees will be directly assigned to a role in the new structure.

IPC will advise ongoing employees if they have been directly assigned to a role in the new structure via formal notification.

Matching of employees to roles at Step 1 will be validated by the Department of Justice Strategic Human Resources.

Step 2 – Internal Expression of Interest for Assignment at Grade (Ongoing IPC employees only)

At this step vacancies will be advertised internally (open only within IPC for ongoing employees who were not directly assigned to a role at Step 1).

Employees with a substantive ongoing role in IPC, not assigned to a role at Step 1, may apply for any remaining role within the new IPC Investigation and Review structure at their substantive grade.

Applicants will undergo a suitability assessment process that includes:

- Lodgement of a written Expression of Interest (EOI). This will comprise of a cover letter addressing two targeted questions (based on the focus capabilities for the role) and a resume (up to five pages);
- Assessment of EOI's by the relevant panel, with selected applicants progressing to a behavioural interview;
- A behavioural interview

If deemed necessary by the panel, further forms of assessment may be required which may include:

- TalentQ online psychometric assessment;
- a work sample;
- a presentation

Additional information regarding the EOI process outlined above:

- Not all applicants automatically progress to further assessment upon applying for a role at this step. Applicants deemed unsuccessful after their written application is assessed against the prescribed capabilities will be informed accordingly.
- A letter of confirmation of assignment will be sent by IPC to employees that have been assigned to a role once the final assessment of applications and/or interviews is completed, and the outcome approved.
- Where possible more senior roles will be filled first, however this may be varied where business needs require a more flexible approach.

- Ongoing employees substantively employed in the IPC that elect not to lodge an EOI or apply for any advertised roles may be assigned, pursuant to Section 46 of the *Government Sector Employment Act 2013*, to any vacant role at grade in the new structure.

Step 3 – External Advertisement of Roles

Remaining roles that are not filled at Steps 1 and 2 will be advertised externally and filled via a comparative assessment process. This will include at least three capability-based assessments as aforementioned, one of which will be an interview.

Specifically, such vacancies will be advertised to the external public on the 'I Work for NSW' website and other online job boards. Only at this step (and not at steps 1 or 2) can any temporary employees or contract personnel currently working within the IPC apply for such roles.

At this step the IPC may also decide to utilise Talent Pools, or convert temporary employees to ongoing employment at grade in the new structure in accordance with Rule 12 of the Government Sector Employment Rules.

Step 4 - Excess Employees

Employees who are not successful in obtaining a role in the new structure will be declared excess and managed under the Excess Employees Policy. (see section 12 below)

Advertisement of Roles

For Step 2, eligible employees will be invited to submit an Expression of Interest.

After the process of At Grade Assignment to Roles (Step 1) and Expressions of Interest (Step 2) remaining vacant roles will be advertised externally (Step 3) on the 'I Work for NSW' website - iworkfor.nsw.gov.au. There will be staff communications to notify each stage of the recruitment process.

Assessment Panel

The panel for Steps 2-3 will consist of at least 1 IPC Delegate (at a higher grade than the role being filled), 1 Strategic Human Resources representative and/or 1 independent representative (independent to IPC).

Role Management

Employees will be assigned to new roles within the new structure once they have progressed through the matching/recruitment process.

9. Proposed voluntary redundancy program

A formal VR program is not proposed as part of this Change Management Plan.

10. Impact of the restructure on EEO groups and employees with special needs

For employees with disclosed disability, consideration for appointment will be consistent with the terms of the *Disability Services Act 1993* and the *Anti-Discrimination Act 1977* or other legislation.

Modifications to the assessment process, where necessary, will be made consistent with the requirements of the *Government Sector Employment Act 2013*.

11. Impact on rural communities

There is no identified change to the accessibility of services provided by the IPC as a consequence of this Change Management Plan.

12. Management of excess employees

The IPC will manage excess employees in accordance with the NSW Government Managing Excess Employee Policy (Memorandum 2011-11). Employees declared excess will be given the option to accept an offer of voluntary redundancy or pursue redeployment. Employees that decline the offer of voluntary redundancy and elect to pursue redeployment are entitled to a three (3) month retention period to pursue redeployment opportunities across the NSW Government service. If at the end of the three (3) month retention period the excess employee has not been successful in securing an ongoing role, they will then be managed in accordance with the forced redundancy provisions of the Policy.

14. Management of temporary employees

Current temporary engagements will continue whilst the transition to the new structure is implemented and/or to conclusion, in accordance with the *Government Sector Employment Act 2013*. Temporary Employees will be eligible to apply for any remaining vacancies when they are advertised externally at Step 3.

15. Proposed timetable for implementation

The proposed timetable for implementation is outlined below:

Action	Period
Employees advised of GIPA Amendment and organisational structure review	November 2018
IPC consultation on draft organisational business process redesign	December 2018
Employees briefed regarding draft Change Management Plan and implementation approach via meeting of employees	23 January 2019
Commence consultation period with employees and Public Service Association	23 January 2019
Communication of final Change Management Plan and commencement of change process	February 2019
Filling roles: Step 1 -	February 2019
Filling roles: Step 2 -	February 2019
Filling roles: Step 3 -	March 2019
Appointments to roles in new structure completed	April 2019
Excess employee management in accordance with the NSW Government Managing Excess Employee Policy (Memorandum 2011-11)	April 2019

Tab A - Changes to organisational structure

Current ongoing and temporary non-executive engagements will continue during the transition to the implementation of the proposed structure (**Tab B**), to which this Change Management Plan applies.

The roles at times may need to interchange between functions as part of meeting the obligations of demand within the Information and Privacy Commission (NSW) and for ongoing learning and development.

In summary, the impact is:

Grade	Current Ongoing Roles	Current Ongoing Employees	Proposed Roles	Impact – Ongoing Roles	Impact – Ongoing Employees v.s. Ongoing Roles
GRADE 11/12	1	1	1	0	0
GRADE 9/10	3	3	5	+2	+2
GRADE 7/8	6	6	5	-1	-1
GRADE 5/6	0	0	3	+3	+3
GRADE 3/4	3	3	0	-3	-3
GRADE 1/2	0	0	0	0	0
TOTAL	13	13	14	+1	+1

TAB B – Proposed new Structure for the Investigation and Review Team

Figure 1 - Investigation and Review Team

