Wills & Estate Planning Change Management Plan

March 2022

NSW Government | NSW Trustee & Guardian

Contents

1 Background and rationale for change

1.1 Background

NSW Trustee & Guardian protects, promotes, and supports the rights, dignity, choices and wishes of the people of NSW. There are eight Wills & Estate Planning locations across the state focussed on delivering Wills and Estate Planning services. The services include drafting Wills, Power of Attorney and Enduring Guardian documents where either a private person or NSW Trustee & Guardian is appointed as the executor and/or attorney. This network of branches was previously called the Branch Network and was renamed to Wills & Estate Planning in 2021. Wills & Estate Planning also provides a critical and direct pipeline of customers into the organisation's other service areas such as Estate and Power of Attorney administration, by drafting documents that appoint NSW Trustee & Guardian as Executor or Attorney.

1.2 Rationale for change

To ensure that Wills & Estate Planning provides a customer-focused, high quality service, NSW Trustee & Guardian is working to improve its services and offerings. The overall strategic direction for this work across the organisation is set by 'Our Strategy 2019-25' which is underpinned by four plans: People & Culture, Digital, Customer and Governance, and Sustainability. With a number of initiatives, our plans are actionable roadmaps for how we will bring Our Strategy to life. Our Strategy aims to ensure our services are customer focused and achieve financial sustainability. Wills & Estate Planning plays a critical part in achieving these goals.

In August 2020, the Branch Network Review (BNR) was established to review the current branch operating model and make recommendations to the model.

The rational for change is based upon the need to ensure the Wills & Estate Planning operating model, fees and service offerings are agile, fit for purpose and reflective of customers' needs whilst maintaining financial sustainability/commercial viability.

The existing fee structure was reviewed to determine whether fees needed to increase, reduce or stay the same. Whilst some of our services are funded by government (our community service obligation), other services are funded by the fees we charge. The recent fee structure changes will better reflect the quality of service being offered based on the individual needs, complexity and circumstances of the customer to ensure we continue to offer a fair and competitive rate whilst also considering the market conditions. For example, Wills & Estate Planning customers who have complex arrangements will pay a higher fee. This could include complex instructions such as special conditions or division of assets or asset structures such as businesses, trusts or a self-managed super fund that require specialised legal advice. In addition to the fee changes, the increased complexity of customer needs has been addressed with the Estate Planning legal team transitioning to the Estate Planning & Administration division to provide greater support, expert advice, assistance and better collaboration.

The Wills & Estate Planning service offerings have also not been substantially reviewed since 2016 and are no longer reflective of customers' needs and demographics, and does not enable NSW

Trustee & Guardian to remain competitive in the current marketplace. The existing operating model and structure does not generate sufficient operational efficiencies, and the current workforce is fixed, mostly attached to physical NSW Trustee & Guardian office locations. This restricts our ability to effectively deliver agile services across the state and does not consider the changing environmental factors.

Over the last five years, NSW Trustee & Guardian has established a partnership with Service NSW to provide additional access points to NSW Trustee & Guardian services across the state, particularly in rural and remote NSW. However, usage data highlights that the expected demand for NSW Trustee & Guardian services through Service NSW has not culminated. In addition, customers are now seeking services that are timelier, more broadly available across different locations (other than our existing physical locations) and via digital channels. Data also supports this as the demand for planning ahead services has also changed with a requirement for physical services to be delivered in new locations.

NSW Trustee & Guardian is committed to retaining our existing physical regional footprint; however, we have a significant opportunity to implement more strategies to increase our service offerings and presence both physically and digitally in regional and remote areas outside of metropolitan Sydney. To achieve this, the Wills & Estate Planning structure requires change, to mobilise resources across the State and offer services through additional physical and digital channels to better meet customer needs, increase service quality and improve outcomes.

1.3 Proposed operating model

A review of Wills & Estate Planning through the BNR, considered the operating model, organisational structure and how we work to inform the future operating model and structure. The model is designed to enable NSW Trustee & Guardian to achieve its vision to be NSW's most trusted provider of Wills & Estate Planning services, in a way that enables NSW Trustee & Guardian to build and meet demand across NSW. In a dynamic marketplace, the proposed model will provide competitive services and promotes NSW Trustee & Guardian as the preferred provider of Wills and Estate Planning services.

The proposed operating model aims to:

- Create an efficient and agile workforce with dedicated resources for service delivery, knowledge support, customer engagement, communication, and business development
- Improve customer experience and retention
- Maintain and improve financial sustainability
- Increase customer reach by optimising digital and physical channels to provide services
- Uplift capability across the division through process improvement, knowledge sharing, learning and development across the broader Estate Planning & Administration division
- Enhance organisational reputation amongst customers and industry

Feedback received via the BNR was reviewed and analysed to inform the draft operating model. The feedback highlighted:

- Will-making staff spend a large proportion of their time undertaking administrative functions.
- Staff often have changing and competing priorities within the team and across the branch.

- Customers' needs are becoming increasingly complex resulting in greater reliance on legal expertise.
- Role descriptions are too generic, and staff generally completed higher or lower level tasks rather than the core tasks in their role description.
- Professional development needs to be fit for purpose and tailored to Wills & Estate Planning staff, most of whom aren't legally qualified.
- Dedicated business development resources are needed to coordinate a strategic approach to customer engagement and promotion of NSW Trustee & Guardian products and services.

The key changes to the proposed operating model include:

- Grouping the eight existing branches into three regions (North, South and Greater Sydney), each managed by a Regional Manager.
- Alignment of the Estate Planning Solicitor roles into regional teams to provide services and advice directly to customers.
- Establishing a new specialist Knowledge and Support team within the broader Estate Planning & Administration division to provide targeted specialist services to improve process efficiencies and build staff knowledge and capability.
- Clearer role responsibilities and greater focus on delivery of estate planning services to alleviate current workload pressures of other administration, engagement and educational activities.
- Increasing dedicated legal resources to directly service customers with complex estates from the outset.
- Dedicated administrative support to Wills & Estate Planning situated in both Wills & Estate Planning and Customer Experience Division to allow Will-making staff to focus on their primary purpose.

Other functions such as customer and community engagement, customer conversion and retention, and business development are critical to the overall success, and therefore are being centralised and transferred to the Customer Experience Division.

1.4 Benefits of the proposed operating model

The benefits of the proposed operating model include:

- Dedicated and focussed resources supporting customers to access services
- Enhanced customer communication channels
- Improved operational and organisational efficiencies
- Increased opportunity for staff to deliver services in an agile working environment
- Better career pathways and skills development
- Enhanced presence across the state supported by resourcing that better reflects our customers' location.
- Increased resources dedicated to addressing systemic, process and customer issues
- Improved customer engagement, communication and retention outcomes through dedicated resourcing.

1.5 Purpose of change management plan

This Change Management Plan is based on the Department of Premier and Cabinet Agency Change Management Guidelines. The purpose of this Change Management Plan is to provide:

- the background and reasons for the organisational change

- employee communication strategies and support mechanisms
- an outline of the changes to Wills & Estate Planning
- an overview of the proposed operating model and draft structure and impacts to services and functions
- an outline of processes to transition to the new operating model
- an analysis of any impacts
- the approval process
- a proposed timetable for the implementation.

2 Approval

This proposal is approved by the Acting Chief Executive Officer of NSW Trustee & Guardian and endorsed by the Executive Leadership Team.

3 Employee communication strategy

Employees will be briefed on the Change Management Plan, draft operating model, draft organisational structure and draft role descriptions, including the transition process, by the Director Estate Planning & Administration, Senior Manager, Wills & Estate Planning and supported by the People and Culture teams.

NSW Trustee & Guardian is committed to engaging with employees in a meaningful way and commenced this informally via the BNR. Employees have had opportunities to share suggestions, feedback, and raise matters, in person, via email, surveys and other communication channels. As part of the BNR, four sub-groups were established and led by a project lead from within the branch network along with staff members from other business streams (e.g. Customer Experience, Legal & Professional Services, and People & Culture). These groups discussed issues, progressed tasks and collaborated across sub-groups to identify links, dependencies and to provide recommendations for consideration.

Wills & Estate Planning employees will continue to be communicated with on a regular basis, as appropriate. The communications approach will be multi-faceted and includes, but not limited to:

- relevant material and documentation (proposals, role descriptions, etc.) available via a dedicated SharePoint site, specifically for Wills & Estate Planning employees
- a dedicated email WEPconsultation@tag.nsw.gov.au for employees to provide confidential feedback
- dedicated People and Culture contact for employees to seek advice or discuss issues
- employee engagement briefing sessions (where practicable)
- one on one meetings with impacted employees (where practicable)
- manager check-ins with employees
- regular email communications by the Director, Estate Planning & Administration and Senior Manager, Wills & Estate Planning
- availability of ongoing support and advice.

Following the release of the Change Management Plan, a two week formal consultation period will be available to Wills & Estate Planning employees to provide feedback for consideration in the development of the final operating model, structure and role descriptions.

For current employees on secondment or on extended leave, arrangements will be made to communicate the proposed changes and feedback avenues.

4 Support services

NSW Trustee & Guardian is committed to managing and supporting all employees and their wellbeing during these changes. The Director, Estate Planning & Administration and Senior Manager, Wills & Estate Planning, with the support of People and Culture teams, will be available to provide information on the process for implementation of the new operating model and organisational structure once finalised, as well as the management of affected employees.

There are other external additional resources also available to support employees during the transition process:

Provider	Name	Contact details
Employee Assistance Program	Benestar	1300 360 364
Financial Planning Advice	StatePlus (previously State Super Financial Services)	1800 620 305 www.stateplus.com.au
	Australian Tax Office	www.ato.gov.au

5 Consultation

NSW Trustee & Guardian is committed to consultation with the Public Service Association (PSA). NSW Trustee & Guardian has provided regular updates to the PSA through the Joint Consultative Committee on the Wills & Estate Planning review. The PSA will be consulted on the proposed changes and the content of this Change Management Plan.

6 Impact on services and functions

The proposed operating model and structure has been developed by analysing and addressing the existing challenges across key functional areas.

	Existing challenges	Positive impacts
Channels and Location	• The existing Service Delivery approach is constrained by a physical network which is limiting the ability to effectively service customer demand across the state. • Video Conference Appointments (VCA) are not consistently offered across the Wills & Estate Planning network limiting virtual appointment access for potential customers who are unable to attend in person. • Extended business hours are not offered consistently across all locations, limiting out of hours appointment availability for	• Consistent availability of extended operating hours across NSW for in-person appointments and via VCA will enable NSW Trustee & Guardian to better serve customers. • Customer appointments to be centrally co-ordinated by the Customer Service Desk within Customer Experience Division and allocated to staff across NSW according to capacity.

	customers who are unable to attend during normal business hours.	
Products and Services	*Fee structure* • Will drafting fees do not reflect the work effort undertaken, which is not financially sustainable in the long term. *Service offering* • NSW Trustee & Guardian is not a one-stop shop for customers with complex assets (i.e. unable to provide tax and financial advice) which increases the likelihood they will opt for a private solicitor to make their Will and be the executor. • Lack of clarity and awareness of NSW Trustee & Guardian's role and focus which limits market potential. • Low demand for NSW Trustee & Guardian executor services due to pricing, lack of accessibility, market competition and limited brand reputation.	• New fees will better reflect the quality of service being offered based on the complexity of individual circumstances and will be set with a consideration of market conditions to ensure NSW Trustee & Guardian offers a fair and competitive rate. • Review of service offerings to identify potential new products and services that could be included to create a one-stop shop for NSW Trustee & Guardian's Will & Estate Planning customers.
People	*Role design* • Role descriptions are not reflective of the nature of work performed by staff and the capabilities required. *Training* • Existing accreditation program is outdated based on current legislation and service offering. • Limited skills and experience across business development and customer experience functions. • Limited availability of core technical training and across Estate Planning & Administration. *Talent Management* • Existing recruitment processes are inconsistent across branches and doesn't pool resources across the broader Estate Planning & Administration division.	• New roles descriptions will articulate the essential requirements and accountabilities with a greater focus on: - Leadership and staff development. - Commitment to customer service and delivering results. - Legal expertise, business development and customer experience. - Ability to operate across the regions to support service delivery. • The Knowledge and Support team will define the approach to accreditation and learning and support ongoing development. • Recruitment processes will be standardised across Wills & Estate Planning, ensuring the appropriate focus on assessing capabilities and behaviours in line with the Public Sector Capability Framework requirements.
Governance	• The existing organisation design requires significant oversight and escalation to Legal resources to write Complex Wills. • The existing branches and current staffing arrangements leads to difficulties in shifting staff temporarily for example during busy periods or backfilling leave.	• There will be an increased technical capacity across the Wills & Estate Planning Network through the transition of the Estate Planning solicitors into the regional teams to provide greater support and closer collaboration to assist with increased customer complexities. • The operating structure is more agile, with Regional oversight provides the

		ability to temporarily move staff or work tasks to support other teams and ensure outcomes are met.
Processes	• Inconsistent customer communication (i.e. appointment confirmation and follow ups) has led to cancellations and no-shows to appointments. • Lack of state-wide coordination and strategic approach to business development, partnerships and growth is hindering NSW Trustee & Guardian's ability to expand its customer base and increase market share. • Will makers focus is being directed away from Will making to work on other ad hoc tasks (i.e. answering general enquiries, solicitor's requests, document retrieval and former Wills custodian duties) limiting the volume of their output.	• Customer interactions to be handled by Customer Experience to support customers to access services provided by Wills & Estate Planning to ensure consistency and efficiencies. • Increases the opportunity for Customer Experience to develop state-wide strategies to engage with customers and promote other NSW Trustee & Guardian services.
Technology & Data	*Customer-facing systems* • The existing online portal does not enable customers to save their progress or re-enter the system to add further details, meaning customers are required to duplicate their information. • Lack of an online booking system means that an online appointment request is currently a two-step process: customers can request an appointment through an online booking form, but a Will writer is still required to contact customer to book an appointment *Data* • NSW Trustee & Guardian has limited visibility on sales pipeline due to lack of data on customer leads and trends.	• Customer Experience managing customer appointments will streamline the process and enables Wills & Estate Planning staff to focus on their core work • NSW Trustee & Guardian in collaboration with the Department of Customer Service have commenced work on a new platform to improve customer virtual experience and will also result in a single, online booking platform to enable equitable distribution of customer appointments across the Wills & Estate Planning network • Better data management and visibility via Customer Experience will provide analytics and insights that can be utilised to target strategies and solutions

7 Changes to the organisation structure

The current structure of Wills & Estate Planning is provided in Attachment A. The proposed structure for Wills & Estate Planning is provided in Attachment B and will be the subject of consultation with affected employees prior to implementation.

Grade	Current Structure	Proposed Structure	Net Impact
9/10	9	5	-4
7/8	8	9	+1
5/6	17	21	+4
3/4	15	6	-9

1/2	2	2	-
LO IV	2	3	+1
LO I-III	2	2	-
TOTAL FTE	**55**	**48**	**-7**

Whilst there is a net FTE reduction in Wills & Estate Planning, the funding is being transferred across to enable Customer Experience Division to deliver new functions that directly support Wills & Estate Planning by establishing 7.5 roles.

The Acting Director Estate Planning & Administration, Senior Manager Wills & Estate Planning and Senior Solicitor roles are excluded from this Change Management Plan. This provides stability for implementing the proposed changes and ensures business continuity.

The Solicitor Estate Administration role within the Estate Planning team is out of scope from this Change Management Plan as they mostly support the Estate Administration services.

8 Proposed means for filling roles

The assessment, management and placement of employees affected by the proposed operating model and structure will be underpinned by the following principles:

- adherence to public sector policies, guidelines, and legislation
- adherence to the *Government Sector Employment (GSE) Act* and organisational policies
- minimise disruption to service delivery
- a fair, transparent and accountable process
- maximise opportunities for employee matching and assignment to roles
- availability of appropriate information and support to assist employees to understand the transition through the process.

Contingent labour and contractors currently occupying any affected roles may be required to complete their contracts earlier than their current contract period. This will be determined by NSW Trustee & Guardian and those affected will be given an appropriate period of notice. Contingent labour and contractors will have an opportunity to apply for any roles advertised externally.

8.1 Role Descriptions

Role descriptions will be used to clearly articulate role responsibilities and the capabilities required for the role. In some cases, the functions and responsibilities of roles in the current structure remain relatively unchanged from similar roles in the proposed structure. For new roles, or for roles where the functions and responsibilities have substantially changed, new role descriptions were developed, and graded in accordance with the NSW Government Job Methodology by qualified assessors. Refer to Attachment C for draft role descriptions.

8.2 Placement process

Step	Category	Action
Step 1	**Assignment to role at grade**	• Where a role in the new structure is substantially the same and/or comparable to a role within the existing structure *and* • There are an equal (or less than) number of ongoing employees to available roles: **Ongoing employees within Wills & Estate Planning will be directly assigned to a role in the new structure where possible.** Ongoing employees will be advised via a letter confirming the assignment to a new role in the new structure.
Step 2	**Assignment to role at grade via an internal Expression of Interest (EOI) process**	• Where a role has substantially changed *and/or* • There are more employees to available roles: Note: Employees subject to step 2 of the placement process may be invited to apply for roles at grade within the Customer Experience Division. **Eligible ongoing employees and temporary employees* within Wills & Estate Planning will be invited to submit an EOI for available role(s) at grade.** *** *temporary employees are eligible if they meet the following criteria:* *- have been employed for a period of at least 12 months, and have undertaken a comparative assessment after external advertising, and* *- based on their most recent performance and satisfactory conduct.* Refer to *Section 8.3* for details on the application and assessment process.
Step 3	**External advertisement of roles**	• New roles and any remaining roles not filled by assignment to role or assignment to role by internal EOI (Step 1 and 2) will be advertised externally via a comparative assessment, which involves three types of assessment, including an interview. • Roles will be advertised to the general public on the I Work for NSW website and other mediums.

If a role(s) is unfilled at the end of the change management placement process outlined above, any subsequent action in relation to that role(s) will be "business as usual" and will not fall under the scope of this change management plan.

Ongoing employees within Wills & Estate Planning that are not assigned to a role (step 1) or do not submit an internal EOI (step 2) or apply for advertised roles (step 3) may be assigned, pursuant to Section 46 of the *Government Sector Employment Act 2013,* to a vacant role at grade within the new structure or across other NSW Trustee & Guardian divisions.

8.3 How will employees be assessed?

Assignment to role by internal EOI - suitability assessments

A suitability assessment which involves at least two capability-based assessments, one of which is an interview, will be used for the internal EOI process conducted at Step 2. Assessments will be in accordance with the *Government Sector Employment (General) Rules 2014*.

These will be conducted by an assessment panel comprising of an Wills & Estate Planning representative (at a higher grade than the role being filled), a representative from Strategy, People & Governance Division and an independent member.

Employees will be assessed against the essential requirements of the role and focus capabilities and whether they are capable of meeting these to a satisfactory standard. The suitability assessment process includes:

1. Eligible ongoing employees submit an EOI, comprising of a cover letter addressing one targeted question and a current resume.
2. Panel assess EOI and determine who will progress to the next stage (unsuccessful candidates at this stage will be notified accordingly).
3. Panel conducts behavioural interview.
4. If required, the panel may request further assessments to be undertaken, including psychometric assessment, work sample, practical task or a presentation.
5. Reference checks will be conducted.
6. Panel finalises selection report and recommends successful and unsuccessful candidates for final approval.
7. Successful employees will be advised via a letter confirming the assignment to a role in the new structure and unsuccessful candidates will be notified accordingly.

Advertised roles - comparative assessments

A comparative assessment, which involves at least three capability-based assessments, one of which is an interview, will be used when roles are advertised externally, at step 3. Assessments will be in accordance with the *Government Sector Employment (General) Rules 2014*.

These will be conducted by an assessment panel comprising of an Wills & Estate Planning representative (at a higher grade than the role being filled), a representative from Strategy, People & Governance Division and an independent member.

The comparative assessment process includes:

1. Candidates to submit an application comprising of a cover letter addressing two targeted questions and a current resume.
2. Panel assess applications and determine who will progress to the next stage (unsuccessful candidates at this stage will be notified accordingly).
3. Panel conducts behavioural interview and other assessments, including psychometric assessment, work sample, practical task or a presentation.
4. Reference checks will be conducted.
5. Panel finalises selection report and recommends successful and unsuccessful candidates for final approval.

6. Successful employees will be advised via a letter confirming the offer of a role in the new structure and unsuccessful candidates will be notified accordingly.

8.4 Review of process

If an employee is aggrieved with the outcome of assessments, they may request an internal review. The review is strictly limited to a process review only, not a merit review of the decision in-line with GSE legislation.

The review will be conducted by a senior executive not involved in the original assessment as nominated by the Acting Chief Executive Officer. The reviewer may recommend to the Acting Chief Executive Officer that the assessment be repealed and conducted again by a new panel or that the original decision be upheld. The Acting Chief Executive Officer may accept the recommendation or take other action as they see fit. The decision of the Acting Chief Executive Officer is final.

An application for internal review should be forwarded in writing to the Director, Strategy People & Governance or other person appointed by the Acting Chief Executive Officer no later than one week from the day the employee was notified of the decision. Outcomes are final and employees will be notified within two weeks of the receipt of the review request.

9 Management of excess employees

In the event of an ongoing employee not being assigned to a role in the new structure after the completion of the placement process outlined above – assignment to role (step 1), or assignment to role via internal EOI (step 2) or external advertising (step 3), they may be declared excess.

NSW Trustee & Guardian 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-month retention period to pursue redeployment opportunities across the NSW Government service. If, at the end of the three-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.

10 Management of temporary employees

Current temporary engagements will continue whilst the transition to the new operating model and organisational structure is implemented and/or to conclusion, in accordance with the *Government Sector Employment Act 2013*.

Eligible temporary employees will be invited to submit an internal EOI at grade in step 2 of the placement process if they meet all the requirements of Rule 12 of the *Government Sector Employment (General) Rules 2014.* Temporary employees are eligible if they have been employed for a period of at least 12 months and have undertaken a comparative assessment (at least three types of assessments, including an interview) after external advertising, and based on their most recent performance and satisfactory conduct.

Remaining temporary employees will be eligible to apply for any available vacancies when they are advertised externally at step 3 of the Placement Process. Refer to 8.2 for more information.

11 Impacts on Equal Employment Opportunity groups, employees with disability and regional communities

It is not anticipated that there will be negative impacts on Equal Employment Opportunity Groups or employees with disability. Where an employee has declared a disability, NSW Trustee & Guardian will work with the employee to ensure appropriate and reasonable adjustments are made to the matching / placement process where necessary.

NSW Trustee & Guardian is committed to the provision of career opportunities for Aboriginal and Torres Strait Islander employees and the delivery of a high standard of service to indigenous communities. Instead, the proposed operating model and proposed structure presents an opportunity to increase the ratio of Aboriginal and Torres Strait employees.

In accordance with current Government policy, NSW Trustee & Guardian is committed to increasing employment opportunities across regional NSW. NSW Trustee & Guardian has set a target of 85 per cent of new roles to be located outside of the Sydney metropolitan area, and employees will have an opportunity to relocate if there is a role available and they wish to do so.

Roles in the new structure are being designed to be located flexibly across the State where possible, noting that there will be a requirement for employees to continue face-to-face interactions with customers and colleagues at an office. As part of the proposed operating model and proposed structure, there will be greater opportunity for people within regional communities to apply for available roles.

12 Proposed implementation timetable

The table below provides the indicative timeframes for the implementation and completion of the change management process.

Action	Timeframe
Final Executive Leadership Team & CEO endorsement of plan	28 March 2022
Consultation with employees and relevant union (PSA)	4 April 2022 to 20 April 2022
Final approved Change Management Plan and operating model/structure	Week commencing 2 May 2022
Direct Appointments (Step 1)	Week commencing 9 May 2022
Internal EOI at Grade (Step 2)	Week commencing 9 May 2022
External Advertisement of remaining roles (Step 3)	Date to be determined
Implementation of new operating model and new structure	Date to be determined

13 Attachments

A. Current Wills & Estate Planning organisation chart
B. Proposed Wills & Estate Planning organisation chart
C. Draft role descriptions

Document Information

Title:	Wills & Estate Planning Change Management Plan
Owner:	Director, Estate Planning & Administration
Approver:	A/Chief Executive Officer
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Document History

Version	Date	Reason for amendment	Role/s
1.0	March 2022	Draft	Senior Manager, Change Projects Director, Estate Planning & Administration Director, Strategy, People & Governance
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