PSA submission: *Central Sydney Crime proposed restructure*

WITHOUT PREJUDICE

- This document contains feedback received by the PSA in relation to the proposed restructure of Central Sydney Crime Teams.
- The feedback is reproduced as received and is presented without prioritisation, endorsement, or assessment of merit.
- In some cases, individuals have submitted feedback themselves and then requested for the PSA to include their feedback in this combined document.
- The inclusion of any submission in this document should not be taken as indicating the PSA's support for, or opposition to, the views expressed.
- The feedback is provided in good faith to assist Legal Aid in understanding the perspectives of employees affected by the proposed restructures and any associated job losses.

PSA Feedback

After careful consideration of the feedback received, the PSA wishes to make the following general submissions:

a. The timing of announcements to staff are causing distress. Primarily relating to uncertainty immediately before the Christmas/New Year period and the potential limitation of roles being available via the Workforce Management Program.

b. Job losses should be minimised.

c. Opportunities for direct employment should be maximised (eg appointing from Talent Pools) in line with the GSEs provisions.

d. Workplace psychosocial hazards should be minimised. The PSA has had members comment on the emotional impacts the process has had on employees/members.

e. Feedback around management of workload once the restructure occurs is concerning. The PSA seeks an understanding of what risk mitigation strategies Legal Aid have identified to ensure:

- Work overload is reduced
- Burnout due to increased workloads

f. Our members are concerned about maintaining Legal Aid's good reputation in the community given serious job losses are occurring along with a massive reduction in programs and support for the NSW community (based on monumental funding cuts)

g. Members are concerned about managing organisational risk in the provision of accurate and current legal resources given some functions which had dedicated staff no longer present post-restructure. The PSA agrees with the general feedback received raising concerns about the potential reduction of service quality, accessibility/availability, and program delivery into the community.

h. There is a general view, gained by way of meetings, emails and other feedback that Legal Aid's decisions around the restructure (to varying degrees) abandons the most socially and economically vulnerable people in NSW. This is also underpinned by the funding reductions.

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Issue/Topic	**Feedback item** *and* **Feedback received**
Consultation Process	**Feedback 1** One of my biggest concerns with this document is the breach of privacy. I'm not a lawyer, but I was surprised to see so much personal information about people included in the document for all to read. It was also quite strange to read the table on risk assessment. Surely that section is for the exec/HR - not the staff who are affected? It just made the whole thing feel like we're not being considered as people, but rather pieces on a game board. Q1. Will changes arising from consultation occur before final approval, rather than during implementation? Q2. If proposed changes are likely to have an adverse impact on employees, will those affected have a further opportunity to provide feedback or be consulted before those changes are finalised? Q3. The details of the people who sit against the roles aren't correct in the RMP, could these details please be reviewed and corrected?
	Feedback 2 I would appreciate further information regarding the consultation process undertaken throughout the development of the proposed restructure. Consideration could be given to: ▪ Whether the Solicitors in Charge of the three existing Indictable teams were involved in the planning and development of the proposed model. ▪ Whether alternative structural options were explored by operational leaders that may have achieved the required budget outcomes while maintaining existing leadership capacity. ▪ The rationale for the proposal affecting only the Indictable SIC positions and OM positions, and whether there are plans to review comparable leadership positions within other practice areas. ▪ Whether all proposed SIC positions across the new structure should be subject to an Expressions of Interest (EOI) process to ensure transparency and equitable access to leadership opportunities. I would also appreciate clarification on why the proposed restructure is limited to the Sydney office and does not appear to extend to regional offices, and whether broader organisational considerations informed this approach.

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	Given the significant impact of the restructure on existing Legal Aid staff, consideration could also be given to prioritising internal recruitment opportunities for the proposed Grade 7/8 Office Manager position. This may assist in retaining organisational knowledge and expertise while providing affected staff with meaningful opportunities for career progression. It is also my understanding that the current temporary holders of the 5/6 OM roles in indictable will be extended until the restructure occurs. Could you please confirm that this is still the case?
Evidence and Rationale for the Proposed Operating Model	**Indictable Team** **Feedback 3** There are also some concerns about the practicalities of how the Indictable section will work in the new set up: The proposed structure (one big team) was considered back in 2018 and it was decided that it wouldn't work. The 3-team system was therefore set up. The workload hasn't decreased, in fact in recent times there are more and more clients with mental health problems, which makes dealing with their matters harder. You have to wonder how the one team system will work now. As an OM, I can see lots of opportunities for some people to not do as much work as others (and given there's one OM to supervise, it will be easier for people to go under the radar.) This is going to cause a lot of resentment. The other issue that is hard to understand is the combining of CCU, Walama and Sydney Drug Court. Those three sections are very different. Walama clients do not commit Commonwealth offences. They are going through a process - Drug Court will not be of use to them. Similarly, CCU clients are more than likely not eligible for Drug Court as they are not Australian citizens. Q4. I know there's an Assistant OM proposed, but that system hasn't worked in ICLC, so how is it going to work in Indictable? Surely we need to learn from mistakes, not repeat them? Q5. How is one OM and one SIC supposed to do the work properly? Realistically, three people's work down to one seems untenable. As I said, the workload hasn't decreased. Q6. I know the ultimate aim is cost cutting, but surely this is going to be more expensive? I'm sure it will mean more matters will be assigned and that is more costly than inhouse representation. I did a lot of the LCSO work as OM when we were stretched or short staffed. That won't be able to happen when there's only one OM.

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	Feedback 4 Q7. Please provide clarification around why the Sydney Drug Court Team will be merging into the proposed Specialist team, and not being attached to Parramatta (similar to how Children's Legal Service currently are structured) Q8. Please advise whether the Warrants roster, currently staffed by the 3 Criminal Indictable Teams will continued to be staffed by them or shared amongst the single Criminal Indictable and Specialist Teams
Virtual Bail Court	**Feedback 5** Q9. Please advise whether VBC will be voluntary or whether staff will be required to do a minimum number of shifts, as it appears to be about 45 shifts that the teams will be required to cover under this model. Q10. If it's voluntary, what happens if we don't fill all those shifts?
	Feedback 6 I would welcome further information regarding the operation of the Virtual Bail Court (VBC) under the proposed structure, particularly across the five Central Sydney specialist teams. Currently, the VBC function sits within the ICLC Local Court Duty Practice. Clarification on the following matters would assist staff in understanding the practical implications of the proposed changes: Clarification of these arrangements would assist staff in understanding any additional responsibilities arising from the restructure and support effective workforce planning. Consideration should also be given to ensuring that the position operates on a full-time basis. The current Assistant Office Manager position is occupied on a part-time arrangement of two days per week, which may limit the capacity of the role to provide consistent supervision, operational support, and day-to-day leadership to the administrative team. Given the size and complexity of the proposed structure, a full-time position would be better placed to support staff, respond to operational demands, and provide continuity of leadership. If the role is retained or upgraded as part of the new structure, consideration could also be given to filling the position through an Expression of Interest (EOI) process. This would provide transparency, promote equity of opportunity, and enable suitably skilled internal staff to be considered for the role based on the requirements of the new structure. Q.11 Which practices or teams will be responsible for coordinating and maintaining the VBC roster. Q.12 How roster allocations will be distributed across the five Central Sydney specialist teams.

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	Q.13 The anticipated number of VBC shifts each team would be expected to undertake each month. Q.14 Whether additional resources have been considered to ensure VBC commitments do not adversely affect existing workloads and service delivery obligations.
Indictable Appeals	**Feedback 7** There is a reduction in indictable appeals solicitors in total, this will result in an increase in assignment of clients, as we keep the most vulnerable clients in house some of these clients will now need to be assigned. Q15. Why is the indictable appeals unit the unit most effected in terms of loss of solicitor roles? Seven down to two junior roles. Q16. It is where the law is made for the criminal division, what does the cut to solicitors in this team say about what exec thinks about the importance of this work? Q17 How is this in alignment with our legal aid strategic plan? Q18. What is the evidence that this is cost effective and will in fact reduce the costings to legal aid?
Role Descriptions, EOIs and Training	**Feedback 8** Q19. I haven't been able to easily find any role description for the proposed 3/4 Assistant Office Manager position, proposed for the Criminal Indictable Team. I would like to see a role description for this and would like to know if there would be an EOI for it. Q20. Please advise whether there will be any amounts of cross training for the three specialist teams when they merge, and what that work would look like given how vastly different they are
	Feedback 9 The Central Sydney crime teams proposed restructure | FAQs regarding the role assignment process indicates that consideration may be given to ongoing grade I-IIIs who are in the current grade IV talent pool for appointment to a new grade IV position via a stage 2 EOI process after ongoing impacted at or above grade employees have been considered. I support that proposal. I ask that the clarification provided in the FAQ: *"Stage 2, Suitability Assessment or EOI: for ongoing impacted at or above grade employees for remaining roles where direct assignment is not available. Other internal candidates (non-impacted, temporary who have been comparatively assessed, and*

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	those on relevant talent pools), can be considered at this stage after ongoing, impacted at or above grade employees have been considered"employee at lea …to be incorporated in the final restructure management plan. Additionally, I submit that impacted grade I-IIIs who are in the grade IV talent pool should be offered the opportunity of applying for a new grade IV position before non-impacted staff. Q21. (a) How will roles in the proposed structure be filled? (b) Please provide details in final plan about the EOI selection panel composition
Placement, Mobility, Recruitment and Employee Opportunities	**Feedback 10** There are also discrepancies in how the new positions are recruited. The SIC's of CCU and Indictable Appeals automatically get the positions of SIC for the new bigger sections? No recruitment? Yet the SIC's of the Indictable section have to go through a recruitment process? The job is the same grade. The OM position will be a new grade, so it follows that there has to be a recruitment for that, but for there to be no discussion, no advance notice that this was happening, is very hard to understand. I have heard that there was a restructure in HR - redundancies were offered. But no redundancies for Indictable? Q22. Why are there different processes?
	Feedback 11 Q23 Please provide clarification around timelines and what impact the restructure will have on the end of year shutdown period and vice versa Q24. Please provide clarification about timeline regarding the restructure and the impending move
Budget reasoning for the restructure and deletion of positions	**Feedback 12** Can greater clarity be provided regarding the budget position that has led to these proposed changes? Specifically: Q25. How did the organisation arrive at the current situation?

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	Q26. Given the increase in demand for criminal law services and the existence of a demand-driven funding model, why has funding not increased correspondingly? Q27. If risks to the budget were identified in advance (we saw the storm clouds coming), why did the current shortfall come as such a surprise? Q28. Why was a more gradual or staged approach to financial management not adopted over the past three to five years? Q29. What went wrong with our budget? Q30. Who was responsible? Q31. Will what is proposed in the RMP fix this? Q32. How do we know this won't happen again?
	Feedback 13 Q33. A broader question is whether the changes currently being implemented will be sufficient to place the organisation on a stable financial footing in the long term. Q34. While recent measures may address immediate budgetary pressures, it is not clear whether they address the underlying structural issues that contributed to the current situation. I believe staff would benefit from understanding what assurances exist that similar problems will not arise again in future years.
	Feedback 14 To assist staff in understanding the operational framework of the proposed model, I would appreciate clarification as to whether budget allocations for each team will be made available as part of the consultation process or following implementation of the restructure. Understanding how resources are allocated across teams would provide greater transparency and assist staff in assessing how the proposed structure is intended to operate in practice.
Growth of Executive and Non-Practice Area Positions	**Feedback 15** There have been a number of executive roles created over the past 5 years along with senior roles like the associate director roles.

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	Q35. is executive going to be subject to a restructure? Q36. How many of these new executive roles are going to be cut? Q37. If none are, what is the rationale for reducing frontline service delivery positions, particularly where those roles are critical to client outcomes and generally represent a lower cost to the organisation?
	Feedback 16 My perception has been that there has been substantial growth in non-frontline functions, including middle management, executive positions, project management roles, and various administrative initiatives. Reducing bureaucracy and reinvesting resources into frontline legal services would likely improve productivity while also increasing service delivery to clients. Q 38. At the same time, there appears to have been a corresponding increase in bureaucracy, policy requirements, reporting obligations, and internal processes. While some of these initiatives may have merit, they can also create additional layers of administration for frontline staff. I think it is reasonable to ask whether the executive has examined these areas as potential sources of savings. If the organisation's financial position is serious enough to require significant changes to service delivery, then all areas of expenditure should be scrutinised, including management, executive, and administrative structures.
EAGP Funding and Financial Sustainability	**Feedback 17** It is apparent that the organisation is experiencing significant financial pressure, at least in part due to the costs associated with theEAGP model and the amount paid to counsel for case conferences. To be clear, I am not opposed to the involvement of counsel in appropriate EAGP matters. There is obvious value in counsel becoming involved early in some cases. However, with the benefit of hindsight, it appears that a model involving counsel in virtually every matter may not have been sustainable. The changes made in this regard seem somewhat reactive and give the impression that the original model may not have been adequately stress-tested from a financial perspective. My concern is less about what occurred in the past and more about ensuring the organisation adopts a more sustainable and fiscally responsible approach to all reforms moving forward. There are opportunities for constructive discussions regarding greater involvement by the Aboriginal Legal Service in bail centralisation and the manner in which the ODPP engages with the EAGP process.

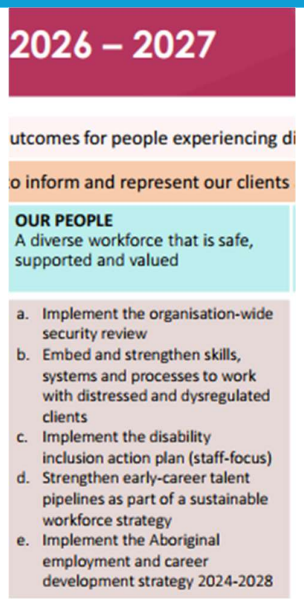
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	There is potential for reforms in these areas to generate efficiencies and reduce costs across the system. Finally, I do not believe the difficulties currently facing Legal Aid can be considered in isolation. The EAGP reforms, when combined with increasing remand populations and broader criminal justice policy settings, appear to have significantly contributed to congestion within the Local Court jurisdiction. The result is a system under considerable strain. While Legal Aid should always strive to operate efficiently and responsibly, it is important to recognise that the current pressures are not solely the result of decisions made within the organisation. There are broader systemic issues affecting every participant in the criminal justice system. In that respect, it is important that discussions about budget pressures and service changes acknowledge the wider context in which Legal Aid operates. Q39. I do not wish to attribute blame to any individual or group. It may simply be a case of hindsight providing clarity that was unavailable when these decisions were made. However, I do question whether the model, as originally implemented, was financially sustainable, particularly once 7 judge funding dried up. I did not realise that funding dried up and that these costs were subsequently being met from the organisation's ordinary budget. That naturally raises the question of whether sufficient consideration was given to the long-term financial implications of the model once dedicated funding was exhausted. Q40. I have also heard suggestions that the government agreed to fund the shortfall caused by bail centralisation on the basis cuts were made elsewhere. I appreciate this may be little more than speculation. However, if there is any truth to it, it raises legitimate questions about whether resources are effectively being shifted from one service to another. In other words, has the organisation been required to rob Peter to pay Paul? Q41. More fundamentally, if counsel is no longer becoming involved early in matters and if prosecuting authorities are not operating consistently with the spirit and intent of the EAGP reforms, it is reasonable to ask what benefits are ultimately being achieved by those reforms.
Oversight of Private Practitioner Panel Services	**Feedback 18** There are also concerns regarding some practitioners on Legal Aid panels. My experience is that there are panel solicitors who consistently provide poor-quality services while continuing to receive substantial amounts of Legal Aid work. When concerns are identified, the consequences appear limited, with practitioners receiving warnings but remaining eligible to continue undertaking legally aided matters.

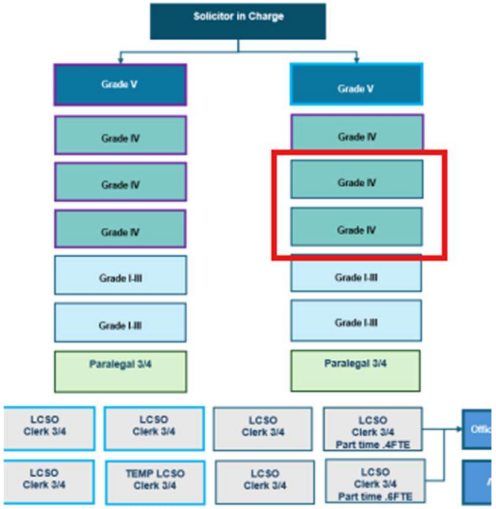
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	From a value-for-money perspective, this should be examined closely. If the organisation is seeking savings and efficiencies, ensuring that public funds are being directed to practitioners who consistently provide high-quality representation should form part of that discussion.
General Feedback and Proposed Alternate Structures	**Feedback 19** Overall, I support the proposed restructure and its objective of streamlining teams and reporting lines across the Crime Division. The proposed changes have the potential to create a more consistent and efficient operating model, while also providing opportunities to enhance service delivery, practice management, and collaboration across teams. However, I have several concerns regarding the proposed administrative leadership structure and the broader operational impacts of the changes. I respectfully submit the following feedback about the Indictable Team's amalgamation for consideration. **Administrative Leadership and Staff Support** Under the proposed structure, a Grade 3/4 Assistant Office Manager would support a Grade 7/8 Office Manager. While this arrangement would provide additional management capacity, I am concerned that it may not be sufficient to effectively support an administrative team of approximately ten Legal Clerical Support Officers (LCSOs), particularly given the increasing expectations associated with staff wellbeing, performance management, training, development, and supervision. The role of a Grade 7/8 Office Manager encompasses a broad range of operational, strategic, and people management responsibilities, including workload management, team leadership, recruitment, performance development, staff wellbeing, and regular one-on-one engagement with team members. Given the size and complexity of the proposed team structure, there is a risk that the span of control may become too broad, potentially limiting the capacity to provide meaningful supervision, mentoring, and support. To address this, I request consideration be given to upgrading the proposed Grade 3/4 Assistant Office Manager position to a Grade 5/6 Team Leader role. A Team Leader at this level would be well placed to undertake responsibilities relating to: ▪ Staff supervision and mentoring. ▪ Training and capability development. ▪ Performance management and coaching. ▪ Quality assurance activities.

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	▪ Staff wellbeing and support. ▪ Day-to-day operational coordination. The position could also assist in conducting regular one-on-one meetings and provide an accessible escalation point for administrative staff. This would help ensure timely support is available while reducing pressure on the Office Manager. I believe the addition of a dedicated Grade 5/6 Team Leader within the Indictable Practice would strengthen leadership capacity, support workforce development and succession planning, enhance staff wellbeing, and contribute positively to team performance and retention. Having previously worked within teams when a Grade 3/4 Assistant Office Manager position existed, I found the model was not particularly successful. The role did not appear to have sufficient seniority to effectively lead and influence the broader administrative team, which at times limited its effectiveness as a leadership position. This experience leads me to question whether a Grade 3/4 classification provides the appropriate level of authority and recognition required to supervise, provide training and support a large administrative workforce. **Alternative Team Structure** As an alternative model, consideration could be given to dividing the Indictable Practice into two smaller teams, each supported by a Grade 5/6 Office Manager and a Solicitor in Charge (SIC). A smaller team structure may provide benefits including: ▪ More timely allocation of matters. ▪ Improved communication and supervision. ▪ Stronger team cohesion and workplace culture. ▪ Greater opportunities for meaningful staff engagement and support. ▪ Increased visibility of staff wellbeing concerns and workload pressures. Such a model may also assist in managing the longevity and complexity of client files. Many indictable matters remain active for extended periods and require significant administrative oversight throughout their lifecycle. Smaller teams could enable more effective file monitoring and provide greater continuity of support for both practitioners and clients.

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	In addition, consideration should be given to ensuring a balanced and sustainable allocation of matters amongst in-house solicitors. Workload assessments should consider not only file numbers, but also: ▪ The complexity of matters. ▪ The stage of proceedings. ▪ The likelihood of matters proceeding to trial. ▪ The administrative requirements associated with individual files. ▪ The overall workload capacity of practitioners. Effective matter allocation is critical to maintaining service quality, supporting practitioner wellbeing, and reducing the risk of burnout. Consideration of file complexity and trial readiness, rather than simple file counts, will be important in achieving equitable and sustainable workloads. Further consideration could also be given to whether specialist practices, such as Walama, Drug Court, and CCU, may be more effectively integrated within a two-team model rather than operating as a separate smaller specialist team. This may provide greater flexibility in resource allocation and operational support across the broader practice. **Experience of Consultation, Role Allocation and Recruitment During Previous Restructure** During a similar restructure process, concerns were raised with the PSA about inconsistencies between the Change Management Plan and the way roles were ultimately allocated During the consultation period, there was no clear communication that certain positions would be re-advertised through an Expression of Interest (EOI) process. In some cases, affected employees were only made aware of this after consultation had concluded. The impact on temporary role holders was not always clearly outlined, and there appeared to be limited individual consultation with employees directly affected by the proposed changes. Information contained within the Change Management Plan created an expectation that some positions would transition into the new structure. For example, where a role was identified as moving into a new team and reporting to a different manager, there was no indication that the temporary occupant would need to return to their substantive position or participate in a further recruitment process. Other positions identified as requiring the temporary holder to return to their substantive role. The absence of similar wording contributed to uncertainty about how roles would be allocated following implementation of the restructure. Concerns were raised with the PSA regarding these inconsistencies; however, there can be a perception among impacted employees that raising such concerns may negatively impact their ability to secure positions within the new structure. This creates a situation where staff may be hesitant in fully engaging in the consultation process or challenge decisions that affect them.

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	There is also a risk that recruitment processes associated with restructures can be seen as predetermined where the impacted employees gain positions that appear to have intended outcomes from the outset. In these circumstances, the impacted staff may question whether a formal EOI process was necessary or whether the same outcome could have been achieved through transparent discussions and role allocation arrangements. Even where appointments are made fairly, a lack of transparency can in the process and create unnecessary stress for affected employees. Staff should feel confident that they can raise legitimate concerns and provide honest feedback during consultation without fear that it may affect future opportunities. Greater transparency around role allocation, recruitment intentions, and the impact on affected employees would help build trust in the process and ensure consultation is meaningful rather than procedural. These considerations are particularly relevant when establishing newly created roles, such as the proposed Grade 7/8 Office Manager in Indictable Team 3.
	Feedback 20 **Response to 2.4 - Indictable appeals and Supreme Court bails** It is true that there are efficiencies to be had in combining these jurisdictions because they involve complex legal issues and ongoing engagement with superior courts. However, considering the merit of, briefing, instructing Counsel in an indictable appeal, and communicating with an incarcerated client over the course of a year, does not involve specialist advocacy. The Registrars callover is an administrative list and so aside from that, no advocacy is required, let alone specialist. Notably, the only individuals who are experienced and skilled in the specialist advocacy required to represent a legal aid client in an indictable appeal, study and train to go to the bar and must then have practiced for 5 years. It would be a skill and interest mismatch to plan for all solicitors in the combined IAU-SCB team to be specialist advocates. There would need to be a plan for flexibility with an eye to the Strategic Plan 26-27 *"Our People A diverse workforce that is safe, supported and valued."*

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	 This is not to say that many could and will, at different times, work in both of these type of roles, but it's not a perfect melding of the two practices and would require the kind of support, training and mentoring as yet unseen in my experience working in the Crime Division of Legal Aid (the Civil Division may have something to teach Crime). It would be unfeasible to manage a Legal Aid practice (read - high volume, complex client needs) that involved both Indictable Appeals and Supreme Court bails at the same time. The timetabling of weekly hearings, 2 days a week in Court, conferencing clients for future hearings, drafting and filing submissions would leave very little time for the deep work required to review a trial or sentence transcript each week. Far less viable for part-time employees (whom Legal Aid should, for diversity reasons, include). **Response to 6.4 Indictable appeals and Supreme Court bails** What is the rationale for the two roles outlined in red (from p38) to be the only existing directly appointed in IAU at Stage 1? Is this fair to all impacted employees?

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	 **Response to 7. Proposal for role reassignments** Can the 4 new IV Solicitor positions (see below from p39) be filled at Stage 1 by direct assignment with the impacted substantive I-III Solicitors who are merit selected in the recently created Statewide IV Solicitor talent pool? Role group | Current | Proposed | Proposed position impact Solicitor in Charge | 7 | 4 | Reduction of 3 positions through consolidation of teams. Grade V Solicitors | 13 | 13 | No numerical change. Grade IV Solicitors | 29 | 33 | Increase of 4 positions. Grade I-III Solicitors | 28 | 23 | Reduction of 5 positions. If not a stage 1 then stage 2, with all impacted employees having standing to express interest in any roles for which they are merit selected? It may be that if either of these suggestions could be accommodated there is no need for any solicitors to consider the possibility of workforce mobility placement or redundancy. It's my view that it should be the executive's highest priority to avoid the damage already

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	underway to the wellbeing of long-term, highly dedicated and valuable employees when the stated intent of executive is to avoid losing employees. This damage is contrary to the Year 4 Strategic Priority "*Our People – A diverse workforce that is safe, supported and valued*."
	Feedback 20 I have been an employee at Legal Aid NSW since 2007. For most of this period I have been in the same team (a Central Sydney crime team) in a Grade III solicitor position. The number of Grade I-III solicitor positions in my team are to be cut and those in these positions are required to apply for (that is, compete for) these or more senior positions. After almost 20 years of continuous service to Legal Aid NSW and in an ongoing role, I find myself in the position of job insecurity. Many Grade III solicitors are in a similar position. This is unconscionable. There is the assumption that employees are not valued for their skills and experience and, instead, a blanket and short-sighted approach to cost-cutting by way of position designation is implemented. There is a complete lack of insight into the cost efficiency of protecting and valuing skilled and experienced employees. One may query why experienced employees have not secured more senior positions. While I have acted in Grade IV and Grade VI positions for short periods when colleagues have been on leave, there has been no opportunity to apply for Grade IV positions in this team as those in these positions have remained long-serving. I have not participated in the generic recruitment of Grade IV positions in recent years as I have no interest in pursuing entry into the "talent pool" and to be offered a position in another team and, potentially, in another location. Please consider the individual rather than the position designation in the plan for cutting costs.