

JOB DESCRIPTION

Associate Director, Legal Moderation and Enforcement

Post Ref	3.2.2
Reporting To	Director of Legal Moderation and Enforcement
Pay Band	Grade 6
Line Management, Accountable For	None
Budget Management	None

Job Purpose

To manage the delivery of high quality enforcement casework in complex cases, including Directions, Special Conditions, Fines, and Withdrawals of Recognition.

Key Accountabilities

- Take the lead in delivery of enforcement casework in line with enforcement strategy, taking personal control of complex cases as necessary.
- Deliver Ofqual’s formal enforcement processes to ensure that all of Ofqual’s decision making and regulatory activities are consistent with public law requirements and best practice, corporate governance principles, and are likely to withstand scrutiny and challenge.
- Support the Director in leading a senior team of lawyers to deliver the enforcement process including supervising the provision of high quality evidence assessments, well drafted statements of case and enforcement documentation.
- Where necessary undertake Court proceedings to secure mandatory orders in support of regulatory action.
- Take a lead role in management of litigation arising from enforcement decisions.
- Support the Director on the development and review of processes and procedures and Ofqual’s Taking Regulatory Action policy.
- Proactively identify and address areas of significant or material legal risk, reporting and advising on such matters to the Director. Provide challenge to Ofqual staff at all levels where necessary to raise awareness of and effectively manage legal risk.
- Contribute to Ofqual’s enforcement strategy and wider regulatory strategy with a particular focus on the broader enforcement strategy.

- Commission and manage the provision of external legal advice, ensuring that all externally commissioned lawyers maintain the high standards expected by Ofqual.
- Identify legal training requirements for Ofqual's supervision and investigation staff and to develop and implement a rolling training and awareness programme to meet them.
- Contribute to the ongoing development of the practice and procedures of the Legal team.
- Support the Director and Director of Legal to develop and deliver a coherent approach to meeting Ofqual's legal resource requirements alongside the wider legal team.
- Provide high quality, targeted and accessible legal advice including interpretation and application of all relevant legislation, in particular the Apprenticeships, Skills, Children and Learning Act 2009.
- Actively promote and contribute to securing a collegiate, highly effective and professional legal team.

Accountability for Corporate Responsibilities

As a member of the leadership team you will be accountable for working with other members of the leadership team and Board to support the development of Ofqual into becoming a strategic, risk-based and evidence-based regulator of qualifications, examinations and assessments that are trusted by learners, users and the wider public.

Accountabilities of the leadership team:

- Provide visionary leadership and promote an ethos of high performance and continuous improvement.
- Model expected behaviours in delivering to the values of the organisation.
- Demonstrate and promote effective team working within and between teams across the organisation.
- Develop the capability and talent of individuals, the team, directorate and organisation.
- Manage and develop team member performance.
- Be accountable for the preparation, monitoring and control of the team budget.
- Be accountable for the appropriate use of public funds, value for money and ensure expenditure is in line with financial plans and policies.
- Deliver service excellence to all internal and external stakeholders/customers.
- Be accountable for the development and the delivery of a strategically aligned annual plan to enable resources to be deployed efficiently and effectively.
- Be accountable for a proactive approach to risk management and adherence to governance protocols ensuring risks and issues are assessed, reported and, where appropriate, escalated.

- Be accountable for the achievement of the expected standards from the audit of all business processes and governance arrangements.
- Be accountable for personally adhering to all corporate policies and ensuring all members of staff also adhere to these policies, including policies relating to Finance, HR, Procurement, IT, Facilities, Health and Safety, Equalities and Diversity.

This list should not be regarded as exhaustive and the post holder will be expected to deliver other duties relevant and appropriate to this post.

PERSON SPECIFICATION

Experience

Criteria	Essential (E) or Desirable (D)
Relevant post-qualification experience in a regulatory environment	E
Experience of managing an enforcement function in a regulatory environment	D
Experience of advising on complex/contentious cases/litigation either as defendant or claimant.	E

Skills and Abilities

Criteria	Essential (E) or Desirable (D)
Excellent drafting skills including of statements of case, with full reasoning and conclusions or recommendations	E
Ability to work with high caseloads, balancing conflicting priorities and consistently meeting deadlines	E
Comfortable to challenge and be challenged	E
High level of literacy, presentation, and verbal communication skills and is able to express themselves clearly and simply.	E
Ability to understand and analyse complex issues and information.	E
Able to work effectively within a multi-disciplinary project environment	E
Able to respond to competing priorities from a wide range of contacts/organisations.	E
Ability to identify key issues within complex problems/cases and ensure effective use of time and resource	E
Able to manage a varied and high volume caseload.	E

Knowledge including qualifications

Criteria	Essential (E) or Desirable (D)
Qualified solicitor or barrister	E
Knowledge and understanding of public and regulatory law	E