

Administrative Appeals Tribunal Functions and Workload Review

Summary of Recommendations

Prepared by Bendelta, April 2010

Bendelta has made a number of recommendations for the Tribunal's consideration. While there are some recommendations that may lead to immediate efficiencies, the recommendations largely focus on steps to help the Tribunal achieve longer-term performance and efficiency improvements.

The table that follows sets out the principal recommendation areas and the recommendations within them. It also provides Bendelta's assessment of the potential benefits of each, and an indication of the main implementation considerations. Many of the recommendations have no direct cost attached – they require a change of focus or emphasis rather than a capital investment – however the time investment for certain roles may be considerable. During implementation planning, therefore, it will be vital to make a realistic assessment of the internal resources required to achieve lasting change. In a resource constrained environment, a central question when considering change is *'what do we stop doing, in order to free up resources to start doing what we need to?'* With this in mind, it is far easier to determine which changes to take forward and what resources to re-allocate, when all changes are informed by an overarching strategy – hence our first recommendation is to develop that strategy.

While these recommendations can be taken as an integrated 'package' of changes, we recognise that strategic priorities, changes in the AAT's operating context, budgetary and other resource constraints may influence the nature and timing of implementation.

Note: Detailed findings and recommendations have been included in a separate document.

Recommendations	Rationale	Benefits	Change Implications
Recommendation Area: Develop a blueprint for the Tribunal's medium-term future			
<ul style="list-style-type: none"> Develop a medium term (3-5 year) blueprint for the Tribunal, including a set of objectives to guide performance and change Establish an executive group to monitor Tribunal performance against objectives and drive implementation of changes Develop a detailed technology strategy as part of the blueprint 	<ul style="list-style-type: none"> The objectives of the Tribunal have not been developed to the extent that they drive all investment, resourcing and operational decisions at a national level Without a clear strategy, opportunities to proactively influence the environment within which the Tribunal operates may be limited The development of meaningful performance measures requires a clear articulation of medium-term goals There is limit alignment of technology investment with business needs In a resource constrained environment, the Tribunal needs an ongoing basis for deciding where to redirect its current resources, and when it needs to make a business case for additional resources. 	<ul style="list-style-type: none"> Provides the rationale for, and ensures the alignment of, all significant Tribunal activity not part of 'business as usual'. Enables the Tribunal to take a much more proactive stance with Government, portfolio agencies and other stakeholders Provides the basis for more detailed goal-setting and investment planning 	<ul style="list-style-type: none"> Time and resources of President, Members and Senior staff to develop blueprint Gap analysis between current and desired capability of staff and systems Cost: Time of senior staff and members – no significant financial cost

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Recommendation Area: Establish a detailed performance measurement framework that balances qualitative and quantitative results			
<ul style="list-style-type: none"> • Develop a small number of measures that can be used for explicit, published objectives • Refine metrics to measure what the Tribunal can control • Set Aspirational Benchmarks for mid-term (3-5 yr) performance and more achievable benchmarks for near-term (6m-2yr) performance • Develop metrics in collaboration with respondent agencies in bulk jurisdictions • Implement a number of short event-based surveys to gain immediate feedback on user experience and perceptions • Implement real-time performance monitoring to supplement quarterly and annual reporting • Gather more detailed information to investigate particular issues 	<ul style="list-style-type: none"> • Current performance measures focus on timeliness of the overall process, and while other metrics are considered they do not form part of a coherent framework • Targets are not being met consistently, suggesting that they do not drive behaviour • Internal performance measures are not providing enough information to inform policy and practice development. While certain staff members are gathering information to identify areas for improvement, this information is not standardised or readily available. • The user survey provides useful insight into the views of users but does not provide data that directs attention towards the most effective ways to systematically raise performance • In some cases, the level of detail required to understand the cause and effect relationships relating to particular practices is lacking, making it difficult to target improvement initiatives and assess performance. 	<ul style="list-style-type: none"> • Achievable yet stretching goals will motivate higher levels of performance and help drive efficiency • Gathering more targeted, detailed information will enable more targeted professional development • Role descriptions with individual goals explicitly aligned with organisation goals should assist all roles to understand how certain behaviours contribute to Tribunal performance 	<ul style="list-style-type: none"> • One or more workshops to finalise performance measures and measurement processes • Regular benchmarking exercises to ensure targets are relevant • Construction of performance dashboard • Incorporation of measures into performance agreements/role descriptions • Cost: As with the previous recommendation, cost is mostly related to investment or time to develop performance framework and implement.

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Recommendation Area: Develop policies and accountabilities to drive process improvement nationally			
<ul style="list-style-type: none"> Assistant Registrar to drive operational improvement Process improvement a core component of the District Registrar Role Disciplined project design and management aligned with explicit objectives Maintain an ethos of individual ownership and collaboration by incorporating a higher level of individual responsibility for process improvement and driving greater collaboration through projects 	<ul style="list-style-type: none"> Process improvement does occur within the Tribunal, but often in an isolated, unsystematic way, with certain parts of the organisation more active in this regard than others. This recommendation aims to convert this into a constant, nationally-co-ordinated activity There are examples of inconsistencies that have evolved because Registries have tended to operate in relative isolation. The Tribunal's ability to deliver outcomes on major projects is hampered by competing priorities. In part this is due to organisation and role clarity, but also due to the need for a more rigorous approach to project assessment, design, measurement and resourcing. 	<ul style="list-style-type: none"> Ensure that improvements and innovations suggested by Registry staff are systematically evaluated and developed into national practice where appropriate. Iterative improvements tend to deliver more cost effective and reliable outcomes over time 	<ul style="list-style-type: none"> May be aided by a targeted management development programme for senior Principal and District Registry staff Project management training for key roles. Changes would largely be driven by redesigning existing roles, but also requires a shift of mindset to a more collaborative, outcome-driven approach.

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Recommendation Area: Take a more active approach to case management			
<ul style="list-style-type: none"> • Increase consistency of approach • Increase clarity for users • Implement a refined conference process • Adopt a deliberate strategy to reduce conference vacations and adjournments • Continue to develop multiple approaches to achieve reductions in vacations at hearing • Maintain an ongoing focus on delay reduction 	<ul style="list-style-type: none"> • Different approaches to case management are apparent in both the nature and number of case events, and to a lesser extent related case administration. • The Outreach function is practiced differently in the Melbourne Registry, making for a materially different experience for some users. • The way in which conferences are conducted - i.e. the extent to which they are procedural or resolution-focused – is partly a function of context but also reflects different approaches. The purpose of the conference process is not defined clearly enough in practical terms • Some Tribunal users (even regular ones) have a tendency to allow the Tribunal's case events to drive activity, rather than the onus being on them to be fully prepared prior to events. • The large volume of conferences that are vacated or require rescheduling creates a significant workload for case management staff, and inefficiencies for Conference Registrars, discouraging in-depth case preparation. • In order to change user behaviour, the Tribunal needs to communicate more clearly the purpose of each case management event • The significant number of vacated hearings has an obvious financial and workload impact • While many delays are externally-caused, the significant delay between the end of conferencing and hearings is largely due to the Tribunal • We note that a number of other administrative differences exist between Registries. Where these have no material external effect, and do not significantly affect efficiency or equity we recommend that they be considered in the context of a longer term policy to drive national collaboration, rather than be dealt with individually. 	<ul style="list-style-type: none"> • Significant potential to increase the speed with which the Tribunal can resolve matters. • Significant potential to reduce the workload for staff involved in case management and administration 	<ul style="list-style-type: none"> • Attempts to change user behaviour may initially result in an increased workload. Some practices will be hard to alter and require consistent adherence to guidelines over a number of years. • Conference registrars may have to alter their practices, requiring support and development to do so (see below) • Members and Conferences Registrars will need to work more closely • The Tribunal may need to look at ways to increase its ability to schedule hearings in a shorter time-frame. • Differences in case administration will continue to evolve unless a policy of collaboration is driven from the Principal Registry

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Recommendation Area: Support, supervision and development of Conference Registrars			
<ul style="list-style-type: none"> • Improve role clarity and status • Provide dedicated supervision and guidance • Implement a professional development and appraisal programme • Foster a closer working relationship between Members and Conference Registrars 	<ul style="list-style-type: none"> • Conference Registrars are the 'engine-room' of the Tribunal, yet receive no dedicated guidance, support or performance appraisal. • The previous recommendations around active case management may require emphasis on different skills – suggesting that additional guidance and development opportunities will be needed. • Information exchange between Conference Registrars and Members is relative limited, and tends to happen informally in some Registries more than others. While their is need to maintain independence in relation to specific matters being heard, practice improvement requires a much greater degree of feedback than currently occurs. 	<ul style="list-style-type: none"> • As the Conference Registrars play such a fundamental role in the management and resolution of matters, all efforts to build clarity, capability and consistency of practice should improve the efficiency and effectiveness of conferencing/ADR process 	<ul style="list-style-type: none"> • Cost: Resources involved in developing and implementing the professional development programme • Cost of member time to provide mentoring to Conference Registrars and general advice and assistance • Close relationship between Members and CRs may require freeing up time from other activities for both roles, and a change in culture in some Registries.
Recommendation Area: Increasing the efficiency of significant case administration functions			
<ul style="list-style-type: none"> • Develop a nationally consistent electronic scheduling system • Centralise the management of document templates and ensure national consistency • Implement electronic lodgement, filing and online access to case materials • Monitor future opportunities for centralisation of administrative functions 	<ul style="list-style-type: none"> • Certain functions, by virtue of the number of times they are performed and their centrality to case administration would benefit from a medium-term focus and investment to increase efficiency. It is not that they are especially inefficient currently, just that the opportunity for improvement is either present or will be in the near future • Scheduling is a fundamental part of what the Tribunal does, yet it is managed in many different ways by many different roles. While it is possible to schedule manually using spreadsheets and hard-copy diaries, these are in place largely because scheduling within TRACS is not flexible enough in diary management and reporting to be a workable replacement. • The opportunities for efficiency presented by electronic lodgement and documentation is significant – not only in reduction in workload (if users can upload and view case information and documentation directly) but because it may also remove the physical limitations to the centralisation of certain functions that currently exist. 	<ul style="list-style-type: none"> • Major workload reduction and consistency benefits from improving existing practices, which have many minor inconsistencies, and significant duplication between paper-based and system-based scheduling 	<ul style="list-style-type: none"> • Increased funding for significant case management system enhancements in key areas, as directed by technology strategy • Investment, potentially in collaboration with other tribunals/courts in electronic lodgement and filing, and associated training and user awareness programme costs

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Recommendation Area: Provide a dedicated role to support Conference Registrars			
<ul style="list-style-type: none"> In our detailed recommendations we present a number of structural options for providing dedicated resources to support Conference Registrars: Option A: Conference Registrars managed by a dedicated SES 1 position Option B: Conference Registrars report to a revised District Registrar role Option C: Conference Registrars are managed Directly by a Director of Conferencing reporting into the Registrar Option D: Conference Registrars report into the Assistant Registrar with a Senior Conference Registrar position to provide support for professional development and appraisal 	<ul style="list-style-type: none"> The importance of the role and the number of incumbents justifies the provision of a dedicated resource. The Assistant Registrar role has a large number of direct reports, all of whom perform critical functions. At the very least, this responsibility needs to be supplemented by a supporting role. The evidence of different approaches to the role in practice suggest the need for a greater degree of focus on driving consistency The management of the forthcoming Conference Registrar Professional Development Programme will require more resources than currently available The role of promoting dispute resolution practices both internally and externally is not managed proactively. 	<ul style="list-style-type: none"> A dedicated resource to co-ordinate the development of Conference Registrars (in Option D) or to manage all aspects of the role (Options A and C) is a vital step in increasing capability and consistency. Such a role would also be in a position to promote ADR internally and externally 	<ul style="list-style-type: none"> The financial cost of funding a supervisory/support position varies from \$30-35,000 for Option D to \$263,000 pa for Option A (although part of this cost may be offset by a reduction in the number of Conference Registrars if case-load or the number of conferences per matter, decreases).

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<p>Recommendation Area: Refine the allocation of functions within Principal Registry</p>			
<ul style="list-style-type: none"> • Focus the Assistant Registrar role on operational strategy and leadership • Focus Policy & Research roles on knowledge management and dissemination • Create a dedicated role to centralise case management analysis and reporting • Expand L&D resources 	<ul style="list-style-type: none"> • Responsibility for operational efficiency and the quality of dispute resolution are distributed within and between a number of roles, leading to a lack of accountability and focus. • Similar organisations have generally tried to streamline management structures and functions to allow roles to focus on realising particular organisational objectives. • The distribution of responsibility and accountability for TRACS development limits the ability of the Tribunal to develop it in the most operationally effective manner (we recognise that overall funding levels are also an issue here) • Analysis and reporting of case management statistics are performed by many roles across the organisation, leading to inefficiencies, duplication of effort and development of practices in isolation 	<ul style="list-style-type: none"> • A rationalisation of roles and functions within the Principal Registry will enable role-holders to focus more consistently on achieving excellence in particular functions and take a more planned rather than reactive approach • The Business Analyst role will raise the relevance, detail and speed of data analysis and reporting, and significantly reduce the Tribunal-wide workload currently created by duplication of activity and loss of managers' time to low-level data management tasks • L&D resourcing should be reviewed in the light of gaps between current and required capability to meet the Tribunal's objectives 	<ul style="list-style-type: none"> • Implementation of SQL Reporting Services and development of dashboard of performance measures • Cost of Business Analyst role (at APS 6). This may be offset by reduction in an APS from one of the larger registries. • AR will need to work closely with DRs to ensure no data analysis tasks are duplicated, and all requests have a strategic value

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<p>Recommendation Area: Refine Registry structures and clarify roles</p>			
<ul style="list-style-type: none"> Review Registry management structure, functions and capability requirements Review District Registry structure and resourcing in light of changing strategic and operational requirements Increase Case Service Officer / MST interaction and clarify demarcation of work More closely integrate full-time Member support and MST staff Review the current policy of rotating administrative tasks between CSOs in larger Registries (especially the finance function) Ensure policies and training for dealing with demanding users are giving CSOs the necessary guidance, skills and resources 	<ul style="list-style-type: none"> The District Registrar role is essentially a hybrid of people management and legal practice expertise and support. A greater emphasis on the people management and operational aspects of the role would likely lead to greater overall performance and efficiency. The provision of legal advice in relation to specific cases may be equally well handled by other roles (or centrally), while management of the Registry would not. Registry management roles perform a significant amount of administrative work. Some of this work could be systematised and centralised (e.g. data analysis), while other tasks might be better delegated (e.g. preparation of case notes, PT member availability). The number cases managed per FTE in each Registry differs significantly. While economies of scale play a small part in this, resource allocation is not as well-aligned with workload as it could be. CSO and MS teams generally work well together, albeit with some minor issues of demarcation in relation to cases that go to hearing. A closer working relationship, driven by Registry management, is necessary to ensure practice improvements are shared and that opportunities to move roles within Registries are maximised. While we recognise the benefit of dedicated resources available to members, in light of the Government's focus on efficiency and the Tribunal's relative high resource structure for members, any initiative to use MS resources more effectively will benefit the Tribunal Where significant administrative tasks are allocated for extended periods, rather than on rotation, there are efficiencies associated with greater skill and greater return on investment in training . A small proportion of Tribunal users generate a disproportionate workload, although the extent of the issue cannot be measured using current data. Where this is due to particularly demanding users (most often applicants), the Tribunal should ensure that policies are clear, and CSOs have the skills necessary, to minimise the impact that this has on the service they can provide more generally, and the case-load they can manage. 	<ul style="list-style-type: none"> Potential gains in efficiency from other recommendations in this report and a focus on improvement, coupled with a general aim to reduce the time DR and other roles spend on dealing with legal issues and undertaking administrative activities, should allow Registry management functions to focus more on managing people – driving improvement, collaboration etc. -and has implications for whether the degree of resourcing, especially in the larger registries, will be necessary. Any resources that can be taken out of registries can either generate cost savings or be reallocated into the Principal Registry. Integrating Member associates and assistants into the broader MST team, while maintaining the principal relationship they have with their Members, will foster greater collaboration and allow a more balanced use of resources 	<ul style="list-style-type: none"> Cost: Expenditure to further analyse resource requirements once changes to role responsibilities have been implemented and reviewed Potential to reduce resourcing and therefore staff costs in Registries , although some resources may be redeployed in Principal Registry