

JOB DESCRIPTION

1. Job Details

Job title	Senior Legal Advisor
Job grade	Band 8a
Hours	37.5
Reports to	Head of Legal Services
Division	Trust-wide
Department/Area	Trust-wide
Location	Sherwood Forest Hospitals NHS Foundation Trust

2. Job Purpose

'The overriding purpose is to support the provision of the highest quality patient care through personal actions and continuous improvement.'

To manage the Legal Services Team on behalf of the Head of Legal Services, to assist and deputise for the Head of Legal Services in all aspects of the Legal Service Department's work, to provide advice on all legal aspects of the Trust's work in order to meet the Trust's legal and statutory obligations, and to appear in legal proceedings on behalf of the Trust as required.

The post holder will:

- Manage a caseload of clinical negligence, employer's liability, and public liability claims against the Trust.
- Manage and assist in the conduct of Coroner's Inquests in which the Trust is involved.
- Manage the conduct of other legal cases in which the Trust is involved, including but not limited to preparing legal documents and appearing in Court on behalf of the Trust as appropriate.
- Research and advise on a broad range of legal issues that arise within the Trust including, but by no means limited to, medico-legal, negligence, and public law matters.
- Provide analysis and reporting of claims, Inquests, and other such matters involving the Trust.
- Be responsible for the day-to-day running of the Legal Services Team on behalf of the Head of Legal Services.
- Provide legal support to the Head of Legal Services and the Board of Directors/Executive Team as required.
- Develop, or assist in developing, policies and procedures required to ensure that the Trust acts at all times within the relevant legislative framework.

3. Role of the Department

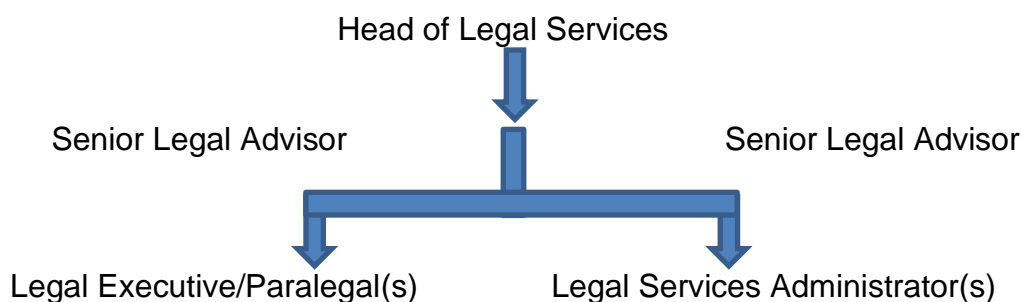
The Legal Services Department provides three core services within the Trust:

- Managing legal claims (clinical negligence, employer's liability, public liability) involving the Trust
- Managing Coroner's Investigations or Inquests involving the Trust
- Providing legal advice and representation

The third of these is a very broad remit, ranging from policy development, to providing legal advice on matters affecting the Trust and originating from any department, to conducting litigation and appearing in court on behalf of the Trust.

Due to the wide and varied scope of matters that can arise within an NHS organisation, flexibility remains essential in the efficient functioning of the Department.

4. Organisational Chart



5. Key Result Areas

Legal Advice

The Trust, as an acute hospital, a public body, and a large organisation, has a steady stream of legal issues that touch on many different fields of law. Some of the issues require immediate or near-immediate resolution.

The post holder will research and advise on a broad range of legal matters in a timely and effective manner, or refer to third parties for advice on matters of particular speciality.

Management of Claims

The Trust is served with claims and disclosure requests relating to clinical negligence, employer's liability, and public liability matters.

The post holder will supervise a team dealing with processing requests in order to meet deadlines, identifying and engaging with clinicians who may be subject to claims, establishing a position for the Trust to adopt in proceedings, and advising the Head of Legal Services (for smaller claims) or the Chief Executive (for larger claims) on the appropriate steps to authorise.

The post holder will liaise with the Trust's insurers (where appropriate and necessary) and negotiate a course of action.

Management of Coronial Investigations/Inquests

The Trust is often involved in Coronial Investigations or Inquests.

The post holder will take all necessary actions, including identifying and communicating with staff, taking/reviewing statements, to ensure that Orders are complied with as fully as may be capable.

The post holder will undertake advocacy before the Coroner, including the cross-examination of witnesses and making submissions on behalf of the Trust.

Policy Development

The Trust is required to comply with a number of legislative frameworks.

The post holder will develop, or assist with the development of, policies and procedures that will ensure the Trust remains in compliance with the law.

Training

The Trust, through its staff, is faced with a variety of situations where legal frameworks are – or should be – engaged.

The post holder will develop, refresh, and deliver, training across a range of subjects where an understanding of the legal frameworks is essential to safe and effective practice.

Management of Court Orders

The Trust receives Court Orders relating to a number of matters.

The post holder will take all necessary actions, including identifying and communicating with staff, taking/reviewing statements, to ensure that Orders are complied with as fully as may be capable.

Management of Other Third Party Requests

The Trust receives requests from a number of third parties, including the Local Authority, the police, and other partner agencies.

The post holder will manage these requests, including taking statements, identifying and providing documents, and any other necessary steps to comply with our obligations.

Conduct of Litigation

The Trust will, from time to time, engage as a Litigant in Person.

The post holder will, at the direction of the Trust, conduct the litigation, including but not limited to preparation of all necessary legal documents, making applications to the court, appearing before the court, the examination and cross examination of witnesses, and making submissions on behalf of the Trust.

Flexibility

The role requires a great deal of flexibility in order to respond effectively to changing service demands. The Trust is in continual operation and urgent matters may arise at any time.

The post holder will be flexible in relation to developing the necessary skill sets and areas of competence in order to meet the needs of the Trust.

The post holder will be flexible in relation to making themselves accessible for emergency advice required outside of the normal working hours.

6. Physical and Mental Skills

Physical Skills

Keyboard skills appropriate to the high volume of written communication required by the role.

Mental Skills

The nature of the role includes dealing with a substantial number of highly complex and multi-threaded legal matters, ranging from (but not limited to) medico-legal, coronial, public, regulatory, contractual, family, and criminal law matters.

The role requires communication that is both written and oral, including communicating with lawyers and patients bringing claims against the hospital, the police when investigations are commenced against the Trust, face to face with adversarial parties at mediation, appearing before the court in coronial matters (with family of deceased present), Court of Protection applications (emergency or otherwise), appearing for the Trust in family court proceedings (with family present) where the Trust is invited to intervene, or other litigation proceedings as and when necessary.

Further, these environments are high risk and stressful situations, given that they may have very significant financial and legal implications for the Trust and require the ability to assess and adopt a position on the spot if necessary, including exercising judgement and discretion on unique sets of highly complex facts.

The role requires developing, or assisting in the development of, longer term and strategic approaches to developing plans that allow the Trust to respond effectively to legislative and regulatory changes within the areas in which Legal Services are competent.

7. Responsibilities of the Post Holder

The post holder is responsible for the ongoing provision on legal advice across any of the areas of law that may arise within a busy NHS organisation.

The post holder is responsible for on-going legal research to ensure that the knowledgebase within the department is as broad and up-to-date as possible.

The post holder is responsible for developing, updating, and delivering training relevant to matters of law that affect the Trust.

The post holder is responsible for developing and implementing policy, when requested, or initiating the development of policy when they identify areas that need to be addressed.

The post holder is responsible for managing the Legal Services Department, including the provision of line management.

The post holder is responsible for reporting and presenting information pertaining to the matters within the department's remit, to audiences at all levels.

The post holder is responsible for reviewing financial accounts, requests, and information that passes through the department in order to ensure they are within budgetary guidelines, in support of the budget holder.

8. Freedom to Act

The role involves a great deal of autonomy. While the role is guided by principles and broad occupational policies, the post holder has a broad discretion to establish the way in which these should be interpreted. The post holder is regularly expected to advise on how policy should be interpreted at both an individual matter level and across the Trust.

The post holder holds responsibility (other than Chief Executive sign-off) within the Trust for negotiating legal settlements; the role involves assessing legal claims, negotiating with involved parties including the insurers, considering evidence, and exercising broad and professional discretion in reaching and presenting a recommendation directly to the Chief Executive as to what litigation stance to adopt, whether to make/accept/reject offers to settle, and to what value. The nature of these cases can involve settlement figures in the tens of millions.

Further, the post holder will, from time to time on a case by case basis, be authorised to litigate on behalf of the Trust; the post holder will be expected to conduct litigation in a case as they see fit, in order to achieve Trust goals. This autonomy extends to determining the legal position to be adopted by the Trust, signing legal documents in Court Proceedings, and appearing in court on behalf of the Trust.

As the post holder will often deal with new incoming legislation, they will hold a degree of latitude in interpreting and, proactively where necessary, advising on how to develop policy and strategy in order to implement new legal requirements.

9. Physical, Mental and Emotional Effort Required

Physical Effort

The role includes a combination of sitting, standing, and walking with little requirement for physical effort. There may, in very limited circumstances, be a requirement to exert light physical effort for short periods.

Mental Effort

The role handles all legal enquiries within the Trust, many of which involve emerging situations requiring an immediate reaction. The role requires the ability to quickly and effectively process large volumes of information, and present appropriate advice in a timely and efficient manner.

Due to the rapid and responsive nature of the role, the role requires the ability to work in a mentally agile way, managing frequent interruptions and multiple simultaneous matters.

Because of the rapid and responsive nature of the role, it can include an unpredictable work pattern with frequent interruption.

Emotional Effort

The role includes dealing with documents (including photographs and x-rays) of a particularly sensitive and distressing nature, and people (including patients or relatives) in emotionally highly-charged situations.

10. Outline of Working Conditions

The role is predominantly office-based, though may on occasion require the post holder to attend staff on wards or clinics.

There is no expectation of being exposed to any adverse environmental conditions or hazards.

Sherwood Forest Hospitals NHS Trust

Person Specification

Post of

Attribute	Essential	Desirable	How Identified
Knowledge Requirements	Strong legal research skills Broad understanding of legal theory Advocacy experience Civil Procedure Rules	Clinical Negligence Law Coronial Law Mental Health Act 1983 Mental Capacity Act 2005	Application and interview
Qualifications- Academic/ Craft/ Professional	BPTC, LPC, or CILEx	LLB(Hons)	Application and evidence of professional qualification
Further Training			
Experience	Advocacy Significant experience providing advice to professional/private clients	Case Management Training (Development and delivery)	Application and interview
Contractual Requirements	Ability to work the contractual hours required		Application and interview

Job Description Agreement

Post holder's Signature Date
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Line Manager's Signature Date

General Statements

All employees have an individual responsibility to have a knowledge of and employ the basic principles of infection control practice and to ensure adherence to the requirements of the Infection Control Manual.

All staff employed by the Trust are required to work in a safe manner, in accordance with current health and safety legislation and with the general principles laid down in the Trust's Health and Safety Policy.

You are required to comply with all of the Trust's policies and procedures. These are obtainable on the Trust's intranet site, where guidance is also contained.

Equality and Diversity is fundamental to all the hospital does, both in the way we provide services to our community, patients and the way in which we manage our staff. All Trust employees are required to respect and adhere to the principles of equality and diversity treating patients and staff with dignity and respect as laid down in the Trust's Single Equality Scheme.

To undertake any other duties which may be reasonably regarded as within the nature of the duties, responsibilities and grade of the post as defined, subject to the proviso that appropriate training is given and that wherever possible significant changes of a permanent nature shall be mutually agreed and incorporated into the job description in specific terms and the post re-evaluated if the change is likely to result in a job evaluation score change.

'All employees have an individual responsibility to ensure all information both manually and electronically achieves and maintains the highest possible data quality standards by adhering to the Trust's Data Quality Strategy and Policy. Poor quality information impacts directly upon patient care, safety and the Trust's performance indicators and finances.'

Safeguarding is everyone's responsibility and all employees are required to act in such a way that at all times safeguards the health and wellbeing of children and vulnerable adults. Familiarisation with, and adherence to, the appropriate organisational Safeguarding Policies and any associated guidance is an essential requirement of all employees as is participation in related mandatory/statutory training. All employees must ensure that they understand and act in accordance with this clause. If you do not understand exactly how this clause relates to you personally then you must ensure that you seek clarification from your immediate manager as a matter of urgency. Equally, all managers have a responsibility to ensure that their team members understand their individual responsibilities with regard to Safeguarding Children and Vulnerable Adults.

The NHS Constitution

The NHS Constitution brings together in one place, what staff, patients and the public can expect from the NHS. It sets out the principles and values of the NHS and explains a number of rights, pledges and responsibilities for staff and patients alike.

The key document to read is the NHS Constitution. This is accompanied by The Handbook to the NHS Constitution which gives more detail of each of the rights, pledges, responsibilities, expectations and values. There is also a useful guide which gives more background information and explains the parts of the Constitution that are relevant to you.

The promises the NHS makes to you

The NHS also makes certain pledges to you, which it is committed to achieving. These go above and beyond your legal rights and are a commitment to provide high-quality services.

What the NHS needs from you in return

The NHS is a vital resource and we can all help it work effectively, and ensure resources are used responsibly. The NHS Constitution explains the ways in which you can do this, including:

- Recognising that you can make a significant contribution to your own, your family's good health & wellbeing, and taking some personal responsibility for it
- Registering with a GP practice
- Following courses of treatment you've agreed to
- Always treating NHS staff and other patients with respect
- Keeping GP and hospital appointments – or if you have to cancel, doing so in good time
- Giving feedback – both positive and negative – about treatment you've received



