



## Job description and person specification

Position			
Job title	Senior Employment Risk Lawyer	Directorate/ Region	Delivery
Pay band	AFC Band 8c	Responsible to	Head of Employment Risk
Salary	£70,417 - £81,138	Accountable to	Director of Legal
Tenure	Substantive Position	Responsible for	Responsible for the provision of high-quality legal advice to NHS England
Funding Arrangements	Admin Funded	Base	Wellington Place, Leeds/ Wellington House, London



## Our Organisation

NHS England leads the NHS in England to deliver high quality care for all. We support NHS organisations to deliver better outcomes for our patients and communities, work to get the best possible value for taxpayers, and drive improvement across the NHS.

Through our seven regional teams, NHS England supports local integrated care systems, made up of public services that provide health and care – NHS organisations, primary care professionals, local councils, social care providers and the community, voluntary and social enterprise sector – to improve the health of the population, improve the quality of care, tackle inequalities and deliver care more efficiently.

From April 2023, NHS England, Health Education England and NHS Digital will be one single organisation, putting workforce, data, digital and technology at the heart of our plans to transform the NHS.

## NHS England Values and Behaviours

Having listened to our staff over the last year, we aim to create a healthy and high performing organisation, underpinned by the NHS Constitution values:

- Respect and dignity.
- Commitment to the quality of care.
- Compassion.
- Improving lives.
- Working together for patients.
- Everyone counts.

Our people all have a part to play in helping to shape and develop our culture and in embedding and living these values.

Our behaviours: leading by example:

- We prioritise patients in every decision we take.
- We listen and learn.
- We are evidence-based.
- We are open and transparent.
- We are inclusive.
- We strive for improvement.



Service and team	About the role
<p>The NHS England Legal Team is part of the Delivery Directorate. The Legal Team provides legal advice, support and expertise to the whole organisation to support good decision making, controls and accountability to Parliament and to deliver better outcomes for patients. We support NHS England to comply with its statutory obligations, the law generally and the seven principles of public life (the Nolan principles).</p> <p>The central in-house Legal Team:</p> <ul style="list-style-type: none"> <li>• Supports the organisation to carry out its wide-ranging statutory functions, remain compliant with the law and manage legal risk effectively</li> <li>• Provides a single point of contact (SPOC) for requests and central management of legal advice to NHS England</li> <li>• Provides professional central advice, programme support and leadership by specialist qualified lawyers regulated by the Solicitors Regulation Authority ('SRA') and Bar Standards Board ('BSB') and externally by a panel of law firms specialising in areas such as healthcare, public law, litigation, employment risk, commercial, technology, information law, property and other specialisms, overseen and managed by the in-house team</li> <li>• Supports the organisation to understand legislative change, including expanding functions</li> <li>• Operates as a centre of excellence on all NHS England legal matters (whether at national or regional level), to promote a consistent, legally robust and effective approach by the organisation to decision making, legal challenges and stakeholder responses</li> <li>• Provides advice that is 'independent' from any other NHS England functions to ensure the highest standards of objectivity and integrity are maintained</li> <li>• Secures value for money on all NHS England external legal spend and effective contract management of external legal advisors</li> </ul>	<p>As a Senior Employment Risk Lawyer, the post holder will work as part of a dynamic team delivering an effective legal service supporting NHS England's Board, committees, CEO, national and regional directors, directorates and teams to meet their statutory duties, respond to legal matters arising in a timely and accurate manner, and act lawfully at all times.</p> <p>The post holder will be required to provide professional in-house legal advice on a range of issues with relevant specialisms/domain areas (e.g. public law, commercial, technology, litigation, employment risk or information law) relating to both NHS England and the NHS generally. The post holder will be required to have or be able to rapidly develop a comprehensive understanding of the legal framework within which NHS England operates to enable them to advise on NHS England's functions, powers and duties.</p> <p>The post holder will manage a varied caseload of legal matters, both advising themselves and managing and overseeing the provision of legal advice by more junior or less-experienced lawyers and by external legal advisers (including Counsel). The post involves providing strategic guidance and support to clients and the external lawyers in the handling of legal matters.</p> <p>The post holder will be responsible for (where relevant):</p> <ul style="list-style-type: none"> <li>• Professional support and supervision for more junior lawyers in specified areas of law.</li> <li>• Providing professional leadership in one or more specified areas of the Team's legal work (to be determined) and for developing and implementing strategy and oversight in those areas</li> <li>• Acting as relationship lead for specified areas of the organisation, acting as key contact and managing the relationship</li> <li>• Supporting the general running of the Legal Team and ensuring compliance with key processes and procedures</li> <li>• Supporting policy and operations across NHS England, where legal expertise and support is required, including providing, supervising or securing the provision of expert legal advice, supporting policy makers to</li> </ul>



inform the development of effective strategies and policies, supporting proper decision-making and corporate governance arrangements, and supporting operational activities

- Delivering all necessary business and reporting returns, including planning and workforce returns and risk escalation requirements.
- Implementing policies, practices and procedures for managing the team, including in relation to ways of working, staff professional and personal development and compliance with organisational policies.
- Implementing systems to ensure information and knowledge is properly managed and best practice is shared across the team, Directorate and the wider organisation.
- Supporting and ensuring alignment of services standards from in- house and external providers of advice, including performance management/benchmarking of external providers and other issues such as conflicts.
- Supporting organisational change and uptake of initiatives that support excellence in legal practice.
- Communicating the vision for the role of legal services, including its role in effectively managing risk, and the development of strategy and operational policies to support this vision.
- Developing and implementing systems to ensure information is properly managed and best practice is shared across the team, Directorate and the wider NHS organisations as appropriate.
- Take a lead in the coordination of training and development and recruitment activity across the Department or Directorate.
- Support the management of all aspects of the Department or Directorate budgets, including ensuring the most appropriate and best value use of external law firms and conduct of litigation and disputed claims.



Key Job specifics and responsibilities	Key accountabilities
<p><b>Improving quality and outcomes</b></p> <ul style="list-style-type: none"> <li>To support the Deputy Directors of Legal to ensure that NHS England has access to a comprehensive legal service</li> <li>To work collaboratively with teams from across all domains within NHS England, proactively highlighting risks and issues as necessary to help manage risks</li> <li>To provide prompt advice on legal issues which may hinder or prevent NHS England from securing required outcomes and to support in developing imaginative legal solutions where possible to address any such issues.</li> </ul> <p><b>Enabling patient and public involvement</b></p> <ul style="list-style-type: none"> <li>To act as a champion for patients and their interests and involve the public and patients in the policy development and decision-making of NHS England.</li> <li>To ensure all public and patient contact with the office is of the highest professional standard.</li> <li>To embed patient and public involvement within NHS England at all levels of decision making.</li> <li>To provide, or secure the provision of, legal advice on handling of complaints, disclosure of patient information, data protection, information governance and Freedom of Information, in relation to areas or work for which the postholder is responsible.</li> </ul> <p><b>Promoting equality and reducing inequalities</b></p> <ul style="list-style-type: none"> <li>To uphold organisational policies and principles on the promotion of equality.</li> </ul>	<p><b><u>Key Functional Responsibilities</u></b></p> <p><b>Operational requirements</b></p> <ul style="list-style-type: none"> <li>Working within the overall strategic objectives of the Legal Team, devise, implement and monitor the strategy. Evaluate, interpret, and locally implement best practice in relation to legal matters for which the post holder is responsible.</li> <li>Provide overall management to the legal matters for which the post holder is responsible.</li> <li>Develop and implement qualitative and quantitative measures to determine performance of legal matters against the organisational and Legal Team strategy. Report progress against the strategy through personal representation at senior management forums and by written reports, tailoring delivery to meet the needs of the audience.</li> <li>Ensure that best practice in the provision of a legal service is developed and delivered at organisational and departmental levels. Challenge ways of working and persuade, motivate, and influence other senior managers to realign their practice where necessary.</li> <li>Ensure that appropriate strategies are employed in line with business objectives and that these are fully cascaded.</li> <li>Personally lead, support, and contribute to formal negotiations with senior level internal and external stakeholders, providing a high level of negotiating expertise to secure the most advantageous arrangements.</li> <li>Advise on innovative opportunities and support all departments in their strategies and programmes to maximise service benefits.</li> <li>Oversee the tracking of progress against plans and transition milestones relevant to legal matters, ensuring appropriate processes are in place to flag issues, risks, and concerns with the relevant stakeholders.</li> </ul>



- To create an inclusive working environment where diversity is valued, everyone can contribute, and everyday action ensures we meet our duty to uphold and promote equality.
- To advise on equality issues in policy development and upon the need to have due regard to these issues in all decisions made by NHS England which are referred to the legal team for advice.

### **Partnership and cross boundary working**

- To work in partnership with others as part of cross-directorate teams to deliver successful outcomes.
- To liaise, or advise on liaison with, other statutory agencies and government bodies, including the Care Quality Commission, Department of Health & Social Care, Ombudsman etc.
- To develop and maintain excellent working relationships across and outside the organisation, including with its regional teams, hosted bodies and partner organisations.

### **Leadership for transformational change**

- To model a collaborative and influencing style of working, negotiating with others to achieve the best outcomes, embedding this approach across the Directorate.

### **Using insight and evidence for improvement**

- To support the Deputy Directors to ensure up-to-date legal knowledge and legal good practice, from both within and outside the organisation, is maintained, and ensuring that learning is implemented and acted upon in a timely manner.

### **Developing an excellent organisation**

- Ensure the securing of value for money in legal services, assuring relevant factors such as quality and governance.
- To monitor, interpret and quality assure progress of legal matters against deliverables. Quality assurance and progress of deliverables to the NHS that often require adjustments specifically in relation to the complex corporate business agenda, strategic objectives, and the business planning process.
- To support development of business plans and provide expert strategic and policy advice and guidance on all areas of the Legal Team's responsibilities.
- Devise, manage and update policies and procedures of the Legal Team, ensuring the adoption of best practice methodology, rules, standards and thresholds.
- Support the creation and locally implement the operational strategy and business plan, clearly identifying links to national, regional and local priorities and policy objectives.
- Contribute to the development and implementation of general policy and service development.
- Develop and implement strategies for improving performance and processes, ensuring stakeholders representation.
- Drive and lead development and improvement of processes.
- Drive process efficiency in the continuous development of the end-to-end cycle and its associated performance metrics.
- Responsible for linking people, resource and strategy to organisational strategy.

### **Financial and Physical Resources**

- Evaluating value for money of external legal appointments, monitoring the performance of existing providers and ensuring that provider performance aligns, and complies, with contractual terms and conditions.





- To ensure the health, safety and wellbeing of all staff within the department.
- To ensure compliance with all confidentiality and governance requirements within the Legal Team.
- To adhere to the NHS Managers Code of Conduct and any other relevant professional codes of conduct at all times
- To ensure regular, productive and open communication with staff who they lead (e.g. both line reports and those being supervised under matrix arrangements).

### Research and Development

- Ensure the team are able to access best practice and current information within specialism, drawing on experience and expertise in other fields and industries, ensuring the organisation and other stakeholder organisations benefit from relevant innovations.
- Commission Research and Development initiatives to secure cost and service improvements from alternative methods of operation, through new goods and services or re-engineering existing processes.

- Constantly strive for value for money and greater efficiency in the use of these budgets and to ensure that they operate in recurrent financial balance year on year, in a way that is compliant with Standing Orders and Standing Financial Instructions.

### People Management

- Support and line manage within the Legal Team, building a collaborative working environment and an innovative culture.
- Support an effective matrix approach to achieve NHS objectives, where appropriate across NHS England and the Legal team.
- To manage, motivate, inspire and develop staff within the team, where relevant, to ensure that they are able to deliver the responsibilities of NHS England.
- Responsible for the recruitment and development of the Directorate staff, including undertaking appraisals, ensuring team and individual development and where appropriate progression of employee relations matters.

### Information Management

- Responsible for devising, developing and implementing appropriate information sharing systems in relation to relevant responsibilities and legal matters.
- Where relevant to legal matters or Legal Team projects, lead the creation, maintenance and review implementation of information systems for collecting, evaluating and interpreting complex data. To inform short, medium and long term strategies.
- Developing and presenting reports, summarising status on issues, appraising outcomes, providing progress reports for senior staff or groups of staff as directed from time to time, tailoring content to meet the needs of the audience.



### **Policy and Service Development**

- Identify and assess opportunities for new services and threats to existing services and market developments.
- Develop plans and seize opportunities, mitigate threats and deliver strategic objectives within own areas of responsibility, making recommendations for service delivery.
- Responsible for proposing and drafting changes, implementation and interpretation to Legal Team policies, guidelines and service level agreements (SLAs) which may impact service delivery and Sector.
- Maintain a good knowledge of emerging policies from government departments, to assist in strategy discussions.

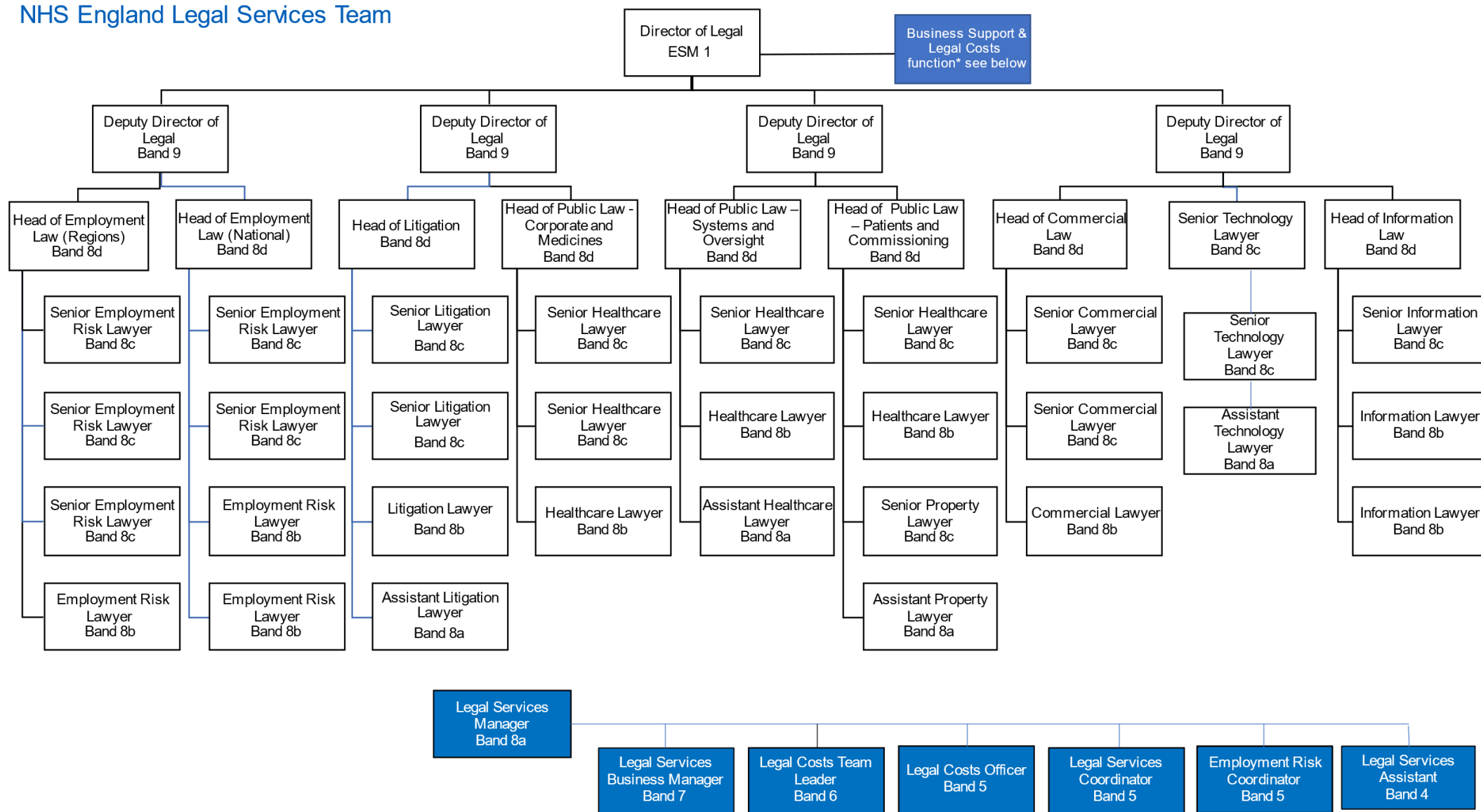
### **Key Working Relationships**

- Regular contact with internal and external stakeholders, handling sensitive, complex, contentious and confidential issues.
- Participate in relevant internal and external working groups/projects, services and initiatives to provide project, information and analytical advice and expertise.
- Overseeing other lawyers within the team to develop and implement processes and systems that align to strategy.
- Present verbal, written and numerical information and issues, explaining complexities, to a wide range of internal and external stakeholders.
- Liaise with other Managers to share best practice and escalate key legal and operational risks.





# NHS England Legal Services Team



Person specification				
Criteria		Essential	Desirable	Evidence*
<b>Qualifications</b>	Solicitor, Barrister or Chartered Legal Executive with relevant post-qualification experience.	√		C A/I
	Educated to Masters level or equivalent level of experience of working at a senior level in specialist area.	√		C A/I
<b>Knowledge and Experience</b>	Significant experience of advising on relevant areas of legal practice (e.g., public law, commercial, technology, litigation, employment risk or information law) and with wider subject matter expertise across a number of key areas relating to healthcare and public law	√		A/I
	Experience of directly reporting to and advising very senior managers and delivering training.	√		
	In house experience is desirable but not essential		√	
	Evidence of post qualifying and continuing professional development	√		
	Demonstrable management experience.	√		
	Must have an understanding of the background to and aims of current healthcare policy and appreciate the implications of this on engagement.	√		
	Should have an appreciation of the relationship between the Department of Health & Social Care, NHS England and the system	√		
	Experience of delivering against competing priorities and deadlines while also directing the work of teams/individuals.	√		
	Experience of budgetary responsibility, including budget setting with evidence of working knowledge of financial processes.	√		
	Experience of managing of staff/ functions.	√		
	Member of relevant professional body (Solicitors Regulatory Authority or Bar Standards Board), with knowledge and experience of its requirements for legal	√		



practice			
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Attributes	Excellent legal advisory and drafting skills.	√		A/I
	Provide and receive highly complex, sensitive and contentious information, negotiate with senior stakeholders on difficult and controversial issues, and present complex and sensitive information to large and influential groups	√		
	Persuade board and senior managers of the respective merits of different options, innovation and new market opportunities	√		
	Negotiate on difficult and very complex and detailed issues.	√		
	Strategic thinking – ability to anticipate and resolve problems before they arise.	√		
	Problem solving skills and ability to respond to sudden unexpected demands.	√		
	Ability to analyse complex facts and situations and develop a range of options	√		
	Takes decisions on difficult and contentious issues where there may be a number of courses of action.	√		
	Plans and organises a broad range of complex activities, formulating and adjusting plans to reflect changing circumstances	√		
	Inputs to strategic plans across NHS and within the specific teams.	√		
	Demonstrable ability to deliver at pace in complex environment.	√		
	Works with stakeholders to develop performance improvement plans and to develop plans for innovation and opening up the market.	√		
	Demonstrable experience of delivering results through the development and management of teams to ensure success and use a range of levers in the absence of direct line management responsibility.	√		
	Ability to build effective cross functional working relationships across a diverse range of stakeholders to drive organisational agenda.	√		



<b>Values and Behaviours</b>	Commitment to and focused on quality, promotes high standards in all they do.	√		A/I
	Able to make a connection between their work and the benefit to patients and the public.	√		
	Consistently thinks about how their work can help and support clinicians and frontline staff deliver better outcomes for patients.	√		
	Works well with others, is positive and helpful, listens, involves, respects and learns from the contribution of others.	√		
	Consistently looks to improve what they do, looks for successful tried and tested ways of working, and also seeks out innovation.	√		
	Demonstrable commitment to partnership working with a range of external organisations.	√		
	Demonstrates knowledge and understanding of equality of opportunity and diversity taking into account and being aware of how individual actions contribute to and make a difference to the equality agenda.	√		
	Ensures staff for whom the post holder has line management responsibility uphold and promote the equality and diversity agenda, and act in accordance with the equality, diversity, and inclusion in the workplace policy.	√		
	Demonstrates knowledge and understanding of equality of opportunity and diversity.	√		
	Self-awareness in terms of emotional intelligence, biases and personal triggers with cultural sensitivity and awareness.	√		
	Values diversity and difference operates with integrity and openness.			
<b>Other</b>	Ability to travel across sites where required.			A/I

\* Evidence will take place with reference to the following information:

A	Application form
I	Interview
T	Test or Assessment
C	Certificate



