

JOB DESCRIPTION

JOB DETAILS	
Job Title	Trust Solicitor
Reports to	Head of Legal Services
Band	Band 8a
Department/Directorate	Governance

JOB PURPOSE
<ul style="list-style-type: none"> To investigate and manage a case load of Clinical Negligence, Employers Liability and Public Liability claims and advise the Trust upon their management in accordance with Trust policies and the requirements of NHS Resolution. To advise the Trust in relation to Inquests, and manage a caseload of Inquests. To liaise with HM Coroners, attend PIRH and inquest hearings and undertake advocacy where appropriate to represent the Trust's interests at Inquests to include complex and Jury Inquests. To provide expert legal advice to the Trust around the management of Court of Protection proceedings and related requests for legal advice. To provide professional in-house legal advice and services across a range of matters, but in particular relation to medico-legal issues and dispute resolution, often on an urgent/emergency basis in writing, by telephone, by vid-con or face to face. To assist the Head of Legal Services in the day to day supervision of the legal team, claims, inquests and advisory matters as required. Contribute to the Trust's risk management and Clinical Governance processes. To give presentations and provide medico legal training to Trust staff and other organisations.

KEY RESULT AREAS/PRINCIPAL DUTIES AND RESPONSIBILITIES
<ul style="list-style-type: none"> Manage, without supervision, a caseload of specialist clinical negligence and personal injury claims. This includes processing large amounts of complex information to help make decisions on liability and providing highly specialised expert advice to the Trust and Clinicians on the same. With the Head of Legal Services, conduct data analysis and compile reports on claims against the Trust for the Executive Board and present those reports to the Board Manage, without supervision, a caseload of Inquests. This includes obtaining witness statements from staff, reviewing these and making suggestions for additions and amendments to better inform the Coroner and advising on Trust investigations to assist the Inquest. It also includes liaising with senior management and the Executive Team to provide statements on a regular basis Attending Court and representing the Trust at procedural hearings and full Inquests. This includes a substantial amount of advocacy including questioning staff from other Trusts, and experts in complex cases. Ensure clear communication with the Executive team, senior managers and clinicians to ensure they are aware of contentious cases and work to protect the reputation of the Trust in cases that are likely or have the potential to be of public interest, and liaise with Communications Team with regards media management. Provide medico-legal advice work. This includes advising staff on an often urgent/emergency basis on complex and sensitive areas of medio-legal law including capacity, consent, restraint, DOLS, mental health law, children, information governance, Court of Protection Applications, police and criminal matters and many other areas. This often involves complex legal research. Assists in design and implementation of Trust wide procedures such as Claims Management and Inquests to ensure that they are robust, auditable and reflect best practice. Supervise the legal work of the Legal Claims Handlers, and in absence, deputise for the Head of Legal Services in the day to day management of all staff in the team. Provide training and assistance to junior team members.

KEY WORKING RELATIONSHIPS

Areas of Responsibility: Manage a caseload of legal claims, inquests and medico-legal advice matters on behalf of the Trust

No. of Staff reporting to this role: One

The post holder is required to deal effectively with staff of all levels throughout the Trust as and when they encounter on a day to day basis. In addition, the post holder will deal with the wider healthcare community, external organisations and the public. This will include verbal, written and electronic media.

Of particular importance are working relationships with:

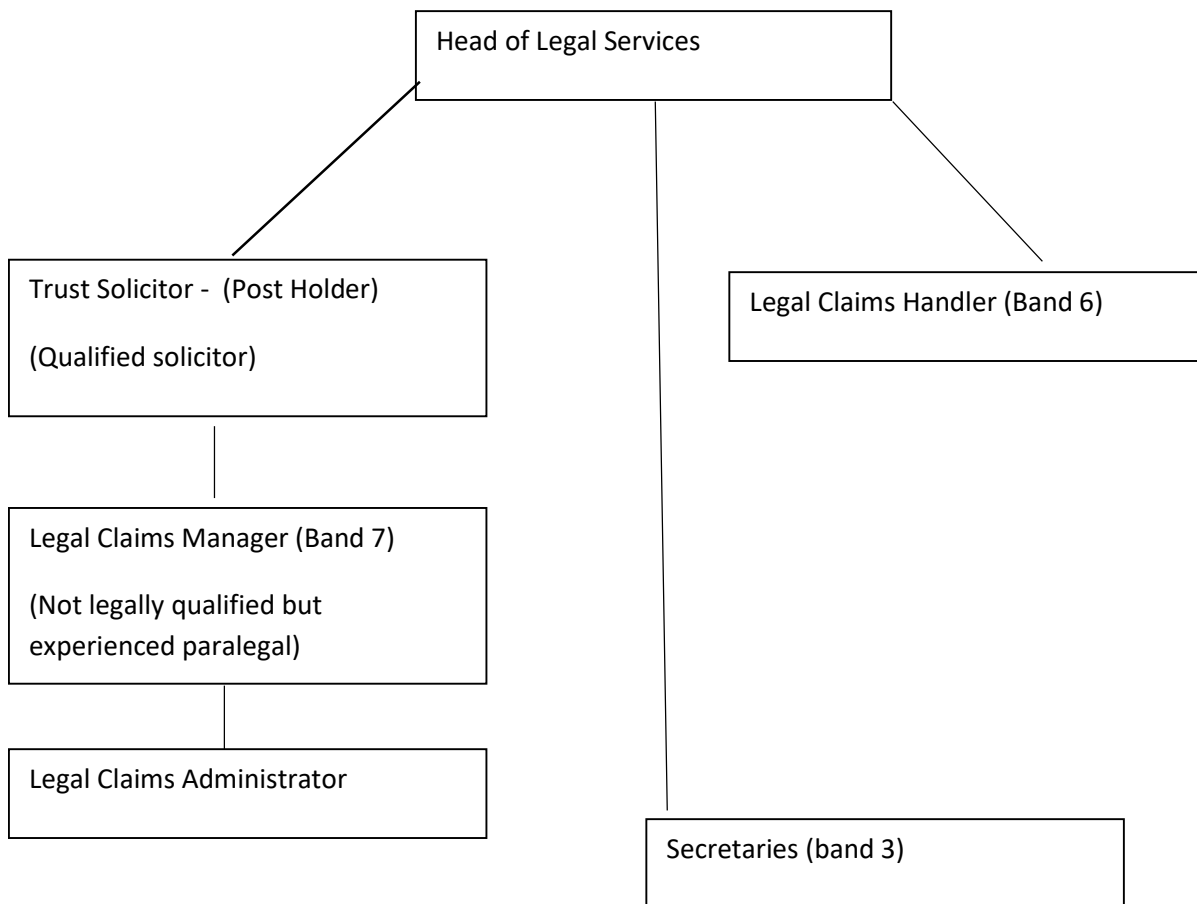
Internal

- Head of Legal Services
- Legal Claims Handlers and Legal Secretaries
- Trust Executive Staff including Medical Directors
- All medical and nursing staff
- Head of Governance
- All Governance and Complaints Teams
- Health and Safety Team
- Communications
- Information Governance

External

- HM Coroner and their Officers
- NHS Resolution
- NHS Panel Solicitors
- Other party solicitors such as Claimant's, and those of other NHS Trusts and agencies
- Other health or social care bodies or organisations

ORGANISATIONAL CHART



FREEDOM TO ACT

The post holder is professionally responsible for managing their own caseload autonomously, and to seek supervision when required. They are authorised to make decisions on claims regarding settlement and admissions.

The post holder is expected to represent the Trust at Court, and make decisions regarding the witnesses and statements required without recourse to higher authority. The post holder is expected to update and advise senior management of any issues arising from their caseload.

The post holder regularly provides advice to senior Consultants and the Executive Team on the best course of action in complex matters. They are expected to do this autonomously and promptly.

The post holder is responsible for their own professional standards, as set out by the SRA and ensuring professional compliance of these at all times.

COMMUNICATION/RELATIONSHIP SKILLS

The post holder provides and receives complex, technical and contentious information where cooperation and agreement is required and make judgements based on the information, to achieve resolution of claims and other legal issues. This includes legal issues involving the police and safeguarding matters.

Needs to have excellent written and verbal skills with a proven ability to clearly communicate and explain complex legal and medical issues to all staff under time pressures. This includes to senior Trust staff, where advice might be challenged and/or unwelcome, including the Executive Board.

Presenting complex, sensitive or contentious information to large group of staff in training or with staff involved with Inquests; provide emotional and legal support to the same staff affected by the legal process and where there are barriers to understanding often in a hostile and antagonistic atmosphere.

Communicates contentious, sensitive information often in a hostile and antagonistic atmosphere (such as in Court) in order to provide a legal advisory service. Takes evidence from witnesses and experts and presents evidence and submissions in Court.

Build and develop key relationships, consult and maintain networks internally and externally, to take forward the Trust's management of healthcare law issues.

Build positive relationships with external advisers, partners and statutory bodies.

Work as an ambassador for the Trust with other organisations and the public in promoting and building its reputation or minimising its reputational damage, for example at an inquest or when a claim is settled.

Have highly developed interpersonal skills and an ability to communicate effectively in a hostile or emotive atmosphere including in Court and take appropriate action.

Provide training to all members of staff, and to tailor this to the needs to of the individual or department.

ANALYTICAL/JUDGEMENTAL SKILLS

The post holder routinely deals with complex and sensitive facts or situations requiring analysis, interpretation and comparison of a range of options. They also need to analysis complex legal judgements and other legal documents and apply to particular circumstances. This often affects policy decisions in the Trust. Ability to understand, assimilate and analyse highly complex and sensitive information quickly, and make sound reasoned decisions in relation to matter of law.

The post- holder will have a large and complex caseload and will need to balance conflicting deadlines and priorities

The post holder needs to make judgments and advise internally and externally on the outcome of this analysis. This regularly includes advice to the Executive Team internally, and externally to various parties including to the Coroner on complex and sensitive matters. They need to make judgements in complex medical negligence, personal injury litigation claims, and Inquests, and negotiate and advise on the settlement of claims.

PLANNING/ORGANISATIONAL SKILLS

The post holder needs excellent planning and organisational skills to manage a large, varied and complex caseload with conflicting deadlines, both short and long term.

The post holder provides medico-legal advice in emergency or urgent situations, while balancing the rest of their caseload. Plans and prepares for legal hearings which may involve a number of witnesses over a considerable period of time and coordinates with all parties.

PATIENT/CLIENT CARE

Provides non-clinical advice, information directly to patients, relatives or carers on occasion, but more frequently to their representatives.

POLICY/SERVICE DEVELOPMENT

The post holder is involved with devising and implementing policies for own area. The post holder is responsible for contributing to and implementation of organisation policies, particularly around complex

areas such as restraint, patient consent and managing complex patients. This includes proposing changes which impact beyond own area of activity.

The post holder advises when policies require service improvements and advises on the same. They also interpret local and national policy and advise accordingly.

FINANCIAL/PHYSICAL RESOURCES

The post holder is an authorised signatory for the Trust to sign Court documents, including those related to finance such as Counter Schedules. They are also responsible for authorising their own and other team members to make and accept offers of settlement on all claims of any value, including those of very high value (including claims with a value in excess of £20million) and complexity.

As part of day to day file management, the post holder regularly monitors the financial cost of claims including the damages payable and costs being incurred by all parties and uses this to inform decision making over settlement.

With the Head of Legal Services, the post holder needs to consider whether external resources (such as specialist external advice) should be purchased.

Where appropriate, commissions and procures external legal services with consideration of departmental budget.

HUMAN RESOURCES

Along with the Head of Legal Services, the post holder is responsible for the day to day direct management of one of the Trust's legal claims handlers. This includes assisting with work prioritisation and answering any queries. The post holder is also responsible for training more junior members of staff.

They are also jointly involved with/responsible for the file supervision of the Legal Claims Handlers and advises them on and file strategy, settlement and financial matters. The post holder is also responsible for authorising making admissions, and settlement on Legal Claims Handlers' case load.

The post holder also conducts appraisals (when required by the Head of Legal Services) of all Team members.

The post holder regularly devises and delivers specialist training and teaching across the whole Trust on all aspects of law (such as consent, capacity, Inquests, duty of candour, medical negligence etc) and the practical implications of this.

- Team Leadership role:
 - Day to day management of the Legal Claims Handlers
 - Supervise the Legal Claims Handlers and Legal Secretaries when required. This includes:
 - authorising admissions on claims and levels of settlement,
 - approving Letters of Response and Court Documents such as Defences and Schedules of Loss
 - Signing Court Documents on behalf of the Trust
 - Providing advice on claim management and limitation issues
 - Supervise the day to day workload of the legal secretaries and advise on development and training requirements
 - Provide support in identifying, developing, recommending and implementing improvements in the Healthcare Services function, including the provision of expert legal advice and identify where cost savings can be made.
 - Day to day management of legal team in the absence of the Head of Legal Services
 - Training of junior members of staff
 - Involved in recruitment e.g. sit on interview Panel, but final decision would sit with Head of Legal Services

INFORMATION RESOURCES

The post holder ensures that the Trust claims database is regularly updated on their own caseload including their opinion on financial value of damages and costs, reserves and percentage of liability etc. They also advise on suitable changes to these systems.

The post holder is responsible for researching and pulling statistical data using spreadsheets, for Trust staff/committees.

The post holder uses Trust wide information resources including EPIC, medical records and other legacy computer systems. The post holder is able to access, understand and interrogate Serious Untoward Incident Report files, Complaints investigations and Trust policies.

The post holder is responsible for taking notes of evidence such as in Court or in Conferences with Counsel and notes oral evidence which may be used and circulated by others.

RESEARCH AND DEVELOPMENT

The post holder is often required to conduct legal research to answer complex legal queries. They are required to research specific clinical or non-clinical policies or practices, local and national, in order to understand and present investigation findings on individual claims.

Continuous Professional Development is required to maintain professional knowledge and professional body practicing certificate to keep up to date with the law.

The post holder will use case law and other statutory information in order to research and recommend level of potential damages payable on individual cases.

The post holder will make recommendations for claims handling or service improvements where appropriate

PHYSICAL SKILLS

The post holder requires the ability to travel, quick and accurate (standard) keyboard skills, quick and accurate note-taking during discussions and meetings. The post holder is required to use IT equipment, Trust software including Datix and ESR, external software (NHSR) and the photocopier/printer.

PHYSICAL EFFORT

Frequent requirement for sitting or standing in a restricted position for extended periods.

MENTAL EFFORT

There is frequent requirement for prolonged concentration; and frequent requirement for intense concentration. This includes reading legal documentation, case papers, note taking; and at times, conducting examination in chief and cross examination of witnesses and experts in Coroner's court for long periods including in multi-day long hearings.

EMOTIONAL EFFORT

A high level of emotional effort is required. A large part of the post holder's role is involved with managing Inquests of deceased patients and dealing with their relatives at Inquest. This also involves dealing with upset and stressed staff attending Inquests and supporting them through this process.

They can be regularly exposed to distressing or emotional circumstances and occasionally highly distressing or stressful circumstances. The post holder regularly provides advice and support to NHS staff (who may be confrontational due to the stress of being involved in the claims process) and often has to impart unwelcome information.

WORKING CONDITIONS

Office conditions/use of road transport to attend meetings/hearings or to meet staff; uses computer for significant proportion of the day; the post holder can be exposed to verbally challenging behaviour.

OTHER RESPONSIBILITIES

Take part in regular performance appraisal.

Undertake any training required in order to maintain competency including mandatory training, e.g. Manual Handling

Contribute to and work within a safe working environment

You are expected to comply with Trust Infection Control Policies and conduct him/herself at all times in such a manner as to minimise the risk of healthcare associated infection

As an employee of the Trust, it is a contractual duty that you abide by any relevant code of professional conduct and/or practice applicable to you. A breach of this requirement may result in action being taken against you (in accordance with the Trust's disciplinary policy) up to and including dismissal.

You must also take responsibility for your workplace health and wellbeing:

- When required, gain support from Occupational Health, Human Resources or other sources.
- Familiarise yourself with the health and wellbeing support available from policies and/or Occupational Health.
- Follow the Trust's health and wellbeing vision of healthy body, healthy mind, healthy you.
- Undertake a Display Screen Equipment assessment (DES) if appropriate to role.

APPLICABLE TO MANAGERS ONLY

Leading the team effectively and supporting their wellbeing by:

- Championing health and wellbeing.
- Encouraging and support staff engagement in delivery of the service.
- Encouraging staff to comment on development and delivery of the service.
- Ensuring during 1:1's / supervision with employees you always check how they are.

DISCLOSURE AND BARRING SERVICE CHECKS

This post has been identified as involving access to vulnerable adults and/or children and in line with Trust policy successful applicants will be required to undertake a Disclosure & Barring Service Disclosure Check.

GENERAL

This is a description of the job as it is now. We periodically examine employees' job descriptions and update them to ensure that they reflect the job as it is then being performed, or to incorporate any changes being proposed. This procedure is conducted by the manager in consultation with the jobholder. You will, therefore, be expected to participate fully in such discussions. We aim to reach agreement on reasonable changes, but if agreement is not possible, we reserve the right to insist on changes to your job description after consultation with you.

Everyone within the Trust has a responsibility for, and is committed to, safeguarding and promoting the welfare of vulnerable adults, children and young people and for ensuring that they are protected from harm, ensuring that the Trusts Child Protection and Safeguarding Adult policies and procedures are promoted and adhered to by all members of staff.

PERSON SPECIFICATION

Job Title	Trust Solicitor
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Requirements	Essential	Desirable
QUALIFICATION/ SPECIAL TRAINING		
Bachelor's degree	E	
Post graduate diploma in Legal Practice or equivalent	E	
Current SRA or BSB Practising Certificate (following completion of a training contract or pupillage).	E	
Extensive relevant PQE in relevant area, such as, Healthcare Law and Litigation, clinical negligence or personal injury litigation	E	
Knowledge of the NHS and interrelated systems	E	
An in-depth understanding of NHS policy	E	
KNOWLEDGE/SKILLS		
Robust and specialised knowledge of law and practice as it applies in the NHS and healthcare sector.	E	
Specialist knowledge of the law and practice in relation to clinical negligence, personal injury, inquests, Court of Protection and healthcare law topics or equivalent experience	E	
The post holder requires significant experience with NHS policy and procedure, as well as particular NHS in-house legal experience and knowledge or equivalent experience	E	
Evidence of continuing professional development.	E	
Strong track record of defending clinical negligence claims, including to trial.		D
Experience of negotiating and advising on out of court settlement of claims		D
Experience of negotiating external legal advisers' and medical experts' fees.		D
Skilled facilitator	E	
Specialist knowledge and experience of preparing cases and staff for hearings in the Coroner's Court.	E	
Working knowledge of Microsoft Office with intermediate keyboard skills	E	
EXPERIENCE		
Significant post-qualification experience of clinical negligence and personal injury claims, including complex/high-value claims; inquests, including contentious/multi-party cases; Court of Protection cases, including sensitive treatment cases; healthcare advisory matters.	E	
Experience of appearing in court and representing healthcare professionals or organisations in contentious matters.	E	
Significant experience of working with and developing solutions for complex problems involving internal and external stakeholders.	E	
PERSONAL ATTRIBUTES		
High level of communication skills, with ability to encourage cooperation and effective change	E	
Self-motivated and with the ability to respond effectively to changing priorities, managing a complex workload under pressure, often on an emergency basis with no recourse to external advice.	E	
Ability to make authoritative decisions and provide clear advice.	E	
Excellent organisational skills	E	

The highest degree of professional integrity, accountability and respect for the sensitive and confidential nature of the work undertaken.	E	
Personal professional responsibility and accountability for the work undertaken.	E	
OTHER REQUIREMENTS		
The post holder must demonstrate a positive commitment to uphold diversity and equality policies approved by the Trust.	E	
Ability to travel to other locations as required.	E	

WORKING CONDITIONS/HAZARDS		FREQUENCY (Rare/ Occasional/ Moderate/ Frequent)			
		R	O	M	F
Hazards/ Risks requiring Immunisation Screening					
Laboratory specimens	N				
Contact with patients	N				
Exposure Prone Procedures	N				
Blood/body fluids	N				
Hazard/Risks requiring Respiratory Health Surveillance					
Solvents (e.g. toluene, xylene, white spirit, acetone, formaldehyde and ethyl acetate)	N				
Respiratory sensitisers (e.g isocyanates)	N				
Chlorine based cleaning solutions (e.g. Chlorclean, Actichlor, Tristel)	N				
Animals	N				
Cytotoxic drugs	N				
Risks requiring Other Health Surveillance					
Radiation (>6mSv)	N				
Laser (Class 3R, 3B, 4)	N				
Dusty environment (>4mg/m3)	N				
Noise (over 80dBA)	N				
Hand held vibration tools (=>2.5 m/s2)	N				
Other General Hazards/ Risks					
VDU use (> 1 hour daily)	Y				Y
Heavy manual handling (>10kg)	N				
Driving	N				
Food handling	N				
Night working	N				
Electrical work	N				
Physical Effort	N				
Mental Effort	Y				Y
Emotional Effort	Y				Y
Working in isolation	N				
Challenging behaviour	Y			Y	