

JOB DESCRIPTION

Job Title:	Head of Legal Services
Directorate:	Quality, Salisbury District Hospital
Grade:	Band 8b
Accountable to:	Director of Nursing (Trust's patient safety lead)

Job Purpose & Freedom to Act:

The Head of Legal Services is the solicitor who leads the Trust's in-house legal service and is responsible for:

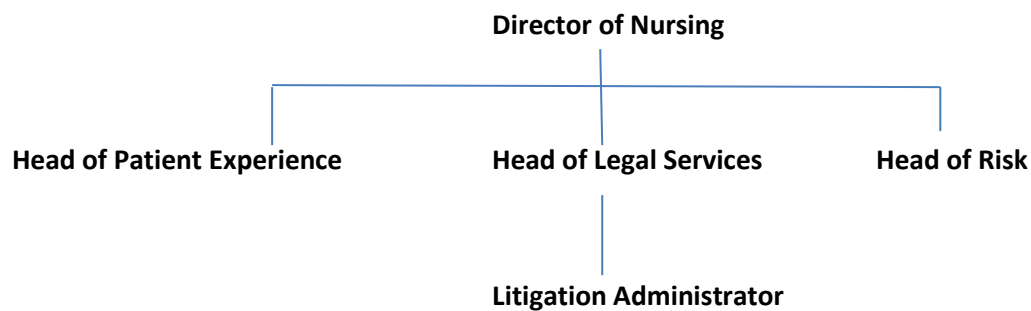
- Expert legal representation of the Trust and its staff at Coroners' inquests, and internal management of the coronial investigation process;
- Provision of specialist legal advice to clinical and non-clinical staff and Board members on the wide range of medico-legal matters that arise across the Trust, proactively advising on mitigating legal risks and providing training on medico-legal issues;
- Ensuring the efficient and effective management of all clinical negligence, employers' and public liability claims made against the Trust;
- Trust lead for consent issues, including providing advice, training and audit;
- Working closely with the Head of Information Governance to ensure that all disclosures of patient confidential information are legally compliant and auditable;
- Acting as the Trust's gatekeeper for access to external legal advice;
- Supporting and advising Trust staff involved in legal procedures and/or medico-legal dilemmas;
- Liaising, in particular, with colleagues in Clinical Risk, PALS, Information Governance and Safeguarding to ensure that patient safety is constantly prioritised.

- Provides legal advice on a range of clinical and non-clinical issues and policies with wide organisational impact/gives advice at the highest level with service-wide impact

Scope of job: Responsible for legal budget in the context of:

- CNST annual contribution = £6.7M (2019/20)
- New claims per annum = 75 (2018/19)
- Current caseload of ongoing claims = 184
- Coroner cases (hospital related) = 10-15 per annum

Organisational chart:



Communication & key relationships:

- To provide clear advice on highly complex and/or sensitive issues in a calm and professional manner;
- To support staff who may be upset or distressed;
- To communicate detailed and accurate information/advice internally and externally in formal settings, including legal submissions and training seminars;
- To develop and maintain good and strong relationships that uphold the reputation of the service and of the Trust with key stakeholders, who include:
 - Coroners and Coroners’ Officers;
 - NHS organisations;
 - NHS Resolution case managers and panel solicitors;
 - External solicitors and litigants in person;
 - Courts and the Police;
 - Care Homes and Local Authorities;
 - Trust Non-Executive and Executive Board members;
 - All Trust staff, clinical and non-clinical;
 - Patients, relatives, carers and other members of the public.

Qualifications: First degree and qualified solicitor/barrister admitted/called in England & Wales and registered with the Solicitors’ Regulation Authority (SRA)/Bar Council

Experience:

- 4+ years relevant PQE
- working in healthcare law and litigation, for or on behalf of the NHS

Skills:

- High level communication skills, with ability to encourage cooperation and effect change;
- High level influencing skills, including Coroners' court advocacy;
- High level technical claims management skills;
- High level investigative skills;
- High level powers of deduction, analysis and reasoning;
- High level report and letter writing skills;
- Good skills in use of IT for research and reporting;
- High level analytical skills to interpret complex facts or situations, to compare and advise on the pros and cons of a range of options

Knowledge:

- Good working knowledge of claims management, including pre-action protocols, limitation, investigation and resolution;
- Good understanding of NHSLA's Clinical Negligence Scheme for Trusts (CNST) and Risk Pooling Scheme for Trusts (RPST) reporting requirements;
- Good knowledge of the NHS complaints procedure and processes;
- Good knowledge of the legal framework applicable to disclosure of patient confidential information;
- Good knowledge of the legal and ethical frameworks for consent and confidentiality;
- Good understanding of law and procedure relating to Coroners' courts;
- Good understanding of risk management policy and procedure;
- Good understanding of health and safety laws;
- Good understanding of the NHS and health care processes;
- Good understanding of the links between claims, complaints, incidents and clinical/corporate governance;
- Able to recognise and manage/advise on appropriately professional conflicts of interest.

Key duties & responsibilities:

- To provide a dedicated in-house legal advice and litigation service for the Trust;
- To lead and manage the legal team;
- To oversee and manage the legal budget;

- To be responsible for the management of a mixed caseload of legal cases, including claims reportable to the NHS Litigation Authority, Court of Protection applications, Coroners' inquests, Judicial Reviews, and other civil court proceedings.
- To investigate claims and assess litigation risk of potential claims;
- To manage requests for disclosure of patient confidential information in the context of court proceedings/Police criminal investigations/Local Authority child care proceedings, working closely with the Trust's Information Governance and/or safeguarding teams;
- To provide legal advice on a wide range of legal issues arising in the day-to-day work of a busy District General Hospital;
- To attend court hearings and strategic/procedural meetings on behalf of the Trust;
- To be responsible for gatekeeping access to external legal advice where required, and monitoring its cost-effectiveness;
- To ensure prompt reporting of all claims reportable to the NHSLA;
- To ensure that all key legal and court deadlines are met;
- To be the Trust's key contact with the NHSLA;
- To work closely with relevant clinical and Risk Management colleagues to ensure that learning from claims is identified and implemented;
- To work closely with H&S colleagues to ensure that learning from EL/PL claims is identified and mitigating steps are implemented;
- To advise and support colleagues in Risk Management and PALS in relation to internal investigation of incidents and complaints;
- To report to the Trust Board twice a year on legal activity in the Trust;
- To keep relevant Trust policies up-to-date, and to support/advise colleagues on the legal content of Trust policies for which they are responsible;
- To provide induction and training for clinical staff on litigation and medico-legal issues of relevance to their clinical practice;
- To keep up-to-date with developments in relevant areas of law and practice.

WORKING TO THE TRUST'S VALUES AND BEHAVIOURS

Patient centred and safe

- You will put patients and carers at the centre of your thinking, however indirectly you work for them, remembering the overall Trust aim to provide high quality local services for the population.
- You will adopt a positive approach to change, offer ideas for improving services and direct or indirect patient experience in a collaborative manner.

Professional

- You will understand your own emotions and recognise the impact on others.
- You will behave in an open, honest, professional and inclusive manner, upholding personal and organisational values and acting as a role model to others.
- If using a social networking site or other on line forum you will act responsibly at all times and uphold the reputation of *your work area* and the organisation.

Friendly

- You will show warmth and empathy towards your colleagues and other agencies, making it clear you are always happy to help.
- You will show compassion and kindness towards others, giving time to listen before responding to need
- You will show respect to colleagues, treating them equally regardless of their background.

Responsive

- You will approach your duties and tasks in an organised, planned and structured way.
- You will use every opportunity to communicate with your team and other colleagues as appropriate.
- You will always challenge unacceptable practice and know how to raise concerns.

This job description is intended as a guide to the general duties required of this post, which may vary from time to time. It does not form part of the terms and conditions of employment

Employees are required to co-operate with management and safety representatives on matters relating to the Health and Safety at Work Act, including the Radiation Protection Supervisor.

This post is bound by the requirements of the GDPR and Data Protection Act 2018, and by the Trust's policies on confidentiality.

This post is exempt from the Rehabilitation of Offenders Act and is therefore subject to a check under the Disclosure and Barring Service (DBS) including a check against the adults' and/or children's barred lists.