|  |  |  |
| --- | --- | --- |
|  | **JOB DESCRIPTION** | FormJD1 |
| JOB TITLE: Lawyer | **POST NUMBER:**  |
| **REPORTS TO** (Job Title)**:**   | Senior Lawyer |
| **DEPARTMENT:** Legal Services | **GRADE:** 9 |
| **JE REF:** | 29 | **JE REF:** | 03/05/2022 |
| **1.** | **MAIN PURPOSE OF JOB** To provide high quality legal advice and assistance to the Council for one of the teams:**Regulatory** * housing and general civil litigation;
* litigation and criminal prosecutions
* planning, highways and licensing

 **Projects** * contract/commercial
* property

**People*** Adult social care
* Child social care
* Employment
 |
| **2.** | **CORE RESPONSIBILITIES, TASKS & DUTIES**  |
|  | i | Provide advice to client departments and other agencies |
|  | ii | Draft, negotiate and interpret legal documents  |
|  | iii | Conduct negotiations with external parties and their legal advisors |
|  | iv | Provide advice on disputes |
|  | v | Manage all legal aspects of cases before courts, panels, tribunals, and inquiries etc; and advise on tactics, procedure and possible terms of settlement, as appropriate to the role |
|  | vi | Provide assistance in major project work including being a part of multi-disciplinary project teams as appropriate to the role |
|  | vii | With approval from the Legal Business Partner instruct external solicitors and barristers in connection with specific matters and to monitor their advice and performance in connection with those matters |
|  | viii | Carry out research into the Council’s rights and duties. |
|  | ix | Ensure that new statute, case law and developments in practice and procedure are identified and correctly applied |
|  | x | Design, prepare and deliver training to officers and Members. |
|  | xi | Provide cover for senior Lawyers |
|  | xii | Assist the Business Partners (Legal Services) and Senior Lawyers in supervising the work of more junior members of the team |
|  | xiii | Maintain quality standards and meet performance indicators |
|  | xiv | Overseeing Disclosure requests relating to proceedings |
|  | xv | Overseeing all aspects of the School Admission & Exclusion Appeals process, if requested  |
|  |  | **Specific work areas:****REGULATORY****Areas of law: Litigation*** Anti-Social Behaviour/nuisance
* Housing Law
	+ Trespass (Complex)
	+ Non-occupation (Complex/Veritau involvement)
	+ Disrepair
	+ Shared ownership
* Civil Litigation
	+ Debt recovery (complex)
* Deprivation of assets
* Legal research
* Prosecutions

Represent the Council in the County Court, Magistrates Court and at multi-agency meetings * neighbour nuisance
* possessions
* small claims and debt matters
* Prosecutions
* Disrepair
* Take instructions
* Draft and issue applications
* Provide legal advice
* Legal research
* Disclosure
* Negotiate settlement terms of orders
* Draft witness statements and other legal documentation

**Areas of law: Litigation and Criminal*** Planning and Environment
* Trading Standards
* Public Protection

**Areas of law: Planning, Highways and Licensing*** Planning
* Highways
* Licensing
* Leisure
* Public Rights of Way
* Road Traffic

Attend and advise committees on all matters of law, practice and procedure, including subsequent approval of minutes and decision letters.**PROJECTS****Property**Areas of law:* Property
* Procurement

Provide advice and carry out all legal tasks in relation to property matters from receipt of instructions from client department including investigating title (checking ownership and any third party rights/encumbrances), preparation of documents, negotiation with other party’s lawyers, completion, submission of any necessary stamp duty land return forms to HM Revenue & Customs and submission of any necessary registration applications to the Land Registry and liaison with the client department throughout the matter.To ensure the Council’s Property Procedure Rules are followed in relation to any property matter.In conjunction with commercial lawyers, to provide advice on any aspects of procurement processes (including EU procurement regulations) which affect land and property transactions.**Contract/Commercial/Procurement**Areas of law:* Procurement
* Contract
* Company

Provide advice on all aspects of procurement processes in accordance with the Council’s Contract Procedure Rules and EU procurement regulations, including advising on and drafting procurement documentation; advising on freedom of information requests in respect of procurement, and Subsidy Control.Provide advice on all aspects of commercial contracts for supplies, works and services; projects and collaboration agreements; the legal aspects of insourcing and outsourcing of Council services; service level agreements; grant funding agreements; the Council’s powers to trade; intellectual property rights such as copyright and trademarks; data protection; and the legal aspects of joint use projects and academisation.**PEOPLE**Areas of Law: Child Social Care* Manage a caseload of care proceedings under section 31 the Children Act 1989 and represent the Council in uncontested hearings.
* Advise the council at Legal Gateway meetings
* Advise the council at Legal Planning Meetings
* Advise the council generally on child protection matters

Areas of Law: Adult Social Care* Manage a caseload of proceedings under section 21A of The Mental Capacity Act 2005
* Represent the council in relation to proceedings under section 29 of the Mental Health Act 1983
* Represent the council in welfare proceedings under the Mental capacity Act 2005
* Advise the council on ordinary residence issues
* Advise the council on its duties under the Care Act 2014
* Advise the council on its duties in relation to deprivation of liberty

**Areas of law: Employment**Represent the Council in the Employment Tribunal.Carry out legal tasks in relation to claims against the Council in the Employment Tribunal including preparation of witness statements and other relevant documentation. Instruct and liaise directly with external representatives. Support client departments with all employment matters. Provide training for Members on the internal appeals panel. Provide legal advice on Council policies and procedures to the Human Resources (HR) department. Provide training for HR officers.**Education, School Admission & Exclusion Appeals**In addition to being assigned to one of the specific work areas detailed above, the post-holder may be asked to assist with overseeing all aspects of the School Admission & Exclusion Appeals process, including but not limited to liaising with school representatives, parents and external panel members, allocating clerking responsibilities to Paralegals, and providing appropriate advice with regards to the School Admissions Appeal Code. The postholder will be required to respond to general queries from schools on all areas of law. |
| **3.** | **SUPERVISION / MANAGEMENT OF PEOPLE**No. reporting – Direct: 0 Indirect: 0 |
| **4.** | **CREATIVITY & INNOVATION**The post-holder is required to:* undertake work that requires an innovative approach to the resolution of legal issues in a number of areas of law;
* develop problem solving skills to explore and identify with guidance appropriate and imaginative solutions to a variety of non-routine legal problems in a wide range of designated work areas, with guidance;
* be imaginative in negotiating agreements and the resolution of contentious matters on behalf of client departments;
* make a pro-active contribution towards the development of new and innovative processes of work methods and protocols for the discharge of the Council’s statutory functions, duties and responsibilities in the designated areas of work;
* comprehend complex new legislation and assist in developing its application for the benefit of the Council; and
* draft, adapt or improve complex documents.

The post-holder has a high level of responsibility and flexibility in order to: * deal with conflicting priorities to ensure the timely delivery of the their duties; and
* manage their workload effectively despite changing priorities and tight deadlines, with minimal supervision.
 |
| **5.** | **CONTACTS & RELATIONSHIPS*** **Internal**

Occasional contact with directors and assistant directors, and regular contact with heads of service, senior managers and other officers in the Council, to provide professional legal advice.* **External**

Regular contact with external solicitors and barristers, courts, professionals and other experts (the Council’s and those representing other parties) and members of the public. Attendance at professional interest groups.The post-holder is required to develop effective professional working relationships of trust and co-operation with both internal and external contacts. |
| **6.** | **DECISIONS – discretion & consequences**Subject to the Council’s Constitution and policies, the postholder has some discretion on the legal matters within their area of expertise to, with appropriate supervision: * interpret the law
* examine various options and solutions
* structure agreements and land, property and commercial transactions
* approach negotiations and resolve conflicts and disputes

The consequences are that:* the Council acts lawfully
* the Council is not vulnerable to legal challenge
* the Council is properly represented
* terms favourable to the Council are achieved in transactions
* conflicts and disputes are prevented or resolved, optimising the economic and other benefits to the Council and the wider community
* unnecessary legal costs are avoided.

The consequences of inappropriate courses of action may be considerable in terms of their consequential legal risk and potential financial impact on the Council and on its reputation.The postholder also has wide discretion in managing their own workload and duties in a timely manner, which enhances the reputation of the legal department internally and the Council in dealing with external parties.The post-holder often needs to respond to urgent requests for legal advice and assistance.  |
| **7.** | **RESOURCES – financial & equipment***(Not budget, and not including desktop equipment.)* Description ValueCheques (received and paid in respect offees, costs, rents and sale consideration and the like) £500-£5000 |
| **8.** | **WORK ENVIRONMENT – work demands, physical demands, working conditions & work context****Work demands**The post-holder will be required to:* prioritise conflicting demands from various client departments in a flexible, adaptable and responsive approach;
* react quickly to unforeseen circumstances during Court hearings, Council committees and inquiries, in order to secure a satisfactory outcome to the proceedings for the Council;
* have a high level of responsiveness to react quickly to unforeseen circumstances; reprioritise workload, and adapt to constant interruptions and requests for legal advice and assistance;
* meet deadlines and timescales, many of which are fixed and statutory;
* be fully aware and committed to the development and delivery of legal advice to meet the Council’s needs.
* Some work outside normal office hours may be necessary to support the proper functioning of the Council.

Physical demands NormalWorking conditions Hybrid working home/ office environment, with attendance as necessary at committee/courtWork context Could be subject to a moderate risk of aggression from defendants and others at Court hearings, and therefore should be vigilant when entering and leaving Court and the office. |
| **9** | KNOWLEDGE & SKILLSThe post-holder needs a good knowledge of information law and local government law, and a thorough knowledge of the field of law for the team they are assigned to.The skill and knowledge required is that of a Fellow of the Chartered Institute of Legal Executives, or newly qualified solicitor or barrister, or a demonstrable level of knowledge comparable to the above gained by considerable practical experience.The postholder requires the following skills:* ability to work with minimal supervision
* ability to give accurate, clear and easily understood advice both to fellow professionals and lay colleagues
* good presentational skills
* the ability to prioritise
* the ability to deal with heavy workload and meet tight deadlines
* a well-developed drafting technique to produce documents (e.g. letters, agreements, leases, transfers, licences) that are clear and concise
* interpersonal skills, including team working and client care
* IT skills
* openness to new initiatives and changes in legislation and legal practice
 |
| **10.** | Position of Job in Organisation StructureJob reports to: Senior LawyerOther jobs at this level; THIS JOBJobs reporting up to this one:  |