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|  | | | | JOB DESCRIPTION | | | Form JD1 |
| **JOB TITLE:** Senior Lawyer – Social Care | | | | | **POST NUMBER:** | | |
| **REPORTS TO** (Job Title): | | | | | Court Business Partner (Legal Services) | | |
| **DEPARTMENT:** Legal Services | | | | | GRADE: 11 | | |
| **JE REF:** | | | 27 | | PANEL DATE: | 03/05/2022 | |
| **1.** | **MAIN PURPOSE OF JOB**  To provide legal advice and representation to the Adults and Children’s Directorates of CYC in the areas of both child and adult protection. | | | | | | |
| **2.** | **CORE RESPONSIBILITIES, TASKS & DUTIES:**  The post-holder will be expected to carry out any reasonable task required which falls within the scope of the purpose of the post. Main tasks for the time being will include: | | | | | | |
|  | i | Providing general legal advice and representation to the Directorates of Adults and Children’s Services covering a wide range of complex issues. | | | | | |
|  | ii | Representing the Authority in hearings in the Family Court and Court of Protection. | | | | | |
|  | iii | Providing legal advice and representation to the Directorate of Children’s Services in respect of care/supervision proceedings and placement for adoption proceedings. | | | | | |
|  | Iv | Providing urgent advice and representation to Directorate of Children’s Services in critical situations about applications to the Court for Emergency Protection Orders to permit immediate removal of a child from its parents. | | | | | |
|  | V | Providing legal advice to Child Protection Case Conferences where multi-agency decisions are made to formulate a Child Protection Plan in respect of children at risk of suffering significant harm, when this is considered necessary. | | | | | |
|  | Vi | Attending Legal Gateway meetings with Senior Managers and Directors to advise about whether the criteria for commencing care proceedings have been met and to advise about the most appropriate way forward. | | | | | |
|  | vii | Attending meetings with Social Workers, Social Work Managers, parents and their Solicitors in accordance with the Public Law Outline in an attempt to negotiate and work with the family and thereby avoid Court proceedings. | | | | | |
|  | viii | Being responsible for the collation of evidence to put before the Court. | | | | | |
|  | ix | Providing legal advice to the Local Authority Decision Maker on Adoption. | | | | | |
|  | x | Providing legal advice to Senior Officers in respect of Adult Services, either by telephone, in writing or by attendance at meetings. This could include, for example, advising on the legality of detaining individuals who are believed to be suffering from a mental illness under the Mental Health Act 1983. | | | | | |
|  | xi | Providing advice regarding applications to displace the Nearest Relative under the Mental Health Act, either on an emergency basis or otherwise and drafting and issuing applications in the Court where necessary. | | | | | |
|  | xii | Drafting and issuing applications in the Court of Protection in respect of individuals who lack capacity to make decisions about their own welfare or financial arrangements. | | | | | |
|  | xiii | Responding on behalf of the Client Directorates to requests from the Police, the Crown Prosecution Service and Defence Solicitors for disclosure of Social Services and Education records in accordance with the Council’s duties under the Data Protection Act 1998 and relevant local protocols and claiming public interest immunity from disclosure where relevant. | | | | | |
|  | xiv | Complying with the Law Society’s Practice Management Standards and meeting performance indicators. | | | | | |
|  | xv | Identifying new statute, case law and procedural developments relevant to this post and advising clients accordingly. | | | | | |
|  | xvi | Conducting legal research in the areas of Child and Adult Social Services Law. | | | | | |
|  | xvii | Facilitating training for officers in the Client Directorates in areas relevant to particular specialism, for example Court Skills training for Social Workers. | | | | | |
| **3.** | **SUPERVISION / MANAGEMENT OF PEOPLE**  No. reporting - Direct: 4 Indirect: 4  The post-holder will undertake line management within the social care team and supervise all work that is carried out on his/her files by the Lawyers/Paralegals and Legal Assistants. | | | | | | |
| **4.** | **CREATIVITY & INNOVATION**   1. Creativity and innovation are essential to the job and need to be regularly exercised within general guidelines. For example:- 2. The post-holder will regularly draft documents and statements of evidence in support of highly sensitive applications to the Court in the areas of Child and Adult Protection. 3. The post-holder will regularly provide legal advice in writing or verbally to Social Workers and Senior Managers who require an immediate resolution to a child protection problem. This may include applying to the Court for an Emergency Protection Order whereby the Authority obtains the permission of the Court to remove a child from his/her parents immediately. Alternatively, advice may be given offering a pragmatic resolution without recourse to the Courts. Owing to the nature of the work, the advice must be immediate. 4. The post-holder will be required to use initiative in negotiations with other legal representatives and other professionals in an attempt to resolve disputes outside the Court arena and, once in the Court arena, to achieve a satisfactory outcome for the client. 5. The post-holder will regularly interpret legislation and case law and advise the client on how to achieve a satisfactory solution. 6. The post-holder will regularly interpret expert evidence filed with the Court and advise the client as to its impact and potential responses. 7. The post-holder will give legal advice at Child Protection Conferences when necessary concerning the child protection plan. 8. The post-holder will regularly give legal advice at Legal Gateway Meetings concerning the most appropriate way to protect children at risk. | | | | | | |
| **5.** | **CONTACTS & RELATIONSHIPS**  **Internal**   * Daily contact with Service Managers and Social Workers providing support and advice on all aspects of child and adult protection. Such contact requires a high level of support, and advocacy to deal with complex child and adult protection matters, to ensure that the Council acts appropriately in line with its statutory responsibilities. Failure to do so could result in serious repercussions at a local/national level. * Regular contact with Family Support Workers, teachers housing workers and education welfare officers obtaining witness statements and providing support and advice.   **External**   * Daily contact with external Solicitors exchanging information and negotiating matters relevant to proceedings. * Being responsible for the obtaining of witness statements and reports from a wide range of people and organisations from outside the Local Authority for example, Foster Carers, Health Visitors, the NSPCC and alcohol and drug dependency workers. * Regular contact with Counsel, Expert Witnesses, Police, Medical Professionals, Crown Prosecution Service staff and Court staff including Magistrates and Judges in relation to a range of complex and contentious matters requiring support, advocacy and sensitivity.Such contacts take place in a variety of locations, such as Courts, Case Conferences and protocol meetings. * Regular contact with Respondents to proceedings who may be angry or upset, informing them of the Local Authority’s position. On occasion Respondents are not represented by a Solicitor and, therefore, the post-holder will have to engage in formal discussions with them. The Respondents in such circumstances are often angry and/or stressed which the post-holder will have to deal with. | | | | | | |
| **6.** | **DECISIONS – discretion & consequences**  **Discretion**   1. Subject to statutory requirements, the Council’s and nationally determined policies, procedures and standards the post-holder will have wide ranging discretion in providing legal advice and assistance on all aspects of child and adult protection. 2. The post-holder will advise Senior Managers within Client Directorates about the implementation of new legislation and procedures, and how that implementation can be managed in a practical way. 3. The post-holder will have complete discretion to prioritise their workload to meet constant demands. 4. The post-holder has discretion in the instruction/selection of Counsel and expert witnesses and in the negotiation of their fees.   **Consequences**   * The provision of good legal advice by the post-holder to the Client Directorates ensures that the Directorate fulfils its statutory obligations appropriately and consequently has a significant impact in ensuring the welfare of children and vulnerable adults. * The success of the jobholder’s decisions can have a real impact in improving a child’s life prospects and bring about positive change for all the parties involved. * The consequences of inappropriate courses of action are considerable in terms of their potential impact on the child, the family and the Council’s reputation and consequential legal risk. A failure to accept the post-holder’s legal advice may result in a significant breach of statutory duty which would have serious consequences both financially and with regards to significant adverse publicity. | | | | | | |
| **7.** | **RESOURCES – financial & equipment**  *(Not budget, and not including desktop equipment.)*  Description Value   1. Not applicable Nil | | | | | | |
| **8.** | WORK ENVIRONMENT – work demands, physical demands, working conditions & work context Work demands  * The post-holder will be required to prioritise frequently changing and conflicting demands, including statutory or Court deadlines relating to proceedings as well as dealing with regular interruptions which may require urgent action e.g. applications for an Emergency Protection Order, general child protection matters and urgent Court of Protection applications concerning adults. The post-holder is often dealing with extremely stressful issues and will be working with other professionals who are also working in equally stressful circumstances.  Physical demands  * Normal Office working  Working conditions  * The post-holder will work in a hybrid (home/office) environment. The post-holder must wear clothing which is appropriate to appear in Court where required.  Work context  * The post-holder may occasionally have to deal with aggression from Respondents at Court and in meetings owing to the highly sensitive and emotive nature of the work. | | | | | | |
| **9.** | KNOWLEDGE & SKILLS  * The post-holder will have a thorough knowledge of the specialised and distinct areas of law relating to child protection, adult protection, mental health and disclosure. * The post-holder will be a Solicitor, Barrister or Fellow of the Chartered Institute of Legal Executives and will be expected to maintain continuing professional development required by their professional body. * In addition the post-holder will have the following skills:-   1. Ability to produce clear and concise documents   2. Excellent advocacy skills and negotiating skills   3. Ability to respond with speed and accuracy to the needs of the clients   4. Ability to operate on own initiative and as part of a team   5. Ability to work under pressure and to deadlines   6. Ability to prioritise   7. Excellent communication skills   8. Ability to work unsupervised   9. Commitment to client care   10. Ability to be flexible   11. Good IT skills   12. Proactive approach to new initiatives or legislative changes   13. Ability to comply with internal (including LEXCEL and external) procedures e.g. those set by Court       + The post-holder will preferably hold a current driving licence | | | | | | |
| **10.** | **Position of Job in Organisation Structure**  Job reports to: Court Business Partner  THIS JOB  Other jobs at this level: 5 other jobs at this level  Jobs reporting up to this one: Lawyer (Social Care), Paralegal | | | | | | |