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|  | **POST TITLE:** | **SOLICITOR – CHILDREN, ADULTS AND HEALTH TEAM** |
| 1. **2.** | **POST NUMBER:** | **LT5A,B,C,D,E,F,G** |
| 1. **3.** | **GRADE:** | Grade 13  *Job Evaluation Reference Number: A5305* |
|  | **LOCATION:** | Your normal place of work will be County Hall. However, you may be required to work at any council workplace within County Durham |

1. **RELEVANT TO THIS POST:**

**Flexible Working:** Subject to service needs the council’s flexible working policy is applicable to this post

**Politically Restricted:** The council has designated this as a politically restricted post in accordance with the requirements of Section 1(5) of the Local Government and Housing Act 1989 and by regulations made from time to time by the Secretary of State.

1. **ORGANISATIONAL RELATIONSHIPS:**

The post holder will be accountable to the Legal Manager Children, Adults and Health.

1. **DESCRIPTION OF ROLE:**

Provision of a high quality legal service to the Council and the Officers within Adult Services.

1. **DUTIES AND RESPONSIBILITIES *SPECIFIC* TO THIS POST:**

Listed below are the responsibilities this role will be primarily responsible for:

* You will provide legal advice to officers in adult services on all aspects of legislation which relate to adults. This includes:
* Advising on all aspects of the Mental Capacity Act 2005, in particular the interpretation of “best interests” and when an application needs to be made to the Court of Protection; advising on cases where an incapacitated person is considered to have been deprived of their liberty within a community setting and responding to applications to court under s21A when the person is living in residential care.
* Advising on all aspects of the Care Act, including the new wellbeing duty, the assessment process and the proposed care package, in particular where there are queries about a proposed reduction in the care package and the threat of judicial review over the local authority decision making and advising on a service users “ordinary residence”.
* advising approved mental health professionals on interpretation of the Mental Health Act 1983 and if necessary, making an application to court to displace the nearest relative
* Carrying out investigations under the Members Code of Conduct.
* Attendance at and presentation of reports to Cabinet, Committees, Sub-Committees, Member and Officer working groups and outside bodies as appropriate.
* To assist in the general management of the team including attendance at team meetings.
* Assisting in the coordination, direction training and supervision of trainees, sponsored students and short term placements in the Section.
* Such other duties appropriate to the grade and general responsibilities of the post as assigned from time to time.

The above is not exhaustive and the post holder will be expected to undertake any duties which may reasonably fall within the level of responsibility and the competence of the post as directed by the Head of Service.

**9. COMMON DUTIES AND RESPONSIBILITIES:**

9.1 **Quality Assurance**

To set, monitor and evaluate standards at individual, team performance and service quality so that the user and the Service’s requirements are met and that the highest standards are maintained.

To establish and monitor appropriate procedures to ensure that quality data are reported and used in decision making processes, and to demonstrate through behaviour and actions a firm commitment to data security and confidentiality as appropriate.

9.2 **Communication**

To establish and manage the team communications systems ensuring that the Service’s procedures, policies, strategies and objectives are effectively communicated to all team members.

9.3 **Professional Practice**

To ensure that professional practice in the team is carried out to the highest standards and developed in line with the Service’s stated objectives of continual improvement in quality of its service to internal and external customers.

9.4 **Health and Safety**

Manage health and safety in their area of responsibility in accordance with the relevant section(s) of the corporate/service health and safety policy and to ensure that the health and safety policy, organisation arrangements and procedures as they relate to areas, activities and personnel under your control are understood, implemented and monitored

.9.5 **General Management (where applicable)**

To provide vision and leadership to staff within a specialist team, ensuring that effective systems are in place for workload allocation and management, the application of the Authority’s and the Service’s policies and procedures, including those relating to equality, supervision and appraisal and all aspects of their performance, personal development, health and welfare.

9.6 **Appraisal**

All members of staff will receive appraisals and it is the responsibility of each member of staff to follow guidance on the appraisal process.

9.7 **Equality and Diversity**

Manage health and safety in their area of responsibility in accordance with the relevant section(s) of the corporate/service health and safety policy and to ensure that the health and safety policy, organisation arrangements and procedures as they relate to areas, activities and personnel under your control are understood, implemented and monitored.

9.8 **Confidentiality**

All members of staff are required to undertake that they will not divulge to anyone personal and/or confidential information to which they may have access during the course of their work.

All members of staff must be aware that they have explicit responsibility for the confidentiality and security of information received and imported in the course of work and using Council information assets. The Council has a Personal Information Security Policy in place.

9.9 **Induction**

The Council has in place an induction programme designed to help new employees to become effective in their roles and to find their way in the organisation.

Person Specification

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|  | **Essential** | **Desirable** | **Method of Assessment** |
| Qualification | * Qualified solicitor with current Practicing Certificate or qualified Barrister (will consider those about to qualify having completed all academic stages). |  | * Application form * Selection Process * Pre-employment checks |
| Experience | * Experience of court of protection cases and knowledge of relevant legislation which relates to adults. | .  Recent advocacy experience in the Court of Protection  Understanding of financial disputes involving an incapacitated person | * Application form * Selection Process * Pre-employment checks |
| Skills/knowledge | * Good organisation and communication skills. * The capacity to handle a heavy and complex workload. * Ability to advise in new areas of law. * Guidance and knowledge of relevant legislation, case law and good practice. | * ICT skills. | * Application form * Selection Process * Pre-employment checks |
| Personal Qualities | * Ability to work with minimum supervision in a busy environment as part of a team. * Ability to make decisions upon issues which will have a substantial impact on the lives of children and adults. * Access to a car or means of mobility support (if driving then must have a current valid driving licence and appropriate insurance). * May be required to work outside of normal office hours. |  | * Application form * Selection Process * Pre-employment checks |