

## NHS England

### Job description and person specification



Position			
Job title	Employment Risk Lawyer	Directorate/ Region	Delivery
Pay band	AFC Band 8b	Responsible to	Head of Employment Law
Salary	£58,972 - £68,525	Accountable to	Director of Legal
Tenure	Substantive Position	Responsible for	Responsible for the provision of high-quality legal advice to NHS England
Funding Arrangements	Admin Funded	Base	Wellington House, London/ Wellington Place, Leeds



## Our Organisation

NHS England leads the NHS in England to deliver high quality care for all. We support NHS organisations to deliver better outcomes for our patients and communities, work to get the best possible value for taxpayers, and drive improvement across the NHS.

Through our seven regional teams, NHS England supports local integrated care systems, made up of public services that provide health and care – NHS organisations, primary care professionals, local councils, social care providers and the community, voluntary and social enterprise sector – to improve the health of the population, improve the quality of care, tackle inequalities and deliver care more efficiently.

From April 2023, NHS England, Health Education England and NHS Digital will be one single organisation, putting workforce, data, digital and technology at the heart of our plans to transform the NHS.

## NHS England Values and Behaviours

Having listened to our staff over the last year, we aim to create a healthy and high performing organisation, underpinned by the NHS Constitution values:

- Working together for patients
- Respect and dignity
- Commitment to quality of care
- Compassion
- Improving lives
- Everyone counts

Our people all have a part to play in helping to shape and develop our culture and in embedding and living these values.

Our behaviours: leading by example:

- We prioritise patients in every decision we take.
- We listen and learn.
- We are evidence-based.
- We are open and transparent.
- We are inclusive.
- We strive for improvement



## Service and team

The NHS England Legal Team is part of the Delivery Directorate. The Legal Team provides legal advice, support, and expertise to the whole organisation to support good decision making, controls and accountability to Parliament and to deliver better outcomes for patients. We support NHS England to comply with its statutory obligations, the law generally and the seven principles of public life (the Nolan principles).

The central in-house Legal Team:

- Supports the organisation to carry out its wide-ranging statutory functions, remain compliant with the law and manage legal risk effectively
- Provides a single point of contact (SPOC) for requests and central management of legal advice to NHS England
- Provides professional central advice, programme support and leadership by specialist qualified lawyers regulated by the Solicitors Regulation Authority ('SRA') and Bar Standards Board ('BSB') and externally by a panel of law firms specialising in areas such as healthcare, public law, litigation, employment risk, commercial, technology, information law, property and other specialisms, overseen and managed by the in-house team
- Supports the organisation to understand legislative change, including expanding functions
- Operates as a centre of excellence on all NHS England legal matters (whether at national or regional level), to promote a consistent, legally robust and effective approach by the organisation to decision making, legal challenges and stakeholder responses
- Provides advice that is 'independent' from any other NHS England functions to ensure the highest standards of objectivity and integrity are maintained
- Secures value for money on all NHS England external legal spend and effective contract management of external legal advisors

## About the role

As a Employment Risk Lawyer, the post holder will work as part of a dynamic team delivering an effective legal service supporting NHS England's Board, committees, CEO, national and regional directors, directorates and teams to meet their statutory duties, respond to legal matters arising in a timely and accurate manner, and act lawfully at all times.

The post holder will be required to provide professional in-house legal advice on a range of issues with relevant specialisms/domain areas (e.g. public law, commercial, technology, litigation, employment risk or information law) relating to both NHS England and the NHS generally. The post holder will be required to have or be able to rapidly develop a comprehensive understanding of the legal framework within which NHS England operates to enable them to advise on NHS England's functions, powers and duties.

The post holder will manage a varied caseload of legal matters, both advising themselves and managing and overseeing the provision of legal advice by external legal advisers (including Counsel). The post involves providing strategic guidance and support to clients and the external lawyers in the handling of legal matters.

The post holder will be responsible for:

- advising on various legal issues arising in relation to NHS England's strategic and operational functions; the post holder may be expected to develop into new relevant areas where advice is needed and may be required to focus on particular areas of legal work
- advising on NHS legislation and the statutory functions of NHS bodies, in relation to the functions of NHS England, focussing on particular specialisms/domains as agreed
- advising on and applying knowledge of the principles of public law and of relevant Employment Risk law and processes



- providing advice, support and/or oversight in relation to judicial review and other relevant litigation matters
- liaising effectively with internal policy and operational colleagues in relation to the matters on which they are advising and being a point of contact for some areas of the business
- advising on legal aspects of governance and decision-making, working in conjunction with colleagues in the Legal Team and the Governance team where appropriate
- supporting the general operations of the Legal Team, complying with key processes and procedures and supporting the delivering all necessary business and reporting returns
- supporting implementation of systems to ensure information and knowledge is properly managed and best practice is shared across the team, Directorate and the wider organisation.
- supporting organisational change and uptake of initiatives that support excellence in legal practice
- implementing systems to ensure information is properly managed and best practice is shared across the team, Directorate and the wider NHS organisations as appropriate.
- participating in the provision of training and development for both the Legal Team and the wider organisation
- ensuring best value use of external law firms



Key Job specifics and responsibilities	Key accountabilities	
<p><b>Improving quality and outcomes</b></p> <ul style="list-style-type: none"> <li>To support the Deputy Directors of Legal to ensure that NHS England has access to a comprehensive legal service</li> <li>To work collaboratively with teams from across NHS England, proactively highlighting risks and issues as necessary to help manage risks</li> <li>To provide prompt advice on legal issues which may hinder or prevent NHS England from securing required outcomes and to support in developing imaginative legal solutions where possible to address any such issues</li> </ul> <p><b>Enabling patient and public involvement</b></p> <ul style="list-style-type: none"> <li>To ensure that where advice is sought upon policy development or decisions, all policy makers are reminded of their need to comply with their duties in relation to patient and public involvement</li> <li>To ensure all public and patient contact with the office is of the highest professional standard.</li> <li>To support the embedding of patient and public involvement within NHS England at all levels of decision making.</li> <li>To provide, or secure the provision of, legal advice on handling of complaints, disclosure of patient information, data protection, information governance and Freedom of Information, in relation to areas of work for which the postholder is responsible.</li> <li>To provide prompt advice on legal issues which may hinder or prevent NHS England from securing required outcomes and to support in developing imaginative legal solutions where possible to address any such issues</li> </ul>	<p><b>Key Functional Responsibilities Operational</b></p> <ul style="list-style-type: none"> <li>Working internally and externally to deliver projects, initiatives and services to time and in a cost-effective way.</li> <li>To support the identification and sharing of best practice in legal services.</li> <li>To operate in a highly political and sensitive environment.</li> <li>Support the portfolio of programmes/projects in demonstrating value for money tracking, managing and delivering agreed benefits.</li> <li>Provide specialist advice and prepare strategic reports and briefings for directors and stakeholders.</li> <li>In depth analysis, interpretation and production of complex and multiple reports.</li> </ul> <p><b>Financial and Physical Resources</b></p> <ul style="list-style-type: none"> <li>Supporting good budget management, co-ordinating and monitoring expenditure.</li> <li>Responsible for supporting the commissioning of projects and procurement of services to support project delivery, acting in accordance with Standing Orders and Standing Financial Instructions.</li> <li>Provide financial reports to Directors and the Board as required.</li> <li>Constantly strive for value for money and greater efficiency in the use of budgets, and to ensure that they operate in recurrent financial balance year on year.</li> </ul>	



### Enabling patient and public involvement

- To ensure that where advice is sought upon policy development or decision, all policy makers are reminded of their need to comply with their duties in relation to patient and public involvement
- To ensure all public and patient contact with the office is of the highest professional standard.
- To support the embedding of patient and public involvement within NHS England at all levels of decision making.
- To provide, or secure the provision of, legal advice on handling of complaints, disclosure of patient information, data protection, information governance and Freedom of Information, in relation to areas or work for which the postholder is responsible.

### Promoting equality and reducing inequalities

- To uphold organisational policies and principles on the promotion of equality.
- To create an inclusive working environment where diversity is valued, everyone can contribute, and everyday action ensure we meet our duty to uphold and promote equality.
- To advise on equality issues in policy development and upon the need to have due regard to these issues in all decisions made by NHS England which are referred to the legal team for advice.

### Information Management

- Develop and deliver information sharing systems.
- Develop the acquisition, organisation, provision and use of knowledge and information.
- Highlight exceptions and risks ensuring mitigating action is taken.
- Drafting reports summarising status on issues, appraising outcomes, and providing progress reports for the Head of the Department.
- Collate as required, qualitative and quantitative information and lead appropriate analysis to develop robust business cases and contribute to delivery of 'products' and service improvement.

### Planning and Organisation:

- Ensure projects, services and initiatives are delivered on time, to quality standards and in a cost-effective manner, adjusting plans as required.
- Support the planning of Legal Team projects, identifying interdependencies across projects/functions, potential impacts on wider organisation, resource requirements and building in contingency and adjustments as necessary
- Assist the preparation of business plans



### **Partnership and cross boundary working**

- To work in partnership with others as part of cross-directorate teams to deliver successful outcomes.
- To liaise, or advise on liaison with, other statutory agencies and government bodies, including the Care Quality Commission, Department of Health & Social Care, Ombudsman etc.
- To develop and maintain excellent working relationships across and outside the organisation, including with its regional teams, hosted bodies and partner organisations.

### **Leadership for transformational change**

- To model a collaborative and influencing style of working, negotiating with others to achieve the best outcomes, embedding this approach across the Directorate

### **Using insight and evidence for improvement**

- To liaise with members of the Legal Team and other colleagues to share up-to-date legal knowledge and legal good practice, from both within and outside the organisation

### **Developing an excellent organisation**

- To ensure health, safety and wellbeing of all staff within the Legal Team.
- To ensure compliance with all confidentiality and governance requirements within the Legal Team.

### **Policy and Service Development:**

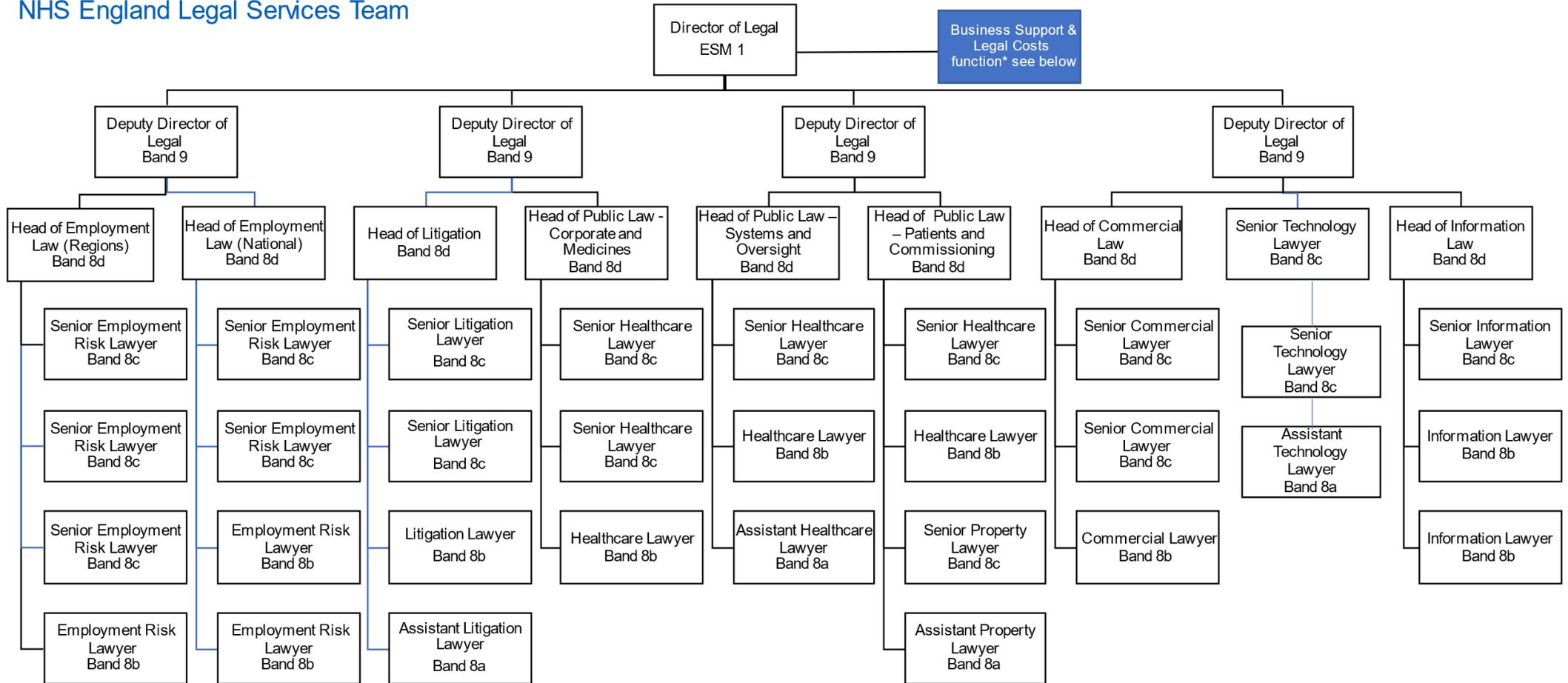
- Supports development of policy and procedure within own legal area, including briefings, commissioning, business or resources.
- Responsible for proposing and drafting changes, implementation and interpretation to Legal Team policies, guidelines and service level agreements (SLA's) which may impact within the Team or Directorate.
- Proposes changes to own project/service and makes recommendations for other projects/service delivery.

### **Key Working Relationships**

- Communicate and provide highly complex information to a wide range of internal and external stakeholders. (verbal, written and numerical)
- Present highly complex information about projects, initiatives and services to a wide range of stakeholders in a formal setting.
- Commit to working and engaging constructively with internal and external stakeholders on a range of contentious issues.
- Support matrix working internally and collaborative working across organisations.



# NHS England Legal Services Team



## Person Specification

Criteria	Essential	Desirable	Evidence*	
<b>Qualifications</b>	Solicitor, Barrister or Chartered Legal Executive with relevant post-qualification experience	√		C A/I
	Educated to master's level or equivalent level of experience of working at a senior level in specialist area	√		C A/I
<b>Knowledge and experience</b>	Experience of advising in or for the public sector across relevant areas of legal practice (e.g. public law, commercial, technology, litigation, employment risk or information law)	√		A/I
	In-house experience desirable but not essential		√	
	Evidence of post qualifying and continuing professional development.	√		
	Must understand the background to and aims of current healthcare policy and appreciate the implications of this on engagement.	√		
	Have an appreciation of the relationship between the Department of Health & Social Care, NHS England and the system	√		
	Member of relevant professional body (Solicitors Regulatory Authority or Bar Standards Board), with knowledge and experience of its requirements for legal practice.	√		
	Developed legal advisory and drafting skills	√		
	Highly developed communication skills with the capability to analyse, review and make sense of highly complex, sensitive or contentious information across a diverse range of subjects relevant to post portfolio.	√		
	Demonstrable skills in presenting complex concepts and information which may include difficult and controversial issues, across a wide range of audiences	√		
<b>Skills, Capabilities &amp; Attributes</b>	Ability to identify risks, anticipate issues and create solutions and to resolve problems in relation to project or service delivery.	√		A/I



	Ability to understand a broad range of complex information quickly and making decisions where opinions differ/no obvious solution	√		
	Evidence of planning and delivering programmes projects and services on time	√		
	Ability to work without supervision, providing specialist advice to the organisation, working to tight and often changing timescales.	√		
	Interpreting policy for implementation.	√		
	Experience of delivering against competing priorities and deadlines.	√		
<b>Value and behaviours</b>	Commitment to and focused on quality, promotes high standards in all they do.	√		A/I
	Able to make a connection between their work and the benefit to patients and the public.	√		
	Ability to operate in a value-driven style consistent with the values of the public services and specifically with the new organisational values.	√		
	Works across boundaries, looks for collective success, listens, involves, respects and learns from the contribution of others	√		
	Values diversity and difference; operates with integrity and openness	√		
	Works well with others, is positive and helpful, listens, involves, respects and learns from the contribution of others.	√		
	Consistently looks to improve what they do, look for successful tried and tested ways of working and seeks out innovation.	√		
	Actively develops themselves and supports others to do the same.	√		
	Needs to have a thorough understanding of and commitment to equality of opportunity and good working relationships both in terms of day-to-day working practices, but also in relation to management systems.	√		
	Self-awareness in teams of emotional intelligence, biases and personal triggers with cultural sensitivity and awareness.	√		
	Values diversity and difference operates with integrity and openness.	√		



	Embrace change, viewing it as an opportunity to learn and develop.	√		
	Demonstrates honesty and integrity and promotes organisational values.	√		
<b>Other</b>	Able to travel across various sites where applicable	√		A/I

\* Evidence will take place with reference to the following information:

<b>A</b>	Application form
<b>I</b>	Interview
<b>T</b>	Test or Assessment
<b>C</b>	Certificate

