

Job Description

Solicitor/Barrister (Litigation)

Final

Date: 23 May 2019

POST: Assistant Solicitor/Legal Executive (Litigation)

SERVICE: Legal Services

SECTION: Legal Litigation

BAND: 9

REPORTS TO: Solicitor to the Council (Litigation)

RESPONSIBLE FOR: N/A

TYPE: 1a) Hot desking any location

All Council posts are subject to National Joint Council (NJC) conditions of service.

Basildon Borough Council is committed to safeguarding and promoting the welfare of children and adults, and expects all employees, contractors and volunteers to share its commitment to prevent abuse, harm or exploitation.

Please note that the Council applies a robust recruitment vetting process.

*Please note that this post is subject to Department of Works and Pensions (DWP), Protection of National Infrastructure conditions, which means that the post holder will be required to undergo further vetting processes to ensure compliance.

MAIN PURPOSE

The objective of the Legal Service is to provide a highly efficient and cost-effective legal service to facilitate the lawful exercise of the Council's functions and the achievement of its policies and objectives and at all times to safeguard the interests of the Council and propriety in the exercise of its functions. The service also works to identify and advise on commercial opportunities and arrangements.

The Legal Service advises on the following areas of law:

- (a) Property
- (b) Regeneration
- (c) Contracts and Procurement
- (d) Planning
- (e) Litigation (civil and criminal)
- (f) Employment
- (g) Housing
- (h) Licensing
- (i) Environmental Health

This is not an exhaustive list.

Some activities of the service are carried out in fee-earning teams responsible for litigation, regeneration, property, and contracts work under the overall supervision of the Solicitor to the Council.

GENERAL INFORMATION

Our approach to the practice of law is based on a friendly and open style of working and a determination to avoid unnecessary complexity. We are committed to achieving the objectives of our clients by finding commercially sound solutions to their problems and delivery objectives in a proactive, professional, and efficient manner. We believe in an innovative and energetic approach to the practice of law, placing particular emphasis on personal service, speed of response, value for money, accessibility and the highest standards of professional excellence.

DUTIES

1. Whilst postholders will be expected to develop expertise into very varied areas of complex law to deliver legal services for the Council it is anticipated that litigation team postholders will have and will develop detailed knowledge in at least one of the following areas – civil litigation, prosecutions, housing, anti-social behaviour, licensing, employment, planning, licensing & local government. In recruitment the Council will try to ensure a broad coverage of these specialist areas to complement existing staff expertise
2. Undertake legal and, where necessary, commercial research and provide advice to the Council, including Members as appropriate, on casework and other issues, interpretation of new and existing legislation and case law including their effect on the implementation of Council policy as required. Evaluate and advise on the effect of such matters on implementation of casework and progression of projects
3. Evaluating facts and evidence and advising service clients on strengths and weaknesses of proposed actions and, where appropriate, advising on compromise.
4. Assessing when Council's Counsel's opinion may be required and liaising with the relevant Legal Manager to ensure proper instruction of Counsel as necessary.
5. Draft and comment upon committee reports. . Attend and advise at committee meetings and other Member meetings as required in all legal matters and participate fully in working groups, to ensure that the Council is well informed and Legal Services effectively represented.
6. Actively and positively participate in multi-discipline teams to further the Council's strategic aims and objectives through collaboratively delivering projects and casework.
7. Adopt a risk-aware approach to identify legal and commercial risks and support the Council in developing appropriate strategies to mitigate risk and maximise opportunities.
8. To assist in establishing and maintaining efficient working practices within the legal teams, including independently identifying opportunities to improve and bringing these to the attention of the manager. Provide assistance in setting up all requisite case management systems, information database and common form

documentation. Making the most efficient use of the information technology available to enable quick and efficient management of caseloads and to facilitate the proper costing and allocation of professional time and the maintenance of statistical data.

9. Maintain an awareness of general governance and public law implications in order to identify and determine the legally appropriate route or routes.
10. Assist in the supervision and training of legal and other staff as appropriate in order to achieve productive and motivated staff and to secure the best use of available resources. This includes preparing and delivering training courses for clients and other team members.
11. Prioritise caseload and self-monitor progress of work, subject to any overriding instruction from a team manager to ensure that work is completed within set timescales or to Council requirements and, where applicable, in accordance with time limits imposed by statute.
12. Undertake a proactive and committed approach towards the Council's best value ethos and Corporate Plan.
13. Drafting particulars of claim, statements of case and information as required.
14. The preparation of cases for presentation in civil and criminal courts and at public inquiries/tribunals. Advising as appropriate so as to ensure that the Council's case is capable of being effectively presented.
15. Acting as advocate in cases in the Magistrates Court, County Court, High Court and at public inquiries and tribunals as directed.
16. Defending legal proceedings brought against the Council as required including judicial review, statutory appeals or other legal challenges.
17. Securing the recovery of costs where the Council is successful in complex litigation, which may involve detailed assessments.
18. You must cooperate in all matters relating to Health and Safety and implement all procedures for your job role. The identification of Health and Safety related risks within the working environment must be highlighted to your management.
19. Undertake all the duties within the framework of Equal Opportunities
20. Any other duties appropriate to the post: These other duties must be equivalent to or below the salary and status of the role and, where appropriate, under the Equality Act 2010, due consideration must be given to any employees with a "protected characteristic".

PERSON SPECIFICATION

Position Title:	Solicitor/Barrister (Litigation)	Date Prepared:	22 May 2019
Department:	Legal	Band:	9

	REQUIREMENTS	Essential	Desirable	Assessed
	QUALIFICATION			
1.1	Qualified Solicitor or Barrister (England and Wales)	✓		A
1.2	Demonstrable substantive post qualification experience	✓		A/I
	EXPERIENCE AND KNOWLEDGE			
2.1	Substantial experience and evidence of working on complex litigation matters	✓		A/I
2.2	Thorough knowledge of Litigation and Civil Procedure Rules	✓		A/I
2.3	Substantial experience and evidence of conducting advocacy in court	✓		A/I
2.4	Defended advocacy experience		✓	A/I
2.5	Thorough knowledge of litigation matters within a Local Authority setting and experience of conducting such matters		✓	A/I
2.6	Ability to simplify complex problems, processes and projects in to component parts to analyse, explain and evaluate	✓		A/I/T
2.7	Experience and knowledge of drafting and providing legal advice to clients	✓		A/I
2.8	Substantive experience in dealing, handling and meeting client expectations	✓		A/I
2.9	Experience of conducting negotiations and effective working in partnership	✓		A/I
2.10	Experience and instructing counsel and preparing bundles	✓		A/I
2.11	Advised Council Committees, senior board meetings		✓	A/I
2.12	Demonstrable experience of working to deadlines and ability to handle heavy workload under pressure with competing priorities, maintaining quality of work and advice under conflicting requirements and coping with ambiguity and complexity, managing a multitude of projects and relationships while remaining highly focused.	✓		A/T/I
	ABILITY			
3.1	Excellent and effective verbal and written communication with ability to communicate effectively and to a high standard to a wide range of audiences and across a wide range of mediums with an agile but thorough approach	✓		A/T/I
3.2	Ability to respond flexibly to changing demands and to work under pressure to tight deadlines.	✓		A/I
3.3	Ability to assimilate facts quickly	✓		A/I
3.4	Effective presentation skills	✓		A/T/I
3.5	Motivated self-starter who can find solutions	✓		A/I
3.6	Proven negotiation and persuasion skills, including the ability to engage with and influence stakeholders	✓		A/I

3.7	Ability to adopt a proactive approach to all issues and contribute effectively to projects and case work	✓		A/I/T
3.8	Ability to identify causal relationships, key business and commercial drivers, and early identification of stumbling blocks, errors, and mistakes, and to generate proposals for proactive or reactive responses	✓		A/I/T
3.9	Competent user of Microsoft Office	✓		A/I
	Computer literacy and use of information technology to enhance service delivery	✓		A/I
	BEHAVIOUR			
4.1	Ability to translate lessons learned from one project effectively to the next project and to develop policies, procedures and systems	✓		A/I
4.2	Personal and professional demeanour which generates creditability and confidence amongst customers, Members, Chief Officers, managers, staff, external partners and all other stakeholders	✓		A/I
4.3	Able to take personal responsibility for maintaining and developing professional knowledge and expertise and delivering training programmes	✓		A/I
4.4	Effective team worker	✓		A/I
4.5	Ability to supervise, train and motivate junior staff members		✓	A/I
4.6	Team worker who builds positive relationships within team and across the organisation	✓		A/I
4.7	Personal impact and resilience	✓		A/I
	ADDITIONAL			
5.1	Understanding of equality and ability to translate into practice.	✓		A/I
5.2	Able to attend evening and weekend meetings	✓		A/I
5.3	Able to attend site meetings and meetings with organisations based in and outside of the borough	✓		A/I
5.4	A full, clean United Kingdom driver's licence is required and, if appointed, must be appropriately insured for work journeys	✓		A
5.5	Evidence of continuing professional development	✓		A/I

2.	COMPETENCIES			
	ADHERING TO PRINCIPLES AND VALUES			
2.1	<ul style="list-style-type: none"> a) Upholds Council ethics and values b) Demonstrates integrity c) Promotes and defends equal opportunities, builds diverse teams d) Encourages organisational and individual responsibility towards the community and the environment e) Shows respect and sensitivity towards cultural and religious differences 	✓		AF/I/T
	PRESENTING AND COMMUNICATING INFORMATION			
2.2	<ul style="list-style-type: none"> a) Speaks clearly and fluently b) Expresses opinions, information and key points of an argument clearly c) Makes presentation and undertakes public speaking with skill and confidence 	✓		AF/I/T

	<ul style="list-style-type: none"> d) Responds quickly to the needs of an audience and to their reactions and feedback e) Projects credibility 			
2.3	<p>LEARNING AND RESEARCHING</p> <ul style="list-style-type: none"> a) Rapidly learns new tasks and correctly applies to work with speed b) Gathers comprehensive information to support decision making c) Demonstrates a rapid understanding of newly presented information d) Encourages an organisational learning approach (i.e. learns from successes and failures and seeks staff and customer feedback) e) Manages knowledge (collects, classifies and disseminates knowledge of use to the organisation) 	✓		AF/I/T
2.4	<p>DELIVERING RESULTS AND MEETING CUSTOMER EXPECTATIONS</p> <ul style="list-style-type: none"> a) Focuses on customer needs and satisfaction b) Sets high standards for quality and quantity c) Monitors and maintains quality and productivity d) Works in a systematic, methodical and orderly way e) Consistently achieves project goals 	✓		AF/I/T
2.5	<p>COPING WITH PRESSURES AND SETBACKS</p> <ul style="list-style-type: none"> a) Works productively in a high pressure environment b) Keeps emotions under control during difficult situations c) Balances the demands of work life and personal life d) Maintains a positive outlook at work e) Handles criticism well and learns from it 	✓		AF/I/T