

Job Title: Senior Solicitor	Role Profile Number: ENH178
Grade: S	Date Prepared: February 2022
Directorate/Group: Legal	Reporting to: Head of Team in the Legal Department
Structure Chart attached:	No

Job Purpose

To provide technical, expert and comprehensive high quality legal service and specialist professional advice and assistance, including assessment of risk to the Council, in respect of complex and high profile matters within the remit of your area in a modern efficient and cost effective manner working autonomously to solution problems and to contribute to the delivery of the council plan in accordance with professional rules. As Senior Solicitor you will provide an expert and comprehensive high quality legal advice and representation to the Council, its members, officers and partner organisations where appropriate.

You will draw on significant professional and technical understanding to provide advice and guidance to Council departments on a range of complex issues.

This will require the development and maintenance of good working relationships with a range of key stakeholders and personnel within the Council.

Key Accountabilities

The role holder will:

- Provide high quality accurate, succinct and timely legal advice, representation and support to Officers and Members of the Council with commercial and strategic insight
- Autonomously hold a case load including complex, technical cases.
- Research complex legal questions and find solutions to problems through analytical ability and thorough research arising from the work of the Council or its components or associated public bodies, converting that into legal advice for the client as necessary

- Analytically consider documents and other evidence provided by the client department and other parties, where appropriate
- To negotiate, draft and amend complex legal documents and correspondence
- To act as advocate and represent the Council at all levels in legal proceedings under all legislation as appropriate to your area of law
- Provide training, mentoring and guidance to less senior members of staff as necessary
- Use the case management system, templates, processes and procedures put in place within the team
- Demonstrate an understanding and knowledge of client functions, delegations and decision-making processes
- Keep up-to-date with, and ensure implementation and adherence to, legislation, regulation, case law, codes of practice and policy relating to relevant areas of work, offering training and/or updates to client departments as appropriate
- To ensure continuous improvement of legal advice, processes and policies to ensure the service is modern, effective and efficient and operates within the ethos of the 21st century public servant
- To attend and give advice to Cabinet or other Committees, Sub-Committees or Working Parties or other groups of the Council at public meetings or in closed sessions as and when required and to establish good working relationships with other departments and outside agencies
- Undertake at the annual number of hours of continuing professional development required by the role holder's professional body
- Ensure compliance with Council policies and procedures, and client practices, as may be applicable
- Take all reasonable steps to ensure appropriate confidentiality including the encryption and redaction of documentation and utilisation of electronic resources, where appropriate
- Actively participate in team meetings, information briefings and staff events
- Annually complete the Council's Data Protection Act, Freedom of Information Act, equality and diversity training and other mandatory training as directed by their manager or the Chief Legal Officer
- Promote equality and diversity best practice in all areas of work
- Protect the reputation of the Council
- Promote the development and maintenance of the highest professional standards throughout the work and service of the Council and contribute towards the development of the team
- To ensure continuous improvement and to apply new techniques and approaches in your professional area, digitizing processes where possible, to drive Swindon to be a modern, efficient and effective Council
- Contribute to policy development within the service areas in respect of specialist areas of law covered by the team, to contribute towards wider decision making processes and to contribute to keeping the organization within legislation, regulations and effective practice within your area of law
- To deputise for the Principal solicitor or Head of Service as required
- Carry out other duties as appropriate to the level of responsibility of the post and as required from time to time by their manager or the Chief Legal Officer.
- To undertake the functions and hold the knowledge set out in the personal specification table to an technical and expert level

Supplementary Accountabilities

The role holder will:

- Be able to attend evening meetings and work outside the Council's normal hours in order to contribute to meetings, attend committees, prepare for hearings and respond to any need for urgent legal work including participating in the Council's emergency response arrangements

Adults & Childrens Team	Litigation Team	Contracts & Procurement Team	Property	Planning Team
A working knowledge of Children legislation such as Children Act 1989, the Family Procedure Rules, Adoption and Children Act 2002 and the Care Planning Placement Case Review Regulations.	Knowledge of a wide variety of civil and criminal litigation covering all aspects of the Council's area of responsibility including Regulator enforcement, trading standards, food safety, etc. Antisocial behaviour, housing disrepair, debt recovery, landlord and tenant, planning, employment, education, data protection and governance.	knowledge and experience of law and practice relating to public procurement and local authority contracting, as well as knowledge of public and administrative law as relates to local authority duties and responsibilities.	In regeneration , commercial property and in particular have knowledge of state subsidy in relation to land transactions, and knowledge of other corporate or constitutional and administrative matters to ensure compliance with statutory duties and obligation to protect the best interests of the Council	A working knowledge of managing a wide range of complex planning and development control work to include Planning Committee procedures and probity.
Knowledge of the pre-proceedings and care proceedings including the process, drafting and an understanding of the social work within that process and ability to conduct cases from LPM to conclusion	A thorough knowledge of the legalisation on property and planning litigation, disrepair, homelessness, anti-social behaviour, unauthorised encampment/occupation, employment and miscellaneous litigation	Substantial experience of advising on, drafting and review of a wide range of local authority contracts and procurement documents, including framework and funding	Knowledge of the requirement of S123 Local Government Act 1972 and the need for getting best value and the Councils duties in relation to this	To advise planning and enforcement officers at all levels of seniority on a wide range of development management and planning related matters including

		agreements.		planning, planning law and the correct use of procedures
An ability to advise upon law relating to separation, contact assessments and threshold and assist social workers to take appropriate safeguarding steps.	Advocacy in all manner of courts, tribunal hearings and be a capable and confident advocate and a "safe pair of hands" for the Council	Substantial experience of advising on all aspects of procurement law, including subsidies, in connection with the procurement of goods, services and works.	Advising and negotiation on projects involving multi agencies and the councils land ownership	To advise on investigations into, and enforcement against, breaches of planning and related regulations; to approve draft notices.
Experience of advocacy to include drafting Court documentation within the County Court, Magistrates and / or Court of Protection to include CMH through to Final hearing	Experience in understanding complex legal work in litigation and a sound understanding of the applicator of the legal framework	Substantial experience of providing legal, procurement and governance advice to Council and external clients such as schools.	General property advice for development projects, including land assembly	To be responsible for preparing cases for Public Inquiry and appeal hearing and instructing Counsel; and personally attend Public Inquires and Hearing as required as an advocate or, where appropriate with Counsel.
Undertaking contested hearings on submissions and, subject to experience, on live evidence	Extensive knowledge of drafting a wide range of pleadings and associated documentation in respect of both civil and criminal proceedings at all levels.	Effective management of a substantial caseload of contract and procurement matters with	Acquisitions and disposal of both commercial and residential property, including the Right to Buy	Experience of attending and addressing Committees.

		minimal supervision.	provisions, and Licenses to Assign and Underlet, Restrictive Covenants, Deeds of Postponement, Charges and Mortgages.	
Knowledge of private law proceedings and orders including s.7 and s.37 and there interaction with Local Authority functions and public law proceedings	Knowledge of the Licensing Act and associated Regulations, including attendance and advising at Licensing Committee hearings	High standards of written and oral communication skills with demonstrable ability to communicate with senior managers and staff at all levels.	Rent reviews, Dilapidations issues, Tenancy and License Agreements, Conditional Contracts	Drafting and negotiating S106 obligations and advice on CIL Regulations.
Discharging a care order and revoking a placement order	Advice confidentially on high profile sensitive contentious matters, including employment matters		Property related joint venture agreements, auction acquisition and disposal	Experience of the Local Plan process, policy formulation and Examination Procedures.
An ability to advise upon the adoption process from ADM legal advice, placement applications and contested adoptions.			Commercial property work including landlord and tenant, overage, conditional contracts, easements and provide legal input in all Reports to Cabinet, Council and other Committees relation to property matters.	An ability to advise upon the adoption process from ADM legal advice, placement applications and contested adoptions

Desirable Knowledge, Skills or Experience				
Knowledge of	Knowledge of	Knowledge and	Knowledge of	Knowledge of

Adults including experience of providing advice under legislation such as the Care Act 2014, Mental Capacity Act 2005, Mental Health Act 1983, charging processes, or conducting proceedings in the Court of Protection involving S.21A's or Deputyship.	employment law and the procedures of Employment Tribunals and ACAS Codes of Practice.	understanding of the political nature of local government and democratic process.	other property work such as boundary disputes, forfeiture proceedings and property litigation.	other planning work, such as a listed building, trees preservation orders, highways advice.
Experience of assuring the Merton compliance of age assessments and experience of Judicial Review	Knowledge and /or experience of higher court procedures, such as appeal against the Council and Judicial Review Proceedings.	Understanding of the role of Legal Services and how they can contribute to the achievement of corporate priorities	Knowledge and /or experience of court procedures, such as appeal and Judicial Review.	Knowledge and /or experience of court procedures, such as appeal and Judicial Review
Have knowledge or experience of Education such as advising upon EHCP process, tribunals and the application of legislation and regulation such as the Care Act 2014, The Special Educational Needs Tribunal Regulations 2001, Health and Social Care Act 2012; part 3 of the Children and Families Act 2014,	Proven track record of professionalism, excellent communications and drafting skills, working to tight deadlines whilst following quality and service standards.	Experience of best practice, innovation and continuous improvement in the delivery of legal services.	Ability to represent the Council in negotiations and discussion with third parties in matters relating to property matters.	Ability to scrutinise new legislation, statutory instruments, planning policy documents circulars and case law, and evaluate their effect and give timely and proactive advice on them to officers and Members.
An understanding of deprivation of liberty for children	Experience of attending and advising committees		Experience of attending and advising	Experience of working to tight deadlines

and / or adults including use of inherent jurisdiction and COP			committees.	in a pressurized and dynamic environment and the ability to priorities competing task.
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Knowledge & Experience

Candidates must have substantial knowledge and experience as follows and will be required to provide evidence of this:

- To demonstrate knowledge and experience required to undertake the functions specified in the person specification table to an technical and expert level
- At least 2 years of post qualification experience
- A technical aptitude and the ability to work autonomously;
- Strong communication skills and the ability to offer clear and concise legal advice and argument verbally and in writing, tailored to the audience.
- Experience of working to tight deadlines and in a pressurised environment
- An understanding of the framework of local government and a commercial acumen and understanding of the commercial and community impact of the nature of work undertaken.
- Proven advocacy where required
- Ability to understand the working environment of the departments served and to work creatively to meet the business objectives of those departments
- Ability to work independently, manage own workload, plan ahead and take responsibility for own work and

make important decisions without supervision

- A clear understanding of the political nature of local government and knowledge of internal governance processes

Qualifications

- Qualified Solicitor, Barrister or a Fellow of Institute of Legal Executive's (FILEX) with current Practising Certificate
- Admission on to the relevant authorising body and current practicing certificate

Decision Making

- To take instructions from client departments to enable the role holder to make day to day decisions on case management and the conduct of matters to enable the matter to successfully conclude with an outcome or solution which is in line with the Council's objectives.
- To work autonomously on high profile, sensitive, complex and high cost cases and projects with an understanding of the short and long term implications for the Council's budgets, reputation and objectives and to assist clients to make appropriate decisions and offer guidance on the risks arising as cases develop.

Creativity and Innovation

- Strong intellectual problem-solving and diagnostic skills, including the ability to weigh arguments, leading to sound judgement and decision making.
- Regularly dealing with complex and specialist areas of law and cases which involve legal work outside any set procedure, sometimes requiring extensive legal research and making judgement on the applicability of legal principles
- Ability to adapt and understand the working environment of instructing departments and to work creatively to meet the corporate objectives of those departments in order to meet the Council's priorities and pledges.
- Ability to function independently, take responsibility for own work and make important decisions without supervision
- Ability to use own initiative to create or amend documentation and/or process to fit the needs of the team, which, subject to experience, and with limited supervision, may involve creative drafting of bespoke documentation to meet client needs.

<p><u>Job Scope</u></p> <p>Number and types of jobs managed</p> <ul style="list-style-type: none"> • N/A <p>Typical tasks supervised/allocated to others</p> <ul style="list-style-type: none"> • Supervision of trainees and Legal Assistants or Legal Support Officers 	<p>Budget Holder</p> <p>Responsibility</p> <p>Asset Responsibility:</p>	<p>No</p> <p>No</p>
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Contacts and Relationships

(how the role relates to the work of others i.e. officers, groups, committees, general public, members, partner organisations, internal and external contacts of the council)

Build and maintain effective relationships with key clients and be accountable for the quality and level of services provided to them to include

- Internal Client departments, including officers at all levels, including Director level
- Elected Members
- External parties, as and when required in the course of your duties.

Employee Signature:	Print Name:
Date:	
Line Managers Signature:	Print Name::
Date:	