

Job Details

Job Title: Head of Legal Services

Band: 8B

Hours of Work: 37.5

Department: Legal

Division: Governance

Base: RAEI

Reporting Arrangements

Managerially Accountable to: Head of Governance and Assurance

Professionally Accountable to: Deputy Director of Nursing

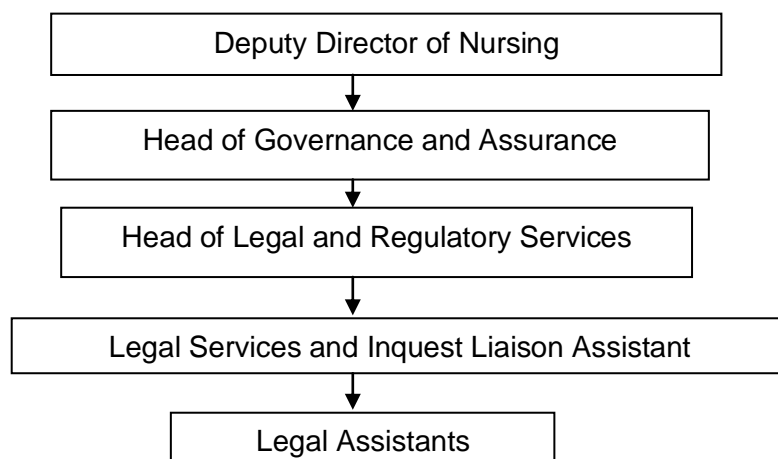
Responsible for: Legal Services Department

Job Purpose

To provide expert legal advice and support to the organisation, specifically in relation to health care law and regulatory compliance requirements and medico-legal matters. To ensure that the Trust develops an ability to learn from claims, HM Coroners Inquests, NHSLA negligence trends and themes with the aim of reducing both harm to patients and litigation costs.

Organisation Chart

The organisational chart shows the position of the job within the department/service, indicating any services/functions directly managed.



Duties and Responsibilities

Key Results from Postholder

- To develop an integrated Legal and Regulatory Services department with an ethos of sharing information and learning from events with the entire organisation.
- To develop an open and transparent culture with patients and relatives – where settling disputes quickly is recognised as in the best interest of the Trust and the patient.
- To network effectively both internally and externally, ensuring the Legal and Regulatory Services become a participating component of the corporate function of the Trust.
- To support the Executive team, Trust Board Secretary and the Head of Governance and Assurance and other senior members of staff in ensuring that all regulatory requirements are understood, adhered to, and risk assessed as necessary.

Planning and Organisational Duties

- To be accountable for the management and handling of all clinical and non-clinical legal claims made against the Trust, HM Coroner Inquests and legal queries received.
- To liaise with Trust employees and external organisations, including the NHS Litigation Authority, solicitors, HM Coroner, clinical experts and other NHS organisations in order to facilitate the effectiveness and efficiency of the Trust's claims function.
- To provide legal advice, information and guidance to the Chief Executive and Executive Team, and other relevant staff within the organisation on a wide range of legal issues.
- To attend, as appropriate, board and sub-board level meetings and deliver presentations as and when necessary.
- To represent the Trust at appropriate health care legal forums.
- To be responsible for ensuring that the Trust is meeting all relevant legal and regulatory requirements, specifically compliance with statutory requirements associated with the Care Quality Commission and Monitor.
- To be responsible for deciding when external solicitors should be instructed to deal with legal issues relevant to the organisation. At all times ensuring that legal costs are proportionate to the particular case matter.
- To extract and provide statistics and trend analysis reports to the Trust Board, sub committees of the Board, Divisional Management Teams, clinicians and departments as required, creating and maintaining the Datix Legal database module to meet their needs, in order to assist in identifying lessons to be learned to improve patient care and reduce future litigation costs.
- To ensure that the Trust Board and Divisions are informed of high profile claims and inquests, ensuring that any lessons to be learned are highlighted and disseminated appropriately within the organisation.
- To develop a system of assurance, linked to Datix, for the collection of evidence that demonstrates that lessons from claims and inquests have been embedded in practice across the organisation.
- To manage the claims function and departmental staff, including reviewing and auditing individual performance of team members, allocating and reallocating claims caseloads and tasks, undertaking appraisals and Personal Development Plans (PDPs), ensuring adequate cover in the department and undertaking risk assessments.
- To plan, develop and implement specialist conferences and seminars on legal issues pertaining to healthcare.

- To continue to evaluate the long-term Claims Strategy, ensuring effectiveness of the claims function within the organisation, adapting practice and procedures accordingly.
- To provide advice, support and training to all departmental staff as appropriate to the individual, to ensure a high level of competence is achieved and maintained within the department.
- To manage a claims caseload using specialist legal knowledge and analytical skills to include making judgements upon the merits of the claim, defensibility, value and lessons to be learned from detailed and often time consuming perusal of the medical records and intricate reports obtained from consultants and clinicians involved and external independent expert reports.
- To effectively manage, prioritise and reschedule workload in response to statutory and procedural deadlines imposed by the Courts, Civil Procedural Rules, NHS Litigation Authority guidance, HM Coroner requirements and legislation.
- To represent the Trust, where necessary, at court hearings, including HM Coroner Inquests, trials and pre-trial case conferences with barristers, whilst ensuring that key personnel and the Executive Team are aware of impending court attendances and are notified of developments and/or outcomes.
- To regularly review caseload, and instruct alterations to the electronic data held on the Datix legal database module, including the grading severity, quantification of the claim's value and the claim's probability of success, in order that accurate claims data is available at all times for necessary statistical and trend analysis and audit.
- To act as an Authorised Signatory for Statements of Truth on official court documentation, by analysing and verifying the accuracy of the contents prior to lodging with the Court.
- To work in collaboration with HM Coroner, including scrutinising medical records to identify the relevant Consultants and clinicians involved in the care of the deceased patient, obtaining the necessary reports for disclosure to HM Coroner, as well as identifying potential claims from the circumstances leading to the death.
- To work in collaboration with colleagues in Patient Relations, Patient Safety and Health & Safety, including identifying potential claims for further investigation and possible Root Cause Analysis.
- To act as a contact for requests for legal information and guidance on matters relating to the investigation of serious, untoward incidents, including Root Cause Analysis.
- To liaise with the HR Department in relation to all potential employers liability claims brought by members of Trust staff in order to ensure vital information is shared between the two departments.
- To attend weekly Executive Review Meetings of incidents, claims, inquests & complaints.
- To prepare an annual Legal and Regulatory services report in line with NHSLA requirements for the consideration of the Trust Board and its subcommittees.
- To support the Head of Governance and Assurance in undertaking Regulatory risk assessments, identifying where the Trust might be at risk of non-compliance with legal and regulatory requirements in conjunction with key members of staff.
- To instil across the Legal and Regulatory Team an empathetic ethos to patients and relatives who may have been subject to negligent or suboptimal care.
- To ensure that all information resources, paper and electronic, especially those related to claims and inquests are stored in line with Information Governance and NHSLA requirements.
- To research the long term shift in patterns of medico-legal claims advising the Trust on any proactive steps it can take to reduce financial exposure.
- To research and develop the most effective methods of disseminating HM Inquest and medico-legal verdicts to the wider organisation that can, over a 5-10 year period, demonstrate a reduction in similar cases.

Communication and working relationships

- To ensure that the Deputy Chief Executive, Head of Marketing and Communications are proactively appraised of any cases that may create press interest and assist in the production of appropriate press releases.
- To work closely with all disciplines of staff involved in the litigation process, providing them with regular, detailed updates of progress. Where their attendance at a court hearing is required, i.e. a trial or HM Coroner's Inquest, provide support as required.

Responsibility for Finance

- To manage the departmental budget in accordance with Standing Financial Instructions ensuring that any Cash Releasing Efficiency Targets are met, as well as monitoring the income generated by the department, and being an authorised signatory within set financial limits.
- To provide financial information to the Finance Director to ensure compliance with statutory monitoring returns and to ensure appropriate financial provision is made in respect of claims

Responsibility for Human Resources

To provide line management to all staff within the Legal and Regulatory Services team, ensuring a balance between the needs of the organisation, staff development, and work life balance are embedded.

Responsibility for Health and safety

Compliance with the Health & Safety at Work Act 1974 – the post holder is required to fulfil a proactive role towards the management of risk in all of their actions. This entails the risk assessment of all situations, the taking of appropriate actions and reporting of all incidents, near misses and hazards, and a statutory duty of care for their own personal safety and that of others who may be affected by their acts or omissions.

Responsibility for NHSLA

- To be responsible for achieving and maintaining high standards in respect of the claims function in external assessments, including NHSLA Risk Management.
- To develop, adapt and evaluate the Datix Legal database module (for claims and inquests) to ensure that it meets with the requirements of the NHS Litigation Authority.
- To develop and implement policies and procedures on all aspects of the claims and HM Coroners function for the Trust, ensuring that they comply with NHSLA Risk Management Standards.
- To jointly project manage the Trust NHSLA assessment process with the Patient Safety Manager and Head of Governance and Assurance.
- To review and update policies and procedures to reflect changes in legislation and, for example, the requirements of the NHS Litigation Authority.
- To be the nominated Trust contact with the NHS Litigation Authority (NHSLA).
- To report all claims to the NHS Litigation Authority on behalf of the Trust at the appropriate procedural stage, to include a detailed synopsis of the claim, your opinion on the allegations of negligence made, any care management problems, and your proposal for future action, conduct and management of the claim.
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Responsibility for Teaching

- Develop and maintain a structure to provide support and advice to staff of all disciplines involved in claims investigation/required to attend case meetings or court, ensuring that legal advice is obtained where appropriate
- To provide educational sessions across the organisation and to all staff groups on the legal responsibilities of the NHS and its employees as and when necessary
- To contribute to the planning, development and implementation of training in Root Cause Analysis techniques across the Trust as advocated by the National Patient Safety Agency (NPSA).

Work Circumstances and on-call

- Work independently to objectives as agreed with the Head of Governance and Assurance
- There are no on call responsibilities associated with this role
- Travel, as required, to inquests and meetings with NHSLA and Solicitors

Standard Duties and Responsibilities

The Trust operates a No Smoking Policy.

Compliance with the Data Protection Act 1998 and Information Governance – the postholder is not entitled to use for their own benefit or gain, or to divulge to any persons, firm or other organisation whatsoever, any confidential information belonging to the Trust or relating to the Trust's affairs or dealings which may come to their knowledge during employment.

Compliance with the Health & Safety at Work Act 1974 – the postholder is required to fulfil a proactive role towards the management of risk in all of their actions. This entails the risk assessment of all situations, the taking of appropriate actions and reporting of all incidents, near misses and hazards, and a statutory duty of care for their own personal safety and that of others who may be affected by their acts or omissions.

Compliance with Trust Policies and Procedures including the Code of Conduct.

Responsibility for all records (including patient health, financial, personal and administrative) that they gather or use as part of their work within the trust. The records may be paper, electronic, microfiche, audio or videotapes, x-ray images.

Any other duties appropriate to the grade.

The range of duties and responsibilities outlined above are indicative only and are intended to give a broad flavour of the range and type of duties that will be allocated. They are subject to modification in the light of changing service demands and the development requirements of the postholder.

This document is also available in audio, large print, Braille and other languages upon request.
For more information call 01942 773106.