



**VACANCY NOTICE**

**MINISTRY OF JUSTICE,  
OFFICES OF THE OFFICIAL SOLICITOR  
AND THE PUBLIC TRUSTEE**

**COURT PROTECTION:  
HEALTHCARE & WELFARE LAWYER**

**AUGUST 2016**

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## Headline information

<b>JOB TITLE:</b>	Court of Protection: Healthcare and Welfare Lawyer
<b>DEPARTMENT:</b>	Ministry of Justice
<b>DIVISION:</b>	Offices of the Official Solicitor and the Public Trustee
<b>LOCATION:</b>	Victory House, Kingsway, London WC2B 6EX
<b>CLOSING DATE &amp; TIME</b>	Wednesday 21 September 2016 <b>12 pm (mid-day)</b>
<b>INTERVIEW DATES:</b>	Late October (provisional)
<b>WORKING ARRANGEMENT:</b>	Full time
<b>APPOINTMENT TERM:</b>	Permanent
<b>NUMBER OF POSTS:</b>	2
<b>SALARY RANGE:</b>	£53,589 to £72,081
<b>SALARY DETAILS:</b>	As above
<b>TRAVEL REQUIRED:</b>	Sometimes
<b>CRB REQUIRED:</b>	No
<b>GUARANTEED INTERVIEW SCHEME:</b>	Yes
<b>RESERVED/NON-RESERVED</b>	Non-reserved

## Vacancy Description

The Official Solicitor acts for some of the most vulnerable members of society and is often at the forefront of legal developments affecting the vulnerable.

Two vacancies have arisen in the Official Solicitor's Court of Protection: Healthcare and Welfare team for a Grade 7 (Band Aa) lawyer. The Official Solicitor is invited by the Court of Protection to act as last resort litigation friend, and sometimes solicitor, for persons lacking capacity to make the relevant decisions for themselves, in proceedings relating to their healthcare and welfare in the court. The court is being asked to make the decisions for them. All proceedings must be conducted by the litigation friend on their behalf in their best interests.

In welfare cases the Official Solicitor retains external solicitors to act for the person. Those solicitors have day to day conduct of the litigation on instructions from the Official Solicitor personally or through his case manager, who may be a lawyer or a lay case manager. Medical treatment cases are dealt with 'in house' and the Official Solicitor will act as both litigation friend and solicitor of the person concerned. Many of the healthcare and welfare cases involve complex and/or novel points of law. They require sensitive handling.

The team advises the Official Solicitor and others in the office in relation to this specialist area. As well as being responsible for a fast moving and substantial caseload, the team provides assistance

to the judiciary and responds to enquiries from solicitors, barristers, other professionals and members of the public. On occasions the Official Solicitor may be asked to act as or appoint an advocate to the court if the important or difficult point of law in issue is one in which the Official Solicitor's experience of representing adults lacking capacity gives rise to special expertise.

Candidates will be expected to:

- Have a very good knowledge of one or more of the following
  - Community Care law
  - Health and Social Care law
  - Mental Health law
  - Human Rights law
  - Family law
- Be familiar with or willing to quickly acquire knowledge and familiarity with the Mental Capacity Act 2005 and Court of Protection practice and procedure
- Have experience or an interest in judicial review proceedings and/or medical ethics
- Provide an excellent standard of legal service to the Official Solicitor's clients, the judiciary, legal professionals and other stakeholders
- Act as advocate when required to do so
- Be able to work under pressure to demanding court led timetables
- Have good IT skills

The successful candidate will work in a team of lawyers and lay case managers in an open plan environment, in close collaboration with the Official Solicitor and his other legal/case management teams.

## **Person Specification**

We are looking for intellectually capable, highly motivated lawyers with powerful communication skills. You need to have good self-awareness and a commitment to using feedback to learn and develop as a professional. In addition, the application and interview process will seek evidence of the following competencies:

- Legal Professional Skills
- Making Effective Decisions
- Collaborating and Partnering
- Managing a Quality Service for Clients
- Delivering at Pace
- Motivational Fit

**When completing your application/at interview you will be asked to provide examples of how you have demonstrated the competencies listed above.**

## **Minimum Eligibility Criteria**

### **Professional Qualifications**

The recruiting department has specified this as: applicants must be (or about to become) qualified to practise as a Solicitor, Barrister or Chartered Legal Executive in England and Wales. You must have completed a training contract/pupillage/qualifying employment, or have been exempted from this by the Law Society, the Bar Council or CILEx. Applicants qualified in a jurisdiction outside England and Wales will be subject to the rules of the professional bodies (where applicable). Barristers and Solicitors qualified in a jurisdiction outside of England and Wales will be required to complete the Bar Transfer Test or Qualified Lawyer Transfer Scheme within an agreed period of time (this is likely to be within 12 months of appointment).

*Professional entry criteria for Chartered Legal Executives (i.e. Fellows):* Chartered Legal Executives are eligible to apply where (i) a Qualifying Law Degree (QLD) is held; or (ii) the Graduate Diploma in Law (GDL)/CPE has been completed; or (iii) where exams have been passed (i.e. a score of 50% or above achieved), at CILEx Level 6\*, in all of the following seven foundation subjects in law:

1. Contract Law
2. Criminal Law
3. Equity and Trusts Law
4. European Union Law
5. Land Law
6. Public Law
7. Law of Tort

\* Note: There are specific requirements relating to academic achievement in the CILEx Level 6 exams where these are being used to demonstrate 2.1 degree equivalence as set out below.

### **Academic**

Applicants **should** have a minimum of a 2:1 degree in their first degree (in any subject). Where an applicant holds an overseas degree qualification this should be equivalent to a 2.1 degree. However, this Department will consider applicants who do not have a 2.1 degree (or above) (e.g. where a lower degree classification is held, or, where applicants have (under the rules of the professional bodies) qualified as a Solicitor/Barrister/ Chartered Legal Executives without a degree) but only where satisfactory evidence of equivalent high level academic and/or professional achievement can be provided (e.g. via relevant experience and results achieved for the Graduate Diploma in Law (GDL)/CPE, Legal Practice Course (LPC), Bar Professional Training Course (BPTC)).

*Chartered Legal Executives* should note that the GLS will be willing to accept an, overall, average score of 65% or above across exams passed in the seven foundation subjects in law (where studied at CILEx Level 6) as demonstrating 2.1 degree equivalence (where a 2.1 degree is not held).

## Nationality

The GLS is part of the wider Civil Service and therefore the [Civil Service nationality rules apply](#). If a post is described as 'reserved', then only UK nationals will be eligible to be able to apply. If a post is advertised as a 'non-reserved' post, as our posts generally are, those listed below will be eligible to apply:

- UK Nationals (and British Protected Persons);
- Commonwealth citizens and nationals of the European Economic Area (EEA);
- Individuals with dual nationality where one part is British; and
- Certain family members of EEA, Swiss and Turkish nationals (as set out in the Civil Service nationality rules).

Please note that it is possible to meet the above nationality requirements and still not be legally entitled to work in the UK. [UK Visas and Immigration](#) operates a points-based immigration policy which applies to the migrants from outside the European Economic Area, Switzerland and Turkey.

It is the applicant's responsibility to check whether this policy applies to them. When applying, applicants will be asked about their nationality at birth, whether they are subject to immigration control, whether there are any restrictions on your continued residence or employment in the UK etc. Detailed document checks will be made prior to employment.

Applications will be accepted from those applicants who may require sponsorship for a work permit under the UK Border Agency's points-based immigration policy. Applications which require sponsorship will, however, only be considered if no suitable settled worker is identified for the position.

## Guaranteed Interview Scheme

Some GLS departments have signed up to the Positive about Disabled People Commitment and will guarantee an interview to any disabled applicant who meets the minimum criteria. The Equality Act 2010 defines a disabled person as someone who has a physical or mental impairment which has a substantial and adverse long-term effect on his or her ability to carry out normal day-to-day activities.

To meet the minimum criteria, candidates applying under the terms of the Guaranteed Interview Scheme (GIS) must:

- Meet all aspects of the stated minimum eligibility criteria (i.e. academic, nationality, and professional criteria); and
- Obtain a minimum score for (i) the GLS core competencies being assessed at the application stage and (ii) against any job specific criteria specified.

Candidates applying under the terms of the GIS, who meet the minimum criteria outlined above, will be invited to attend an interview.

## **Pre-employment Checks**

All government departments are required to ensure that any personnel employed by them comply with the Baseline Personnel Security Standard (BPSS) before they take up employment.

This standard involves verification of identity; nationality and immigration status (including an entitlement to undertake the work in question); employment history (past 3 years) and criminal record (unspent convictions).

You will be asked to produce original documents when attending interview to enable us to verify the above if you are successful. The information which you provide will be treated in the strictest confidence by the GLS and its authorised representative (TMP Worldwide).

Supplying false information or failing to disclose relevant information could be grounds for rejection of your application, or, dismissal and could amount to a criminal offence. Your referees will not be approached until your permission has been obtained following success at interview.

Regarding criminal record checks (i.e. DBS checks), a basic disclosure will normally be required (covering convictions considered unspent under the Rehabilitation of Offenders Act 1974). This will apply to successful candidates only and your permission will be required before checks are undertaken.

## **Data protection**

The information which you provide will be protected and processed for the purpose of successful completion of the Baseline Personnel Security Standard, in accordance with the requirements of the Data Protection Act (1998).

If you have any concerns about any of the questions which you are asked to complete or what we will do with the information you provide, you should discuss these with the GLS Recruitment Team.

## **Departmental Contact Point**

If you would like to discuss this post further with someone in the department, or would like to be put in touch with a lawyer working in the team please contact:

Name: GLS Recruitment Team  
Telephone: 0845 3000 793 or 0117 923 4417  
Email: [glsqualified@tmpw.co.uk](mailto:glsqualified@tmpw.co.uk)



## Complaints Procedure

GLS Departments' processes are underpinned by the principle of selection for appointment on merit on the basis of fair and open competition as outlined in the Civil Service Commission's Recruitment Principles which can be found at <http://civilservicecommission.independent.gov.uk>

If you feel your application has not been treated in accordance with these Principles and you wish to make a complaint, please contact Janet Peel on 020 3681 2716 or at [Janet.Peel@justice.gsi.gov.uk](mailto:Janet.Peel@justice.gsi.gov.uk) in the first instance. If you are not satisfied with the response you receive from the Department, you can contact the Civil Service Commission.