

Job Title	Head of Legal
Band	8b
Responsible to	Lynda Hopkins
Accountable to	Lee Jackson
Base	CLCH Travel to various sites across the ICS

Job Purpose

NWL Procurement Services (“NWL PS”) is part of Central London Community Healthcare NHS Trust, and provides procurement and supply chain management services across all members (“NWL Members”).

The high level

- Determines and implements the commercial legal strategy acting as a business partner to the NWL PS function,
- Provides a dedicated legal service within NWL PS in response to specialist procurement and contractual matters,
- Undertakes factual investigation of commercial and procurement claims acting as an internal and independent reviewer of procurement challenges and liaise with external legal counsel if required,
- Drafts legal documentation, policies and procedures and searches legislation and precedent to support the organisation on governance matters,
- Provides training on new legislation and speciality issues, and contributes to the wider team’s knowledge transfer,
- Acting as advisor to NWL PS, Finance Directors and other stakeholders at all levels, on all legal matters in relation to commercial law, contracting, competition, regulation, procurement, Information Governance and GDPR.

Key Working Relationships

Internal

- NWL PS Category Directors and their Teams
- NWL PS Sourcing team
- NWL Member Clinical and Non-Clinical Senior Management
- NWL PS Delivery Board members NWL PS Leadership Team
- Trust CFO’s and their teams

Main Duties and Responsibilities

Legal Advice

- Communicates highly contentious sensitive information in order to provide a legal advisory service associated with specialist procurement and commercial legal advice.
- Provide independent, expert advice and support relating to statutory and legislative compliance and interpretation of Standing Orders, Standing Financial Instructions, policies with wider organisational impact and other directions and guidance.
- Judgements in relation to legal practice and highly complex commercial claims, negotiating and advising on the settlement or dispute resolution processes.
- To provide or procure expert advice in relation to matters relating to the needs of the Client such as procurement, contracts and commercial law, competition law, employment law such as TUPE legislation or Public Sector law including the subsidies act (former grants process)

- Caseload comprising highly complex and high value commercial and non-commercial contracts, requiring analysis, interpretation, mental attention, and comparison of a range of options.
- Research and prepare expert legal advice on all aspects of developments in legislation, identifying and raising implications for the Clients; to include audits requiring research methodology designed to improve the legal framework within the Client. This requires Planning and organising complex activities requiring formulation, adjustment.
- To instruct external legal counsel on an as needed basis and to oversee and manage outsourced casework.
- To undertake legal research and prepare/present briefs on key legal matters as necessary, to improve Client internal processes in relation to procurement of goods and services and commissioning of healthcare and social care services.
- To take responsibility for the purchase of external legal services as appropriate.
- Revise and approve documentation before it can be submitted to Clients, providers and other stakeholders acting as gatekeeper for high-risk activities undertaken.
- To mediate in case of legal challenges and be first point of contact between the client and its appointed solicitors

Governance

- Lead on governance and compliance activities by leading the governance group within NWL PS to embed best practice and ensure compliant processes are created, followed and embedded within NWL PS and its Clients to ensure compliant processes are followed to ultimately minimise and mitigate risks and ensure best value for money is achieved within the legal framework.
- Prepare, consult and implements policies, procedures guidelines and templates to ensure compliance, consistency and save time to the members of the team and maintain these by applying best practice, lessons learned and stakeholder input.
- To ensure that appropriate long term strategic action planning against risks is completed in a timely manner, particularly ensuring meaningful assurance reports for Directors of finance, Governing Body for high complexity, high value and high risk contracts when required.
- Represent the Clients in sensitive a situations, delivering difficult messages when required to senior stakeholders.
- Provide and receive highly complex, sensitive and contentious information, including presenting information to the Finance Directors and various Boards
- Development of programmes for long-term delivery of benefits in line with Department of Health, NHS England, NHS Improvement, Crown Commercial services and other government policy.
- Legal and Compliance risk and liability management
- Monitor compliance with internal rules and external regulatory requirements for the protection of the organisation and its Clients including but not limited to Information governance and data protection, fraud

Commercial and Contracts

- Review high value, high complexity contracts
- Taking into account the requirements of relevant internal clients, provide professional assistance with the preparation, review and risk assessment of commercial agreements.
- To risk assess procurement strategy and contractual arrangements to minimise risks and obtain best value for money and in line with Procurement Regulations, Data Protection and any other relevant legislation which impact on stakeholder organisations service delivery and beyond.
- Draft model contracts for the use within NWL PS and its clients to ensure negotiation power resides with them and facilitates negotiations, saves time and minimises risks.

- Draft and review diverse types of contracts including but not limited to commercial and non commercial agreement such as License agreements, data sharing agreements, intellectual property agreements, Non-disclosure Agreements, lease agreements and any other contract required.
- To lead in commercial and legal negotiations on high complexity, high risk contracts as required.
- Ensure that robust legal arrangements are established and operating effectively in relation to functions carried out in partnership with or on behalf of the Clients.
- Formally review proposals to ensure that legal requirements are met specially in relation to the Public Contracts regulation, Procurement, patient Choice and Competition regulations, The Health Act (2006) and the Health and Social Care Act (2012).
- Communicate with individuals and groups and prepare and deliver presentations throughout the procurement process.
- Be responsible for organising, facilitating and participating in regular meetings with key stakeholders. These include scope meeting, problem solving, negotiations, contract performance and service delivery meetings.
- Use highly-developed persuasion and influencing skills to engage with and influence key stakeholders at all levels within stakeholder organisations in order to facilitate participation in identified procurement activity.
- Provide advice and expertise in all aspects of procurement activity to stakeholder organisations. This advice and expertise can be in highly complex areas and involve detailed and up-to-date knowledge of areas such as European Procurement Legislation and case law. This includes advising in complex Vendor neutral managed service contracts and VAT implications

Leadership, team development and networking

- Ensure key relationships with other legal and procurement professionals and internal and external stakeholders.
- Be responsible and lead the procurement teams effectively in best practice, coaching, mentoring and performance management of legal team.
- Identify and ensure that support activities are established that enhance professional expertise and support the embedding of a change management culture across SoEPS and its Clients.
- To be responsible for the delivery of core legal specialist training, as required at all levels within the organisation and its clients (i.e.: procurement law, TUPE)
- Influence stakeholders to contact SoEPS in all related procurement and contractual matters and be first point of contact for all legal and contractual challenges.
- Engage key stakeholders at all levels within Clients, NHS England NHS Improvement and any other relevant stakeholder in order to facilitate participation in identified procurement activity and influence internal and external policy at the highest level within the organisation with service-wide impact.
- Liaise with specialists such as clinical, legal, HR, the NHS Litigation Authority and industry regulators to ensure full compliance with current legislation and procurement standards.
- Be recognised as legal and procurement expert internally and externally and be part of national pilots and new models of care in relation to the commercial, contract and procurement implications
- Be first point of contract for procurement in all contracts, arrangements and issues occurring within the Clients in relation to data protection and commercial confidentiality implications.
- Lead discussions with large groups of stakeholders and/or providers for potential collaborative opportunities including transformation plans and new delivery models with NHS Trusts, private providers, GPs, CCGs, Local authorities.

Person Specification
Job Title: Head of Legal

Factors	Criteria	Assessment Method
Education/Qualification		
Essential	<ul style="list-style-type: none"> Educated to Master's level in law 10 years post graduate experience working within the public sector Significant evidence of Continuing Professional Development Experience in a senior management role within a complex environment. 	AF, C
Desirable	<ul style="list-style-type: none"> 	
Experience		
Essential	<ul style="list-style-type: none"> Significant experience of strategic change management within a large, complex organisation. Commercial expertise. A track record of building and maintaining excellent internal and external relationships working to deliver shared goals. Ability to work within the complexities of an NHS environment at a strategic level. Understanding of the relevant legislation (Competition Act 1998, Data Protection, Freedom of Information Act, Human Rights Act, NHS Act 2006, Bribery Act, Health and Social Care Act 2012, Public Contracts regulations, Procurement, patient Choice and Competition Regulations. Conduct of Employment Agencies legislation). Data protection and freedom of information advice Experience of procuring external legal advice and acting as the primary point of contact for legal advice to an organization, proactively managing external providers. Track record of advising Organisational leaders on legal responsibility and liability. Experience of managing highly sensitive and confidential information. evidence a track record of demonstrable legal experience, influencing skills and ability to motivate others to deliver key targets and goals. 	AF, IV
Desirable	<ul style="list-style-type: none"> Experience of working with the NHS and medical devices companies 	AF, IV
Skills & Knowledge		
Essential	<ul style="list-style-type: none"> Dynamic personality and the ability to build trusted stakeholder relationships and wide support networks in a political context. Ability to influence appropriate legal governance, successfully advising staff at all levels. Ability to provide counsel and advice to Executive and Governing Body Members and provide challenge when necessary. Ability to work flexibly and using initiative across Organisational boundaries. Ability to negotiate and influence to motivate others to deliver. Ability to maintain leadership of high standards and accurate ways of working particularly when under pressure. Ability to see the overall picture without losing sight of the detail. Experience of effective analysis of problems and development and implementation of solutions. Ability to operate confidently under pressure, Detailed knowledge of company and competition law. Ability to lead strategically and provide practical advice Capacity to interpret national policy and guidance. Occasional exposure to highly distressing emotion circumstances based around legal matters. Clearly manage priorities for self and others in order to meet specific deadlines. Create, develop and maintain working relationships with Clients managers to achieve corporate and commercial objectives. Secure action and agreement in others through confidence in their ability 	AF, IV

	<p>and ready to make decisions and commit to agreed action.</p> <ul style="list-style-type: none"> • Provide credible advice to all clients on all procurement related matters. • Project management - the ability to participate in complex projects, involving personnel from many disciplines/departments in client organisations and suppliers • Advanced IT skills including knowledge of specialist software for contract management, electronic catalogue and e-procurement systems to ensure efficient use of procurement enablement technologies. • 	
Desirable	<ul style="list-style-type: none"> • 	
Key Attributes		
Essential	<ul style="list-style-type: none"> • Confident in the use of appropriate IT toolsets, including advanced keyboard skills, use of IT equipment and systems • Ability to concentrate for long periods of time and flexibility to work in an unpredictable pattern • Ability to handle distressing or emotional circumstances for example imparting unwelcomes news or where performance targets have not been met 	AF, IV
Desirable		
Assessment will take place with reference to the following AF – Application Form, IV – Interview, P – Presentation, T-Test, C Certificate		