

Role profile

Role title	Commercial & Policy Solicitor
Department and directorate	Member Services Directorate
Grade	Grade 3
Reports to (job title)	Head of Legal (Commercial) with dotted line to Head of Legal (Trade Union)
Direct reports (job titles)	None

Job Overview – purpose of the role

Describe as concisely as possible the overall purpose of the job and what success looks like. Please limit this to a maximum of four or five sentences

As a Commercial and Policy Solicitor you will support the Head of Legal (Commercial) and Head of Legal (Trade Union) to deliver confident, pragmatic legal advice across a broad range of commercial, policy, employment and public law matters. You will build strong working relationships across directorates, lead small projects, and provide expert support on national public inquiries and key association initiatives.

This is a role that blends advisory work, stakeholder engagement, contract review, litigation support, external lawyer management and strategic input and would be ideal for a solicitor who enjoys variety and meaningful impact.

Duties and Responsibilities

What are the core duties/responsibilities required to be performed in the role. (e.g., to provide a full range of administrative support services to the department including x,y,z)

Please provide a bullet point list

- Working independently to deliver a broad range of confident legal advice to key departmental clients, while remaining subject to the oversight of the Head of Legal, and ultimately the Director of Legal.
- Proactively managing small projects in delivering upon objectives agreed by others and . Proactively developing a good working relationship with the policy lead and the member relations lead in Scotland to understand their needs and ensure that there is holistic approach to the provision of legal advice; taking any key strategic issues that arise from this to their manager as appropriate.
- Providing advice in order to support the BMA's response to the public inquiries. Engaging with key stakeholders to ensure a joined-up approach, managing the external legal resources appointed to support the same.
- Implementing the defence of Certification Officer claims brought against the BMA by members who have been subject to the BMA's disciplinary processes. Maintaining regular engagement with the Corporate & Member Development Directorate & Communications team around the same.
- Advising clients across the technology team, finance and corporate services on commercial contracts.

Duties and Responsibilities

- Managing external lawyers, selected by more senior management, to ensure the implementation of the BMA's specific objectives for the duration of individual projects.
- Providing legal advice to the BMA in relation to its commercial activity including issues associated with commercial agreements and associated risks and engages in contract negotiations from legal perspective and drafts appropriate legal documents.
- Providing legal advice to the BMA across all four nations, with advice being provided to the secretariat and various branches of practice on issues of employment law, public and administrative law, litigation including High Court judicial reviews, healthcare regulatory law and trade unions legislation.
- Corresponding with other parties on behalf of the BMA and – such as Government Departments, NHS bodies, BMA members, the Courts and other third parties.
- Facilitating the Legal Department's contribution to help advance the member services directorate wide communications workstream.
- Providing the BMA with effective legal representation.
- Continuously keeps abreast of changes to laws.
- Implementing internal training to colleagues on areas of the law that have been identified as important to the BMA.
- Instruct and manage external counsel in the procurement of external legal advice and manages the associated costs and quality of the advice obtained.
- Manage external litigation and collaborate with instructed solicitors and counsel to best safeguard the BMA's interests and achieve its goals.
- Engages with statutory inquiries and inquests ensuring that the BMA is compliant with its obligations while remaining cognisant of the BMA's reputation.
- Act as a point of contact and advisor to colleagues in a devolved nation and stay abreast with any developments and issues that may arise.

Skill (level and breadth of application)

What relevant experience is necessary to undertake this role? What specialist, technical or professional qualifications are required to be able to perform the job?

How far does the role extend out across the organisation, eg confined to own team, involves co-ordination with another department or requires regular negotiation with many other parts of the organisation. Why is this necessary? Describe the range of issues that are involved in this, eg resolving people's IT problems, collecting information on key research items or advising members on a particular issue.

- Recognised law qualifications, practising certificate issued by the Solicitors Regulation Authority (SRA), or Bar Council or a qualified lawyer in a common law jurisdiction and several years post qualified legal experience is required.
- Emotional intelligence – the post holder is required to possess high levels of emotional intelligence and to deploy this in their interactions with colleagues across the BMA, with the BMA's stakeholders, and with the BMA suppliers and negotiating partners.
- Ability to properly balance legal skills (interpreting the letter of the law) as against the clients' operational needs and delivering practical advice to clients in a timely and coherent manner.

Skill (level and breadth of application)

- Need to effectively communicate with people throughout the BMA. Ability to understand the medical, employment and commercial related issues that concern the BMA. Ability to communicate the complexities of legal issues in a manner that can be readily understood and appreciated by non-lawyers.
- Good team player who can co-operate with people throughout the BMA in order to influence them to take legal advice in the knowledge that this will help facilitate the successful implementation of their goals.

Requirement to have knowledge of, and ability to comply with, the professional and ethical rules relating to a lawyers conduct.

Intellectual demands (complexity and challenge)

What sorts of problems, situations or issues are typically dealt with? Give any illustrative examples. How are the problems, situations or issues dealt with (eg undertaking original research and analysis or seeking specialist advice)?

To what extent are standard procedures and processes followed when undertaking typical tasks, and how is personal initiative used when solving problems? To what extent is creativity used in solving the problems (eg adopting different approaches, trying things that have not been done before within the organisation or improving/changing previous approaches).

- Deals with a wide range of commercial and trade union legal issues. Needs to have flexibility of thought.
- Acting as the initial point of contact for the policy and member relations leading in BMA Scotland, as well as in terms of the legal aspects of public inquiries and Certification Officer claims against the BMA.
- Gathers all relevant background information from the client and conducts legal research in the relevant area(s) of law.
- Applies facts to the law and concisely prepares legal advice for clients to keep on record.
- Advising as to the requirements of law and their impact on commercial and trade union law. Advising as to the effect of legislative changes or Court rulings and their potential impact upon medical practice.
- Advising the BMA as to its response to public consultations and discussing proposed legislative or administrative changes that may affect the working lives of doctors.
- Advising as to whether the BMA may have scope to legally challenge controversial aspects of proposed regulatory changes or decisions taken by public authorities.
- Assisting the secretariat and branches of practice to achieve their objective, often by providing tactical advice and implementing innovative and bespoke solutions designed to secure the specified objective.
- Working with external solicitors to commencing litigation, seeking judicial reviews of decisions taken by public authorities which are believed damaging to the interests of the medical profession.
- Litigation advice – advising the BMA as to the prospects of success in litigation, drafting pre-action correspondence, preparing, issuing and servicing legal proceedings. Drafting witness statements.
- Undertaking legal research, and providing complex and specialist advice in a manner that can be readily understood by lay colleagues.

Intellectual demands (complexity and challenge)

Instructing leading Counsel and external solicitors in order to procure specialist legal advice where appropriate.

- Innovatively drafts and delivers advice to clients e.g. plain English, emails, power-point presentations

Judgement (independence and level and impact limitations)

What are the typical decisions that are made in the job without reference to any higher authority? What informs/constrains the decisions (eg expenditure limits, have to follow clearly laid down procedures or working within broad objectives). What influence upon policy, procedures or resources is there (eg giving advice to others)?

Who (or what) is next to be affected by the decisions that are made – for example, supervisor sees them before they leave the team or the whole department sees and has to respond to the change that is made. Give typical example(s) of the consequences of the decisions (eg what impact does the decision-making have on the performance of the team/section/department/organisation)?

- Works closely with lawyer colleagues and other legal department members on an ad hoc basis, as needs require.
- Uses appropriate legal resources to produce accurate legal advice (legal department has access to PLC and publicly available websites).
- Considers legal position in light of the policy and political constraints affecting the BMA.
- Interacts with clients, members, external solicitors/counsel and other third parties directly.
- Contributes to the legal Department's track record for approachability, accuracy, commerciality and 'value for money'.

Use of resources (supervision of resources and influence)

What responsibility is there for managing people, equipment, budgets, resources, customer's welfare or confidential information? If this is a staff management role describe what is involved, eg staff reporting, staff development, appraisal, leading a department or the allocation of work.

How does the role fit within the organisation, eg support role, team member, team leader, specialist policy adviser, or leading major areas of core business?

- Responsibility for:
 - managing external lawyers on individual projects or workstreams of larger projects
 - Providing appropriate direction to secretarial staff (although not day to day line management)
 - Supervising (but not full management) of junior lawyers
 - office equipment
 - resources (legal department databases, own professional law library and precedents)
 - clients' welfare and confidentiality i.e. duty to a client and legal professional privilege
- Within the organisation has:
 - Support role (providing legal advice to internal clients and external clients e.g. general public/BMA members)

Team member (being a member of the legal department, liaising with colleagues)

Communication (level, internal and external demands and significance)

*What people are typically contacted (regardless of the medium) **inside** the Association, eg immediate colleagues, senior managers or administrators? Committee members are the only members classed as internal communication. Normal non-committee membership and doctors are external (see below)*

*Who is in regularly contact with the role holder **outside** of the Association, eg members who are not committee members, suppliers, members of the public? Approximately what percentage of the time is spent on external communications?*

What is the purpose of these contacts, eg conveying information, gathering data?

Internal Communication

- Colleagues with the legal department – to co-operate and discuss legal matters and the effective provision of services.
- BMA Staff and members – to whom legal advice is provided.
- The purpose of my internal communications is normally for the purposes of the provision of advice.

External Communication

- Regular contact with lawyers for public authorities with whom the BMA are in contact.
- Draft legally sensitive communications that will be sent by people within the BMA under their own name.

The purpose of such external communications is normally to endeavour to secure an outcome that is believed to be in the interests of the medical profession (i.e. persuading a public authority to act in a manner that is favourable to doctors interests), or in order to secure an outcome that is protecting the commercial interests of the BMA (i.e. regarding a negotiated contract, or the protection of our intellectual property).

Physical demands & coordination (physical effort and mental strain)

Are there any unusual physical or mental demands of the role; for example, lifting heavy objects, standing for long periods, using VDUs extensively or high levels of concentration?

- Normal co-ordination or physical demands associated with an office environment.
- Limited requirement to engage in lifting/carrying/other exertion.
- There may be occasions of extensive use of VDUs whilst researching and drafting legal opinions.
- High level of concentration is required to produce work of the standard expected.

Working conditions and emotional demands

What are the environmental conditions in which the work is conducted, the social and emotional demands faced by the role and the pressures resulting from these?

Working conditions and emotional demands)

- Duties conducted in a normal office environment and there is no exposure to hazardous conditions or anti-social behaviour.
- Requires Emotional Intelligence, interpersonal skills, ability to get on with colleagues and be a sounding board for colleagues, and being part of a collegiate, supportive culture.
- Minimal personal risk.

Values and behaviours

The post-holder is expected to execute their role in line with our four organisational values.

The following examples illustrate how we are using our values to inform how we act:

We Campaign, Organise and Represent

- We win positive changes at work and in wider society
- We are the trusted collective voice of our profession, seeking progress for doctors, medical students, our patients and populations

We are accountable and member-led

- Our representatives and staff work in partnership for and on behalf of our members
- We are open and democratic

We are expert and trusted

- We grow professional communities of practice to provide credible information, guidance and support
- We use our influence to champion advancement, innovation and professional development for the benefit of health and society

We find strength in unity and celebrate our diversity

- We seek to be fair and just, and foster respectful discussion of our differing (potentially conflicting) perspectives and contributions
- We fight prejudice and discrimination of all kinds
- We are committed to creating a culture that is inclusive of all members and staff
- We extend solidarity to each other and other groups

Sign-off

Manager:

Date:

Role holder:

Date: