



South Tyneside Council

BUSINESS AND RESOURCES

JOB DESCRIPTION

POST TITLE: Solicitor (Adult Social Care)

GRADE: Band 8

RESPONSIBLE TO: Principal Solicitor (Corporate and Litigation Team)

Overall Objectives of the Post:

- To work as a solicitor as part of the Council's in-house legal team in close co-operation with all of the Adult Social Care Teams and where necessary the local CCG. To provide a comprehensive, cost effective, responsive and quality legal service in the field of Mental Capacity Act and Deprivation of Liberty, to health and social care within the Council and on behalf of the CCG.
- To take all appropriate steps to ensure that the Council meets its adult social care responsibilities and priorities within the bounds of the general law.
- To promote the application of the Mental Capacity Act, including all aspects of Deprivation of Liberty and, soon to be introduced, Liberty Protection Safeguards, the Independent Mental Capacity Advocate Service and the interface with the Care Act and Safeguarding Adults policy within the Borough of South Tyneside.
- To primarily assist with the application of community deprivation of liberty cases to the court of protection for those persons that are deprived of their liberty and require authorisation via the court, on behalf of the Council and CCG.
- To engage with children's social and health services where there may be deprivations of liberty within residential educational establishments and looked after 16-17 year olds, advising and facilitating an appropriate court application to authorise any deprivation in relation to contested and uncontested situations.
- To work in partnership with all stakeholders and partners and the CCG, to develop and implement multi-organisational and multi-disciplinary policies and procedures that are compliant with the Mental Capacity Act as amended and both DoLS, and LPS through the transition process and uphold the statutory principles in practice.
- To provide advice on any matter under the Care Act 2014 and the Mental Health Act 1983 and where necessary prepare all documents applications, statements and orders for the purpose of court proceedings relevant to the same.
- To assist in the development of all relevant policies and procedures with adjoining authorities, taking into account the need for local variation and ensuring that single agency procedures are developed and/or maintained as appropriate.
- To ensure training strategies for this area of practice are developed and to assist in their application, including the provision of bespoke education on emerging case law in this area.
- To liaise with legal teams in other authorities to ensure that best practice is maintained and developed.

Key Tasks of the Post:

1. *You will work towards the overall objectives of the post. You will:*

- Work with all stakeholders and partners to identify key issues in respect of the Mental Capacity Act, Deprivation of Liberty and Liberty Protection Safeguards and in particular deprivations of liberty within the community setting following the Cheshire West Supreme Court ruling.
- Support the supervisory body and managing authority responsibilities ensuring that appropriate DoLS authorisations are put in place for all adults requiring them in the Borough.
- Support care managers in the identification of persons whose care package, whether Council or CCG funded, may amount to a DoL within the community, and ensuring completion of the court application meets the court requirements.
- Lead and represent court applications on behalf of the Council and CCG.
- Support the Human Rights of those who lack capacity that are afforded within the framework of safeguards or Court Authorisation.
- Otherwise ensure that all legal formalities in respect of the conduct of adult social care cases are correctly completed in order to ensure compliance with the Council's statutory responsibilities.
- Work in collaboration with the Safeguarding Adults Team to provide advice and support on cases where lack of mental capacity and or deprivation of liberty is apparent and strengthen the interface between these two areas of work.
- Identify and produce policies and procedures and work with partner organisations to standardise their approach, wherever possible to achieve a shared understanding of the requirements of the Mental Capacity Act.
- Collaborate with Safeguarding Adult Leads and the Criminal Justice System to make sure that staff are aware of offences within the Mental Capacity Act and the Criminal Justice and Courts Act 2015.
- Facilitate and implement the requirements of the Mental Capacity Act in relation to training, monitoring the Independent Mental Capacity Advocacy Service and raising awareness across the health and social care community of their statutory role to instruct advocacy.
- Produce regular progress and summary management information as required.

2. *In carrying out these duties, you will:*

- Carry out your work in a committed, competent and professional manner whilst working as part of a team and effectively with external partners and contractors.
- Provide a full range of legal services to the Council within the areas of adult social care whilst working to set objectives, targets and specified timescales.
- Comply with quality system requirements and any relevant legal services/corporate procedures.
- Keep the Council and its Members, your supervisors, client officers and work colleagues informed about your work, as required.

All employees have a responsibility to undertake training and development as required. They also have a responsibility to assist, where appropriate and necessary, with the training and development of fellow employees.

All employees have a responsibility of care for their own and others' health and safety.

The above list is not exhaustive and other duties may be attached to the post from time to time. Variation may also occur to the duties and responsibilities without changing the general character of the post.

Reference: EB/CL

Date: 13.08.19