



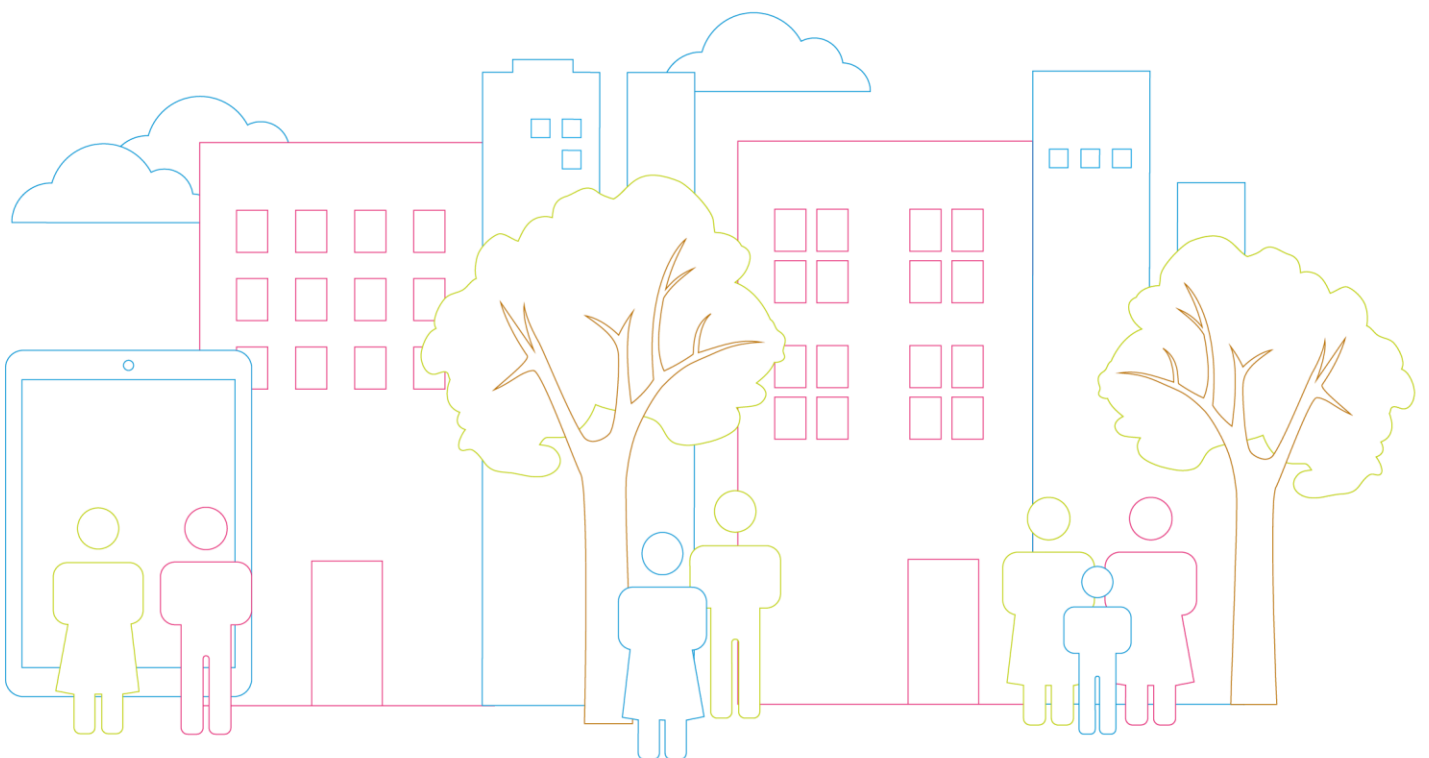
HM Courts &  
Tribunals Service

Justice matters

# Legal Adviser

## Job profile

August 2023



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**Position:** Legal Adviser

**Directorate:** HMCTS

**Band:** SEO

**Salary:** National salary starting scale £39,868 pa, London salary starting scale £45,824

**Contract:** Permanent

**Reserve List:** 12 Months

## Overview

### Why we exist

Magistrates' Courts deal with approximately 95% of criminal cases, 70% of civil cases, and 60% of family cases across England and Wales. Dealing with cases justly and speedily, and in ways that meet the needs of our court users, is at the heart of what we do.

The role of a Legal Adviser is pivotal to the smooth running of the court. Magistrates are unqualified judges drawn from the local community and sit on a voluntary basis. As Magistrates do not have a legal background, the Legal Adviser is required to sit in court with them to advise on legal points, practice and procedure and assist with the formulation and drafting of their reasons.

As a Legal Adviser to magistrates, you are responsible for ensuring that those attending court, whether as defendant, victim or witness are treated with humanity and respect. Good legal knowledge and the ability to communicate that clearly to magistrates and court users is vital to the courts ability to deal with cases justly. Success in the role you are considering will enable you to make a positive difference to your community and your society.

We are here to ensure everyone in need of our Courts and Tribunals receives a service that suits their needs.

We are completing a £1bn, six-year Reform Programme which will change what we do and make our services better for the society we serve. The Reform Programme is one of the most ambitious of its kind in the world.

### How are we going to fulfil our vision?

Every year, millions of people seek justice in our courts and tribunals.

We are focused on radically improving the customer's experience by:

- Employing digital technology to enable access to justice by enabling victims and witnesses to give evidence in a less intimidating way via video link;
- Enabling self-service, where appropriate, to ensure people can get fast and easy access to simple judicial services;
- Streamlining processes so we can reinvest in improvements that benefit our customers;
- Progressing cases efficiently and effectively through the court by maximising the use of new digital processes.

As a Legal Adviser, you will be at the forefront of delivering this improved service and experience to our customers both in and outside the court room.

## **Job Description**

Qualified lawyers entering the role of Legal Adviser, will be supported to complete a 12-month Judicial College's Legal Adviser training programme which will provide you with the appropriate skills to be granted delegated functions enabling you to act as Legal Adviser to the Magistrates and District Judge (Magistrates' Court) in accordance with legislation and the Criminal and Family Practice Directions. During your training period you will be referred to as "Legal Adviser in Training".

The Legal Adviser's role is to advise magistrates in the Family and Criminal court on relevant law, practice and procedure and to facilitate judicial decision-making and judgement writing. You will also work alongside other Legal Advisers, judiciary and staff to manage cases in and out of the courtroom.

You will be expected to work toward the Legal Adviser career milestones and gain the experience required to become a Tier 1 and Tier 2 Legal Adviser and be authorised to carry out relevant judicial functions under the Family and/or Criminal Procedure Rules. The role offers a wide range of career opportunities within legal operations as well as wider roles in management, training and project delivery. The role also offers excellent and unique opportunities for post holders to gain experience which is relevant to judicial appointment.

## **Technical**

To be eligible for entry to this post, candidates must be fully qualified to practice as a Solicitor or Barrister in England & Wales or hold the Qualifying Lawyers Transfer Test (QLTT) or be a Fellow of CILEX/CILEX Lawyer, including the completion of the relevant prescribed period of professional experience (e.g. training contract or pupillage). The Job holder be able to fulfil all spoken aspects of the role with confidence in English or (when specified in Wales) Welsh.

### **The key objectives of the role are contained within the Legal Adviser Competence Framework which includes:**

- (i) Building and maintaining effective working relationships with magistrates:**
  - Advising the Magistrates on law, practice and procedure and assisting with the drafting of their reasons
  - Facilitating a structured decision-making process based on knowledge of appropriate techniques, manuals, guidelines and current statutory and case law developments
  - Working in partnership with magistrates both in and out of court and demonstrating a recognition and understanding of local practices, procedures, policies, current issues and relevant training opportunities.
  
- (ii) Facilitating the business of the Court:**
  - Preparing hearings, so that cases are effective in progressing the business of the court.
  - Providing professional advice and documentation both in and out of court
  - Planning, conducting and concluding case management hearings effectively, when sitting with or without a bench of magistrates
  - Applying specialist knowledge and skills both in and out of court as well as with administration teams and in related meetings
  - Liaising with the relevant agencies.
  - Confident and Competent in the use of IT which will include using IT systems in court and online digital legal resources.



- Accurately recording and resulting the outcome of cases/hearings using the Courts' digital system.
- (iii) **Advising and working with staff:**
- Working in partnership with other staff, using knowledge of relevant protocols, procedures, processes and constraints
  - Carrying out administrative duties using local scheduling, listing and case management protocols, within statutory and non-statutory time limits.
  - Provide legal advice and guidance to administrative staff

### **Decision-Making**

The ability to advise on and make objective and impartial decisions is an important part of a legal adviser's role. Sometimes those decisions will involve complex issues and competing interests and as a legal adviser you will need to not only be able to make sound decisions but be able to give clear reasons for any decision.

Decisions involving the law will require sound legal research, using online resources, and the ability to quickly assimilate legislation and case law and to apply it confidently to the situation being considered.

You will also be required to prioritise and progress work efficiently taking account of the needs of those interested in the case.

### **Out of Court Functions**

When not in court, the Legal Adviser will be required to prepare for their courts, research legal issues, support the case progression function, deal with enquiries and participate in a wide range of team administrative duties as directed by their Legal Team Manager.

### **Customer service and standards:**

- Promotes user focussed activity and standards - has strong written and interpersonal skills utilising principles of Human Voice of Justice
- Contributes to SOC, SAF – leads on maintaining standards of service and identifies areas for improvement – takes forward solutions using 'continuous improvement' techniques.
- Management of complaints and services failures, and competent in use of OPTIC.

### **Selection Process**

This vacancy uses Success Profiles to assess your behaviours, strengths and ability. You will be assessed at level 3 HEO/SEO. Assessed behaviours are set out below. Candidates are encouraged to familiarise themselves with the success profile framework. To find out more about success profiles click here [Civil Service Success Profiles Framework](#)

### **Behaviours**

#### **Communicating and Influencing**

You communicate clearly and concisely, listening to others and adapting your style to suit the audience. You communicate and influence with confidence and challenge others in a constructive manner. You keep others informed at all times and easily develop mutual trust and respect.

### **Working together**

You behave in an open and approachable manner and easily develop good working relationships. You look for ways to develop others and are always willing to support colleagues with their workload. You act as a professional role model and provide leadership to operational staff.

### **Changing and Improving**

You create an environment where people feel safe to challenge and know their voice will be heard. You make changes which add value and clearly articulate how changes will benefit the business. You can understand and identify the role of technology in public service delivery and policy implementation.

### **Managing a Quality Service**

You act as the professional face of the court, maintaining authority and control and behaving with integrity at all times. You consider the needs of court users and treat them with empathy and understanding. You are focussed on delivering an excellent service, identifying opportunities to improve processes and performance and taking personal responsibility for your own learning and development.

### **Delivering at Pace**

You take personal responsibility for delivering high quality work, showing excellent organisation and time management skills. You work effectively under pressure and show resilience in challenging situations. You are flexible and quickly adapt to new situations and circumstances, embracing change and encouraging others to do the same.

### **Strengths**

As part of the Success Profile Framework, strengths applicable to the role will be assessed at interview.

### **Ability**

Maintaining relevant and up-to-date legal knowledge and skills will be assessed in interview.

### **Training**

HMCTS offers a bespoke training programme which is delivered through a variety of training methods. The legal adviser in training will be supported by an allocated mentor to guide them throughout the Induction and Training Programme.

Successful candidates will be required to attend an Induction Programme run by the Judicial College. The length of this induction programme will vary depending on the jurisdiction; however, it will usually vary between two / three days. This is followed by supplementary training in the workplace and the completion of modules contained in the Judicial College's Legal Adviser Manual. This learning will be enhanced by relevant court observations and additional local and regional training events with peers.



## **Career Progression**

Once training has been successfully completed, the legal adviser in training will progress to a Tier 1 Legal Adviser role (with associated increase in pay). Following appointment as a Tier 1 Legal Adviser, a development programme will be offered to enable progression to a Tier 2 Legal Adviser role (with associated increase in pay).

Tier 2 Legal Advisers are expected to demonstrate a high level of legal professionalism and will use those skills outside of the courtroom for the wider benefit of their team and HMCTS. The Tier 2 role provides the opportunity to demonstrate knowledge and skills in a recognised legal practice area together with the full range of associated delegated powers. Tier 2 legal advisers play an important role in ensuring effective case management and managing complex cases.

The Tier 2 role also provides an opportunity for career development in other areas such as management and leadership, mentoring and training, customer service and organisational delivery.

Tier 2 Legal Advisers' play an important role in mentoring other staff whether Trainee Legal Advisers, Legal Advisers in Training, apprentices and other Legal Advisers who are in the process of developing their skills through the career structure.

Tier 2 legal advisers can develop their careers within HMCTS through opportunities to apply for Legal Team Manager roles or within the wider civil service.

## **Secondments**

Within the Legal Adviser Career Structure, legal advisers have the opportunity to apply for and be considered for legal and non-legal secondments within the wider departments of HMCTS, MOJ and other Government Agencies.

## **Judicial Appointment**

A Tier 2 Legal Adviser will find the knowledge and skills gained within the role particularly relevant to any aspirations for judicial appointment. HMCTS is supportive of applications for judicial appointment and a number of legal advisers within HMCTS sit as fee paid judiciary in tribunals, county courts and magistrates' courts.

## **Base**

A successful candidate will be offered a post at a base court that can oversee the training programme. In many areas legal teams work across a number of courthouses and a reasonable amount of travel can be expected.

The training programme takes about a year to complete and it is expected that the programme will be completed within the base location. Save in exceptional circumstances, the postholder may not be able to apply for a transfer to another area during the training period.

This job description is a guide to the principal current duties of the post. It is not an exhaustive list of the duties and responsibilities of the post and the postholder may be required to undertake any other duties from time that are commensurate with the seniority and nature of the post.