



HM Courts & Tribunals Service

Her Majesty's Courts and Tribunals Service

Job Title: Trainee Legal Adviser - National – Tier 1 Band C

This is a general job description covering the likely scope of work of the post holder

THE ROLE

The purpose of the role is to be trained as a Legal Adviser to be able to represent the Justices' Clerk as Legal Adviser to Magistrates and to a District Judge (Magistrates' Courts) in accordance with The Courts Act, 2003, the Justices' Clerks Rules, Practice Directions and protocols.

A candidate for this post must be legally qualified having completed their academic stage of training to qualify as a solicitor or barrister in accordance with The Assistants to Justices' Clerks (Amendment) Regulations 2007.

Training

On commencement of the role of a Trainee Legal Adviser, the Trainee will participate in the Judicial College Legal Adviser Induction Training Programme. On successful completion of the requirements of the programme the Trainee should be able to satisfy the base line competences as a Tier 1 Legal Adviser in the adult court. During this period of time the Trainee will have the additional support of a Mentor.

The training process is likely to take two years and is likely to coincide with the participation of a Solicitors Regulation Authority (SRA) Training Contract. HMCTS is currently not able to offer Trainee Legal Advisers the opportunity to undertake pupillage.

It is a requirement, where a Trainee Legal Adviser is to undertake a SRA Training contract that he or she satisfies the requirements of the 6 month probationary period before a Law society Training contract will be offered.

The Trainee Legal Adviser will, after a relevant induction period sit in court and observe court sittings with an experienced Legal Adviser. The Trainee Legal Adviser will also undertake such administrative functions as direct with a view to ensure a full appreciation of the work of the Magistrates' Courts. When appropriate, the Trainee Legal Adviser will act as a Legal Adviser in the court room under supervision, eventually being able to act as a Legal Adviser independently with ongoing reviews. The main focus for this period of time for a Trainee Legal Adviser will be to develop and equip them to be a fully competent Legal Adviser

Please find attached the roles and responsibilities, career framework and competence frameworks.

Functions of the role

During the training period, the Trainee will be experiencing and learning how to undertake and undertaking the following functions:-

- Manage the court room so that it runs efficiently and effectively
- Advise the Bench on law, practice and procedure
- Facilitate the decision making process applying a structured approach, identifying relevant issues to be incorporated into Justices' reasons
- Assist with the drafting of Justices' reasons
- Communicate in clear and concise language
- Promote partnership and team working with colleagues and the Bench
- Use delegated judicial powers effectively for the purpose of effective case management
- Facilitate the administration in the court room, with the use of IT
- Conduct legal research as appropriate to carry out the functions of the role

Knowledge and skills

A Trainee Legal Adviser will be expected to develop knowledge, skills and experience which will include:-

- knowledge of the legal and administrative functions of the court room
- knowledge of adult and youth criminal and civil law and/or family law and procedure
- communications skills, to enable the ability to communicate effectively at all levels, both verbally and in writing
- interpersonal skills, to develop and maintain effective relationships with staff, magistrates and court users, at all levels and work as part of a team
- organisational skills, in order to manage the court room
- the ability to analyse problems and situations quickly and effectively and adapt to change
- the competent use of IT and legal resource material

Problem solving

The Trainee is required learn and become equipped to advise in court, resolving those issues which within the competence of a Tier 1 Legal Adviser.

Decision making

Own Decisions

There are three main areas of decision making: - Judicial, Legal & Administrative.

Judicial Decisions

The Justices' Clerk has the discretion to delegate to the Trainee a range of delegated powers. The precise range and extent of powers delegated to the Trainee fall to the discretion of the Justices' Clerk; who may grant such delegated powers to a competent trainee during their training period.

Legal Decisions

Legal decisions include identifying the pertinent legal issues of a case which may arise in court, which may often be difficult or contentious. This may include identifying relevant statutes and case law and undertaking appropriate legal research, using IT resources to ensure soundly based outcomes are achieved.

Administrative Decisions

Administrative decisions include decisions that relate to progressing cases efficiently and effectively through the court process. This can include prioritising cases that have all parties and paperwork present, avoiding delays to witnesses; ensuring defendants held in custody are dealt with promptly, avoiding adjournment of cases, making best use of the court time available and the resource of the bench and advocates present in the court room.

Out of Court Functions

When not sitting in court, the Trainee Legal Adviser will be required to check their court papers, research legal issues appertaining to the cases allocated to their court and participate in other team administrative functions as directed by their Legal Team Manager.

Advice to Others

Examples include:-

- Advising the Bench – Magistrates and District Judges during cases
- Assisting the Magistrates to prepare reasons for their decisions following a structure
- Ensuring unrepresented defendants understand the procedures to be followed, providing guidance as to the nature of the offence
- Providing advice and guidance to administrative members of staff in relation to all aspects of law and legal procedure
- Providing advice and guidance to other external organisations and members of the public in relation to all aspects of law and procedure
- Providing advice and guidance to both prosecution and defence advocates in relation to all aspects of law and legal procedure
- Providing advice and guidance on various aspect of law and procedure to the Police

Career Development

Participation through the Legal Adviser Induction Programme will require the Trainee to have regular contact with their Line Manager who will set performance objectives to facilitate progress through the programme. The Trainee will be expected to achieve those objectives, managing their day to day performance with a view to attaining and maintaining the Tier1 Legal Adviser baseline competences and maintain their own continuing professional development requirements.

Having successfully completed the Legal Adviser Induction programme it is expected that Trainee will be able to act as a Legal Adviser in adult criminal and civil courts, and/or youth criminal and civil courts and/or Family Proceedings Courts without supervision.

Trainee Legal Adviser Competence Framework

All competence statements are set at Level 3 HEO/SEO

Seeing the Big Picture

Seeing the big picture is about having an in-depth understanding and knowledge of how your role fits with and supports organisational objectives and the wider public needs. For all staff, it is about focusing your contribution on the activities which will meet Civil Service goals and deliver the greatest value. At senior levels, it is about scanning the political context and taking account of wider impacts to develop long term implementation strategies that maximise opportunities to add value to the citizen and support economic, sustainable growth.

- Be alert to emerging issues and trends which might impact or benefit own and team's work
- Actively seek out and share experience to develop understanding and knowledge of own work and of team's business area
- Seek to understand how the services, activities and strategies in the area work together to create value for the customer/end user

Changing and Improving

People who are effective in this area are responsive, innovative and seek out opportunities to create effective change. For all staff, it's about being open to change, suggesting ideas for improvements to the way things are done, and working in smarter, more focused ways. At senior levels, this is about creating and contributing to a culture of innovation and allowing people to consider and take managed risks. Doing this well means continuously seeking out ways to improve policy implementation and build a leaner, more flexible and responsive Civil Service. It also means making use of alternative delivery models including digital and shared service approaches wherever possible.

- Find ways to improve systems and structures to deliver with more streamlined resources
- Be willing to meet the challenges of difficult or complex changes, encouraging and supporting others to do the same
- Prepare for and respond appropriately to the range of possible effects that change may have on own role/team

Leading and Communicating

At all levels, effectiveness in this area is about leading from the front and communicating with clarity, conviction and enthusiasm. It's about supporting principles of fairness of opportunity for all and a dedication to a diverse range of citizens. At senior levels, it is about establishing a strong direction and a persuasive future vision; managing and engaging with people with honesty and integrity, and upholding the reputation of the Department and the Civil Service.

- Communicate in a succinct, engaging manner and stand ground when needed
- Communicate using appropriate styles, methods and timing, including digital channels, to maximise understanding and impact
- Convey enthusiasm and energy about their work and encourage others to do the same

Building Capability for All

Effectiveness in this area is having a strong focus on continuous learning for oneself, others and the organisation. For all staff, it's being open to learning, about keeping one's own knowledge and skill set current and evolving. At senior levels, it's about talent management and ensuring a diverse blend of capability and skills is identified and developed to meet current and future business needs. It's also about creating a learning and knowledge culture across the organisation to inform future plans and transformational change.

- Value and respond to different personal needs in the team using these to develop others and promote inclusiveness
- Proactively manage own career and identify own learning needs with line manager, plan and carry out work-place learning opportunities
- Continually seek and act on feedback to evaluate and improve their own and team's performance

Managing a Quality Service

Effectiveness in this area is about being organised to deliver service objectives and striving to improve the quality of service, taking account of diverse customer needs and requirements. People who are effective plan, organise and manage their time and activities to deliver a high quality and efficient service, applying programme and project management approaches to support service delivery. At senior levels, it is about creating an environment to deliver operational excellence and creating the most appropriate and cost effective delivery models for public services.

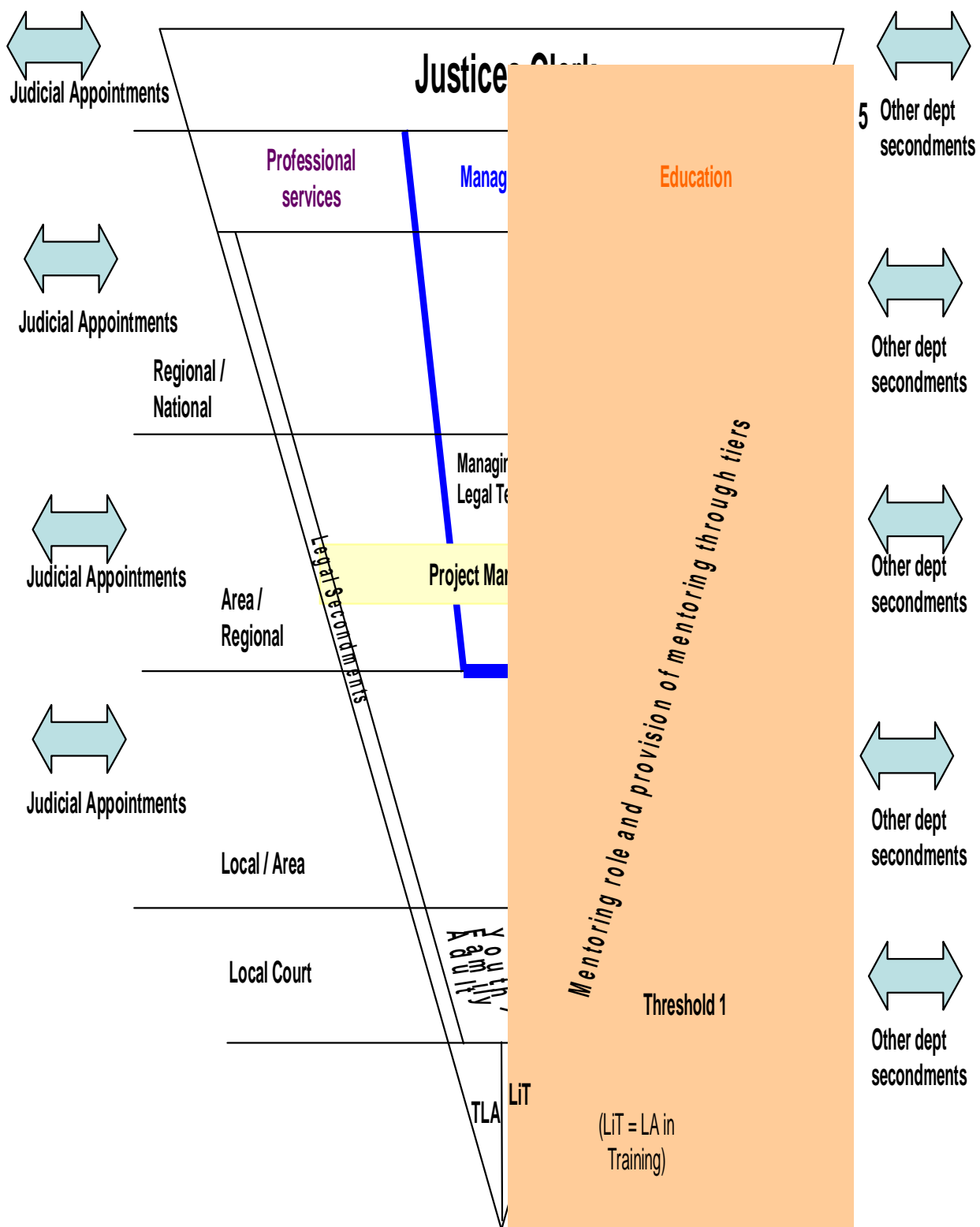
- Develop, implement, maintain and review systems and service standards to provide quality, efficiency and value for money
- Establish mechanisms to seek out and respond to feedback from customers about service provided
- Develop proposals to improve the quality of service with involvement from a diverse range of staff, stakeholders or delivery partners

Delivering at Pace

Effectiveness in this area means focusing on delivering timely performance with energy and taking responsibility and accountability for quality outcomes. For all staff, it's about working to agreed goals and activities and dealing with challenges in a responsive and constructive way. At senior levels, it is about building a performance culture to deliver outcomes with a firm focus on prioritisation and addressing performance issues resolutely, fairly and promptly. It is also about leaders providing the focus and energy to drive activities forward through others and encourage staff to perform effectively during challenging and changing times.

- Show a positive approach in keeping their own and the team's efforts focused on the goals that really matter
- Plan ahead but reassess workloads and priorities if situations change or people are facing conflicting demands
- Regularly monitor own and team's work against milestones or targets and act promptly to keep work on track and maintain performance

Annex A: Legal Adviser Career Structure



Entry Level ←

Eg, Academic stage of training completed, scholarship scheme, qualified lawyer