

Job Description

Function: Legal Services

Job Title: Head of Legal function

Grade: PB6b/Grade 6

Location: London or Liverpool (internal candidates only from Taunton)

Reports to Post No / Title: Director of Legal Services

Line Management responsibility for: 2/3 x PB6a lawyers

Security Clearance

Baseline SC DV

Job Purpose: The Charity Commission is the registrar and regulator of charities in England and Wales, and is a non-Ministerial Government Department. Its core mission is to promote public trust and confidence in charity, and therefore to help charities thrive.

The highly effective Legal Services team is central to the Commission's work and its role in society. The team's key roles include enabling the Commission to act as a risk-led, proactive, effective regulator securing the integrity of the Commission's regulatory work. This includes the registration of charities, enablement and support work, compliance, policy development and litigation brought by or against the Commission.

We have five Legal functions within the Directorate:

- Charitable status
- Compliance and enforcement – (DV clearance is required for this role only)
- Enablement and information law
- Litigation
- Policy

Each Head of Legal Function takes the professional lead in supporting the Commission's strategic aims and operational goals in relation to these areas across the Commission by giving legal advice and conducting where appropriate high profile and complex legal cases and policy issues.

We have two vacancies but potentially it could be in any of these five areas, so candidates are asked to review the specialisms in the list below and make an application based on whichever of the five specialisms is appropriate to their skills-set.

The post holder is a member of the Legal Senior Management Team, who, together with the Legal Director, lead and manage Legal services in the Commission.

Main Duties & Responsibilities

1. To take the lead on legal issues within their legal area on behalf of the Commission and to be the focal point for legal advice, information and guidance in this area, particularly on complex and novel legal cases and policies.
2. To lead, manage and co-ordinate the provision of specialist support and legal advice to the area.
3. To collaborate with the Head of Litigation in the conduct of cases in Decision Review, Judicial review or Tribunal appeal and to support such cases in that process to ensure that they are effectively dealt with.
4. To ensure that the legal advice and decisions taken accurately reflects the Commission's legal position, its assessment of risk and the commission's strategic regulatory approach.
5. To play a lead role in the provision of advice and support for policy work connected with the legal framework encompassing their area
6. To lead and co-ordinate the work of a team, role modelling leadership behaviours and providing effective performance management through regular supervision, development, support and mentoring.
7. To provide expert legal advice to the Commission in their area in taking decisions in accordance with best regulatory principles and public law duties (other than to its procurement, human resources and property functions).
8. To liaise where required with other government departments and agencies on legal issues affecting their legal area
9. To ensure that targets for professional quality, customer satisfaction and timeliness are met.
10. To actively participate in the effective leadership and management of the Legal Services Division ensuring corporate as well as legal services goals are achieved.

Additional Responsibilities

1. Membership of Legal Services Senior Management Team to provide leadership and technical support to Legal Services.
2. Chair their legal Circle.
3. Contribute to the education and training of Commission colleagues, charity trustees, their professional advisers and others having a legitimate interest in charities by leading and organising relevant training for customers; and contributing to articles and seminars.
4. To represent the Commission in high level meetings with charities and specialist law firms, government departments, the Tribunal and others.

Person Specification

Job Title: Head of Legal
Grade: PB6b
Function: Legal Services

ESSENTIAL CRITERIA

ATTRIBUTES

DESIRABLE CRITERIA

KNOWLEDGE

Current in-depth knowledge of the law and practice relating to:

- Charity and Trust law
- Administrative law
- Civil litigation law and practice
- Regulatory law

A sound understanding of the Charity Commission's legislative framework

Good understanding of diversity, risk and proportionality

An understanding of leadership and management models, techniques and best practice

Candidates will need to demonstrate that they have the ability and potential to operate and take responsibility for legal work at the most senior levels within the Commission.

SKILLS & ABILITIES

- Ability to research, interpret and advise on unfamiliar areas of law
- Advocacy skills and tactical consideration in litigation cases
- Clear thinking & strong analytical skills & ability to assess risk
- An accomplished communicator
- Organised and able to prioritise competing demands to ensure case work handled effectively
- Coaching/mentoring skills

- A customer oriented approach and focus
- Well developed leadership and people management skills with the ability to motivate and develop others
- Ambassadorial skills to represent the legal function both internally and externally.

EXPERIENCE

- Significant experience of legal advisory work in casework and or policy work relating to charity and regulatory law and practice, particularly concerning
- Substantial experience of leading and managing a legal function
- Proven track record in delivering results
- Litigation

QUALIFICATIONS

- Qualified solicitor or barrister with sufficient and relevant PQE

Competencies

Seeing the Bigger Picture	Having an in-depth understanding of how the service fits with and supports organisational objectives and the wider public needs and shaping strategies and plans accordingly.
Changing and Improving	Encourage a culture of imaginative thinking; identifying changes to quickly transform responsiveness and quality of service.
Leading and Communicating	Lead from the front, inspiring and motivating high performance and engagement through clear and compelling communication (in the face of tough challenges), actively promoting the reputation of the Commission, recognising success and promoting diversity and equality of opportunity.
Making Effective Decisions	Use objectivity, sound judgement, evidence and knowledge to provide accurate, expert and professional advice. Able to interpret a wide range of national, political and professional pressures to develop strategies, articulate options and recommend plans to manage and mitigate risk.
Building capability for all	Having a strong focus on continuous learning for oneself, others and the organisation which will include championing development, talent and career management, encouraging learning at work and dedicating time to coaching / mentoring and sharing expertise and knowledge to build capability.
Managing a quality service	Deliver operational excellence to meet the needs of the Commission, customers and stakeholders through flexible use of resources, managing risks and working collaboratively to meet the diverse requirements of customers.

Regular but planned travel between sites is required in particular because of cross-site management of Grade 7 lawyers

Functional areas – please state which function you are interested in applying for and focus your application form around those areas.

Charitable Status

Lead professional role in the Commission of the law on charitable status and its determination both in relation to applications for registration and generally.

Advice to the Commission's Registration Division and to lead and manage complex, novel or precedent setting charitable status matters.

Manage contentious charitable status cases in the Commission's Decision review procedures and in response to appeals in the Charity Tribunal and the Courts.

Lead on the development and promotion of the law, practice and policy on charitable status.

Enablement and Information law

Lead advisory role in relation to the Commission function of promotion the better administration of charities.

Lead and manage complex, high-profile cases including the Commissions' role in the processing of Parliamentary Schemes.

Manage contentious enablement cases in the Commission's Decision Review procedures and appeals in the Charity Tribunal, the Courts and Judicial Reviews.

Lead advisory role on Information law, including Data Protection, Disclosure and GDPR implementation.

Lead role on legal advice on digitisation and it infrastructure/new services, contract and regulatory risk

Compliance (DV clearance for this role only)

Lead advisory role in relation to commission function relating to the investigation of mismanagement and misconduct in charities and compliance issues generally and taking protective and remedial action to protect charities and their property.

Lead in advising on statutory inquires and compliance cases and the use of compliance regulatory powers.

Manage enforcement and restitution cases brought on behalf of the Commission in connection with the property and affairs of charities, in particular the recovery of property lost to charity through breach of trust.

Manage contentious compliance cases in the Commission's Decision Review procedures and appeals in the Charity Tribunal and the Courts.

Litigation

Lead and manage the Commission's litigation in the Charity Tribunal, the High Court and appeal courts, including statutory appeals and judicial review claims against Commission decisions, and public interest

litigation cases taken by the Commission.

Develop policy and practice in connection with Commission litigation, focusing on the strategic management of litigation and litigation risks, and the efficient and proactive management of cases.

Lead on the Commission's internal Decision Review service.

Policy

Advise on, maintain and develop the legal and regulatory framework relating to charity law and practice and regulation of charities, working closely with government departments and other stakeholders to shape the development of charity law.

Assess and engage with legislative and regulatory developments affecting charities in England and Wales, including by advising on relevant departmental consultations and on proposals for and the passage of Parliamentary Bills and secondary legislation.

Ensure that the impact of the Commission's policy positions on charities is consistent with the legal framework, including public and charity law.

Provide legal advice and strategic guidance to colleagues across the Commission on key operational projects, new policy proposals and new and updated external and internal guidance.

Act as the standing legal adviser to the Policy and Guidance Board Committee.

