#### **JOB DESCRIPTION**

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| JOB IDENTIFICATION |
| Job Title: Legal Claims Officer  Responsible to (insert job title): Legal Team Manager  Department(s): Legal Team  Directorate: Corporate & Board  Operating Division: NHS Tayside – Corporate & Board  Job Reference: Sco6-5721N  No of Job Holders: 2  Last Update (insert date): December 2021 |

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| 2. JOB PURPOSE |
| Manage and co-ordinate the Legal Team office functions in support of the provision of a complex and comprehensive range of services by the Legal Team Manager in a specialist area of work. |

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| **3. DIMENSIONS** |
| The job holder is responsible for supervising the Legal Team Administrators.  The job holder processes:   * Up to 100 current legal claims * Approximately 200 Court Orders/ medical records requests per annum * Approximately 2,500 solicitor requests per annum.   The job holder is responsible for checking monthly invoices generated by NHS Scotland Central Legal Office to ensure satisfactory financial control of expenditure.  The job holder has contact with members of staff from all areas of NHS Tayside and the Health and Social Care Partnerships. |
| 4. ORGANISATIONAL POSITION |
| Legal Team Manager  Legal Team Administrator  Legal Team Administrative Assistant Legal Claims Officer x2 |

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| 5. ROLE OF DEPARTMENT |
| The Legal Team provides a comprehensive and specialist service in the management of legal matters arising out of NHS Tayside activities, including litigation and claims management; Fatal Accident Inquiries, Public Inquiries, processing of Court Orders, Procurators Fiscal and solicitors’ requests for documentary evidence purposes; contracts and legal agreements; and the provision of advice, witness support and training on legal matters to staff at all levels in the organisation. |

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| 6. KEY RESULT AREAS |
| 1. Manage the system of processing Court Orders issued by the Court of Session and/or Sheriff Courts served on NHS Tayside for the production of medical and other evidence, ensuring compliance with the Specification, within the legal timescale. Maintaining database and files of such Court Orders for the record and traceability and retrieval purposes. 2. Manage the system of processing requests from courts, the NHS Central Legal Office and external solicitors in Scotland for production of medical records in criminal, fatal accident/sudden death and other investigations ensuring all relevant records are provided and required the necessary document authentication certificate is prepared and provided. 3. Manage the system of processing requests from solicitors, medical legal agencies, insurance companies, etc for production of medical and other records in civil and criminal legal cases, ensuring compliance with the Data Protection Act 1998, and that only those records of relevance are provided and conditions for release of records are met, such as provision of appropriate signed Mandate. Maintain database and files of such requests, determine charges and process requests for invoicing to Finance Department to ensure recovery of costs. 4. Primary responsibility to manage and maintain the database of legal claims against NHS Tayside using DATIX Risk Management system ensuring this is comprehensive and current. Job Holder is responsible for entering new claims into database and updating existing information on current claims, such as risk rating, valuation, settlements, etc. Inputting and interrogating database to produce reports on claims status, types, risk ratings, values, etc on behalf of the Legal Team Manager for the Care Governance Committee, Medical Director and other management purposes. 5. Provide a first point of contact and source of assistance, advice and information for legal enquiries and requests from staff, external organisations and members of the public and respond as appropriate to such enquiries and requests, referring only as necessary to the Legal Team Manager. 6. Provide a full office and secretarial service and support to the Legal Team Manager including:  * Receipt and recording of incoming mail and correspondence, * Maintaining and developing as necessary the departmental filing system, including diary system for bringing forward files and correspondence, logging incoming and outgoing correspondence, archiving appropriate records and retention/destruction in accordance with legal requirements and national and organisational policies. * Preparation of correspondence, letters, reports, minutes, policies both initiated by the Job Holder and instructed by Legal Team Manager for the Legal Team Manager’s approval and signature. * Manage Legal Team Manager’s diary and arrange meetings taking full account of priorities and other commitments.  1. The Job Holder is responsible for analysing quarterly/annual reports on claims issued by Central Legal Office, checking contents of reports against information held on DATIX to ensure accuracy and consistency, raising queries with Central Legal Office and reflecting outcome on DATIX as necessary. 2. The Job Holder is responsible for scrutinising and checking monthly invoices forwarded to NHS Tayside from Scottish Health Service Central Legal Office, checking entries and raising queries in order to identify the person who has approached or instructed the Central Legal Office. The Job Holder specifically scrutinises entries relating to fees and outlays incurred by the Legal Team in relation to legal claims, land and propertyand other legal matters, retrieving relevant claim/departmental files where necessary and cross checking same to ensure that the fees charged correspond with work carried out. The Job Holder will identify any discrepancies raise these with the Fee Charging Officer at Central Legal Office and ensures that the response correlates with the content of the file, thus maintaining satisfactory financial control of expenditure. 3. On delegated authority of Legal Team Manager, Job Holder will handle a portfolio of claims, e.g. employer’s liability, requiring action to initiate and follow through investigations, retrieve documentary information and statements and liaise with Central Legal Office solicitor. 4. Provide a level of continuity of service and cover in the absence of the Legal Team Manager by dealing with matters and correspondence, liaising with the Board’s nominated solicitors and others, referring to and appraising Senior Managers as required, e.g. if a Claim Report and recommendation to repudiate liability has been received from Central Legal Office, Job Holder will initiate instructions for repudiation by the Medical Director or appropriate delegate and convey these to solicitor. 5. Responsible for the day to day supervision of Legal Team admin staff, including training, work allocation, performance/attendance issues, appraisal and personal development planning, etc. 6. Attend meetings with representatives from e.g. Finance department, Central Legal Office, to ensure effective communication with all service users. Participate and initiating to the Legal Team discussions regarding workload, pressures of work, resources, timescales, etc. |

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| 7a. EQUIPMENT AND MACHINERY |
| * Personal Computer * Photocopier * Audio Equipment |
| * Telephone * Guillotine * Laminator * Shredder |

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| **7b. SYSTEMS** |
| Microsoft Word - Creating and processing various documentation for signature of Legal Team Manager. |
| Microsoft Excel - Managing information databases for Court Orders, Procurator Fiscal requests, Solicitor requests.  Microsoft Outlook - Managing and maintaining Legal Team Manager’s diary. Corresponding with internal and external sources regarding legal matters.  Intranet/Internet - Accessing and retrieving information necessary for dealing with legal matters, e.g. accessing searchable judgements, G.M.C. website, relevant legislation, circulars, etc.  TrakCare - Accessing patient information in order to identify patients and check list of attendances to ensure that correct medical records are retrieved for compliance with Court Orders, Procurator Fiscal requests and requests from Solicitors. Update casenote tracking system as appropriate and interrogate same in order to trace medical records.  CRIS - Accessing patient information in order to identify patients and check attendances to ensure that correct radiological images are retrieved for compliance with Court Orders, Procurator Fiscal requests and requests from Solicitors.  DATIX Risk Management Database - inputting, updating and extracting information in Claims Module to maintain the efficient management of legal claims. Search and interrogate Complaints Module, Incidents Module and Risk Register and making links to Claims Module where appropriate.  **Responsibility for Records Management**  All records created in the course of the business of NHS Tayside are corporate records and are public records under the terms of the Public Records (Scotland) Act 2011. This includes email messages and other electronic records. It is your responsibility to ensure that you keep appropriate records of your work in NHS Tayside and manage those records in keeping with the NHS Tayside Records Management Policy and with any guidance produced by NHS Tayside specific to your employment |

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| 8. ASSIGNMENT AND REVIEW OF WORK |
| The job holder works directly to the Legal Team Manager.  Workload is generated by the legal caseload and professional role of Legal Team Manager. The job holder has autonomy for managing the processing of Court Orders and other legal requests and for prioritising such, along with correspondence, database management and other specifically allocated work, in order to meet timescales and priorities.  The job holder initiates actions and investigations on receipt of intimation of a legal claim and continues to follow through investigations. Job Holder will identify and notify appropriate Line Manager/Head of Department, request and ingather information required to investigate claim and forward such information/documentation to solicitor at Central Legal Office.  The job holder is expected to know the limits of their responsibility and seek guidance from the Legal Team Manager in the context of a close working relationship within a busy department.  Progress review and opportunity to discuss is undertaken between the job holder and Legal Team Manager on a regular basis.  The Job Holder fits into the organisation’s processes for appraisal, personal development, etc. |

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| **9. DECISIONS AND JUDGEMENTS** |
| The job holder requires to undertake a careful and comprehensive scrutiny of health records and other documentation in order to ascertain which are relevant to a legal order/request, initiating and following through investigations to ensure on one hand full compliance with legal order and on the other, data protection obligations are maintained. The job holder requires to collate and interpret documentation and to compile a descriptive inventory of such.  The job holder is not directly supervised and uses own initiative to make decisions regarding investigations and actions in relation to legal claims, workload priorities, enquiries from solicitors, Police, etc, and diary conflicts independently.  The Legal Team Manager is available to advise on more complex matters. |

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| 10. MOST CHALLENGING/DIFFICULT PARTS OF THE JOB |
| The Job Holder must be able to convey sensitive information in a professional, emotive and tactful manner to staff who can find allegations against them distressing or upsetting. The Job Holder may meet with resistance from members of staff when carrying out necessary investigations into legal matters and should have the tact, ability and tenacity to overcome this.  Problems brought about by insufficient information given to enable the processing of Court Orders to be completed, necessitating the job holder contacting relevant parties to seek such information, Central Legal Office, solicitors for more information with regard to identity, injuries and timescales.  Due to the lengthy timescale between treatment episode and legal actions the Job Holder is often required to interrogate the General Medical Council in order to identify, trace and establish contact with medical and other staff who may be required to contribute towards investigations.  Tracing and retrieving medical records which are required as a matter of urgency, usually the same day, by the Central Legal Office for the purpose of other investigations.  In circumstances where continuity of patient care is required, taking urgent steps to retrieve medical records by making direct approaches to Procurators Fiscal, Solicitors, Medical Experts.  The Job Holder is required to prioritise their workload and be able to respond to conflicting demands and constantly changing priorities. Interruptions are frequent and can result in an immediate change of priorities. |

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| **11. COMMUNICATIONS AND RELATIONSHIPS** |
| Daily contact with a wide range of Senior and other staff throughout NHS Tayside and the Health and Social Care Partnerships over the telephone or face to face for the purpose of e.g. answering legal queries, making requests, setting up meetings.  Daily contact with solicitors and other personnel at NHS Scotland Central Legal Office, either over the phone or face to face for the purpose of e.g. seeking advice on a legal matter, arranging meetings, arrangements to take statements, responding to approaches, queries.  Daily contact with Solicitor and other contact with Procurators Fiscals, Sheriff Clerks, Police, Nursing and Midwifery Council/General Medical Council including dealing with urgent and routine enquiries, responding to queries, seeking further information from these sources, arranging meetings.  The Job Holder will observe confidentiality in accordance with Data Protection Act and NHS Tayside policies. |

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| **12. PHYSICAL, MENTAL, EMOTIONAL AND ENVIRONMENTAL DEMANDS OF THE JOB** |
| **Physical Skills**  The Job Holder will require to spend frequent periods of time examining medical and legal documentation and therefore a high level of concentration is required. Job Holder is subjected to frequent interruptions.  Keyboard, shorthand and audio typing skills requiring high degree of speed and accuracy.  Good personal and telecommunication skills.  **Physical Demands**  65% of work is computer based therefore sitting in a restricted position for this proportion of duties.  Frequent manual handling of, often voluminous medical records casenote folders and filing of legal claim folders.  10% of work involves standing at a photocopier whilst copying medical records. Due to the sensitive  nature of the records, they cannot be left unattended.  **Mental Demands**  Prolonged concentration required when scrutinising medical records for purpose of compliance with Court Order, Procurator Fiscal request, legal request, etc.  Prolonged concentration required when scrutinising invoices and quarterly Claim Reports from Central Legal Office.  Concentration, decision making and organisational skills to cope with competing demands.  Stresses brought about by sheer volume and pressure of work, frequent interruptions and the often unavoidable urgency of demands and the need for concentration and accuracy.  Changing priorities throughout the course of every working day.  **Emotional Demands**  Daily exposure to clinical information which is frequently distressing.  The Job Holder must deal with members of staff who are anxious or concerned due to e.g. having received a Witness Citation, request for Precognition and manage these situations confidently and professionally.  **Working Conditions**  More or less continuous use of VDU. |

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| 13. KNOWLEDGE, TRAINING AND EXPERIENCE REQUIRED TO DO THE JOB |
| Job Holder should hold, or be willing to undertake Paralegal qualification in civil court practice and reparation law.  At least two years’ secretarial experience and a working knowledge of the legal systems, both civil and criminal, as they relate to health services and particularly insofar as documentary evidence and Data Protection are concerned, requiring a minimum of 3-4 years’ experience and relevant training to acquire.  Knowledge of GDPR/Data Protection Act 2018 and Access to Health Records Act 1990.  Knowledge of medical and anatomical terminology is desirable.  Comprehensive computer skills - word processing, database, spreadsheets, PowerPoint. Shorthand and audio skills. Well developed communication and coordination skills, tact, discretion, sympathy and willingness to assist. Tenacity and attention to detail. |

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| **14. JOB DESCRIPTION AGREEMENT** | |
| A separate job description will need to be signed off by each jobholder to whom the job description applies.  Job Holder’s Signature:  Head of Department Signature: | Date:  Date: |