**COMMERCIAL CONTRACTS SOLICITOR JOB OUTLINE**

**Background**

The CLO Strategic Business Unit operates to provide a comprehensive high quality legal service which represents value for money and is responsive to its clients’ needs both now and in the future. Solicitors operate in four of the five Departments in CLO and liaise with colleagues in other Departments concerning advice on areas of common interest and overlapping professional responsibilities, e.g. contract and procurement based litigation and linked contractual property transactions (e.g. NPD/ HUB transactions, contractual/TUPE issues).

# Commercial Contracts

The Commercial Contracts Department acts as an interface between NHS Scotland and the commercial sector. As specialist commercial law advisers to NHS Scotland, the Department is well placed to assist its clients to work with business partners and suppliers, ranging from local health service providers to multinationals, combining an understanding of the specific requirements of NHS Scotland with extensive experience of working with the commercial sector. The Department advises in many diverse areas including public procurement law, data protection, clinical trials, health and social care interface and IT. The post holder must demonstrate expertise in drafting, revising and negotiating contracts for a range of clients.

**Job Requirements**

The job description is historic and applicants should note the following:-

1. The post holder will report to the Head of Commercial Contracts;
2. The paragraph on the services provided by the commercial contracts department should be updated to read as follows:-
   * Advice on regulatory compliance, including choice of procurement procedure;
   * Drafting tender documentation and negotiating contracts;
   * Guidance during the procurement process;
   * Advice on procurement challenges and post-contract award issues;
   * IT contract advice including advice on software licensing and delivery models, reviewing contractor standard terms and conditions, drafting, negotiating and advising on contracts and advice on supply and maintenance contracts;
   * Intellectual property - creation, protection and exploitation;
   * Advice on documentation to facilitate pre-clinical trial arrangements;
   * Drafting and negotiating pre-clinical trial agreements;
   * Advice on clinical trial agreements for device and drug trials in commercial and non-commercial contexts;
   * Advice on agreements to document other research activity and exploitation;
   * Services contracts across a wide range of activity from waste contracts to nursing home services, arts contracts to scanning services;
   * Secondment agreements;
   * Consultancy services;
   * Appointment of external legal advisors where a project or area of work is one with which we cannot assist. We can remain involved in large projects as informed clients if that is a client preference;
   * Drafting and negotiating data protection provisions in contracts;
   * Assisting clients with requests made by, or on behalf of, data subjects;
   * Drafting and advising on information sharing and data processing agreements;
   * Handling ad hoc data protection queries and issues;
   * General advice on commercial/legal matters affecting the public sector.
3. Details of the key result areas and working environment are augmented, as detailed below.

The post holder will be required to deliver high quality legal services to NHS Scotland and other clients ensuring that they benefit from the most effective and efficient service and obtain value for money

The post holder will be responsible for an individual target income of almost £157,000 (FTE) per annum. The post holder will have to meet challenging monthly fee earning targets while ensuring that proper advice is given and action taken. The post holder will be required to record work undertaken constantly and accurately on the basis of units of six minutes of working time and fee charge the work accordingly throughout the day.

The post holder will be required to provide expert and complex legal advice to the clients of CLO within the areas of procurement and contracting in local, regional and national projects of high value and complexity. The post holder will often require to advise on projects which are demanding, can have significant budgetary implications for clients and are of long term operational and strategic importance in assisting individual clients and/or NHS Scotland as a whole in meeting organisational objectives.

The post holder will be accountable for the delivery of professional legal advice to CLO clients, to the standard that meets their requirements, as a representative of the provider of legal services to NHS Scotland.

The post holder will require to take responsibility for providing advice on matters of national/strategic importance which may be novel and/or contentious. The post holder will require to interpret guidance laid down to CLO clients in e.g. NHS circulars.

The post holder will be required to exercise professional judgement in assessing opposing opinion and conflicting facts/information to identify the most advantageous options for clients where a range of possibilities may exist.

The post holder will be required to demonstrate high level professional legal expertise by use of wide ranging communication skills, in various forms, in contentious, confidential and extremely sensitive settings where finance, public perception of the NHS and corporate and individual reputations are at stake. The post holder will require to overcome contrary viewpoints when negotiating resolution of matters to the satisfaction of the relevant client. This communication often takes place in confrontational and emotionally charged circumstances, e.g. face to face negotiations. The high standard of communication skills required of the role are demonstrated through management of challenging internal and external meetings in a commercially pressurised environment.

The post holder will be required to manage workloads to provide sound legal advice and support to clients, often within tight project timescales and budgets. This can involve intense periods of work to achieve client satisfaction and fee-earning income targets, and may require the post holder to balance competing demands from clients and others resulting in unpredictable requirements to re-prioritise and re-plan immediate and long term work action. Throughout the post holder will require to ensure that the quality of their work is consistently high.

In providing specialist legal advice to clients to strict timescales, there will be an almost constant requirement for the post holder to exercise intense concentration and sustained mental effort in order to analyse, understand, retain and convey information. This is in order to allow the post holder to undertake such necessary activities as: researching the law; advising clients on their legal and commercial position; drafting tender and contract documentation, opinions, correspondence and legal documentation; and undertaking formal note taking at meetings.

There will also be a frequent requirement for intense concentration, e.g. while participating in meetings which can last for many hours and involve multiple parties. The post holder will require to undertake preparation for such meetings which can take in the region of two to three additional hours or more. The post holder will also require to adapt their preparations and/or think on their feet as arguments emerge.

There will be a frequent requirement to deal with unpredictable interruptions by telephone or e-mail or in person. This may necessitate the post holder changing their work focus, not only from one legal file to another, but also from one client to another, and from one area of law to another.