

LEGAL SERVICES POLICY

POLICY REFERENCE NUMBER:	CP63
VERSION NUMBER:	1
REPLACES SEPT DOCUMENT	CPG63
REPLACES NEP DOCUMENT	None
KEY CHANGES FROM PREVIOUS VERSION	None
AUTHOR:	Legal Services Manager
CONSULTATION GROUPS:	HSSC
IMPLEMENTATION DATE:	1 st April 2017
AMENDMENT DATE(S):	N/A
LAST REVIEW DATE:	20 th July 2017
NEXT REVIEW DATE:	1 st April 2020
APPROVAL BY EOSC:	11 July 2017
RATIFICATION BY FPC:	20 th July 2017
COPYRIGHT	© Essex Partnership University NHS Foundation Trust 2017. All rights reserved. Not to be reproduced in whole or part without the permission of the copyright owner

POLICY SUMMARY

The purpose of this policy is to provide guidance to all members of staff and officers of the Trust on how to access the services provided by the Legal Services Department.

The Trust monitors the implementation of and compliance with this policy in the following ways;

Monitoring of implementation and compliance with this policy will be undertaken by the Legal Team as outlined in the policy.

Services	Applicable	Comments
Trustwide	✓	
Essex MH&LD		
CHS		

**The Director responsible for monitoring and reviewing this policy is
Director of Corporate Governance**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

LEGAL SERVICES POLICY

CONTENTS

- 1.0 INTRODUCTION**
- 2.0 SCOPE**
- 3.0 ROLES AND RESPONSIBILITIES**
- 4.0 PRINCIPLES**
- 5.0 TRAINING**
- 6.0 MONITORING OF IMPLEMENTATION AND COMPLIANCE**
- 7.0 REFERENCE TO OTHER TRUST POLICIES/PROCEDURES**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

LEGAL SERVICES POLICY

1.0 INTRODUCTION

- 1.1 The purpose of this Policy is to provide guidance to all members of staff and officers of the Trust on how to access the services provided by the Legal Services Department.
- 1.2 The Legal Services Department was established to provide in-house legal advice and guidance to staff and officers of the Trust and to operate as a hub / centralised system where all legal queries are received and handled, providing a link to the Trust's panel Solicitors for more in-depth advice where this is required.
- 1.3 The purpose for the establishment of the Legal Services Department is to reduce the high costs incurred by the use of external law firms and create a centralised system for handling legal matters.
- 1.4 The Legal Services Department will be responsible for the provision of / obtaining legal advice and the management and recording of all legal queries, which will subsequently be managed direct between the Panel Solicitor and the relevant service area, in respect of:
- Property/Real Estate
 - Contracts
 - Corporate Transactions
 - Corporate Governance
 - Information Governance
 - Clinical Governance
 - Mental Health (inc. Mental Health Act)
 - Community Health
 - Inquests
 - Freedom of Information requests
 - Data Subject Access requests
 - NHS Litigation Authority claims
 - Insurance queries
- Any other legal issue not listed in the above, the above list is not exclusive or exhaustive.
- 1.5 The Trust will retain a selected number of panel law firms which will be engaged under the terms of Framework Agreements for the provision of legal support.
- 1.6 Unless otherwise stated in this Protocol, authority to engage any of the Trust's panel law firms rests solely with the Legal Services Department, the Chief Executive and the authorised persons named in this policy.

2.0 SCOPE

- 2.1 This policy must be adhered to by all members of staff and officers of the Trust wishing to access legal advice and guidance. A failure to follow the requirements of this policy may result in investigation and disciplinary action being taken as appropriate.

3.0 ROLES AND RESPONSIBILITIES

Executive Director of Corporate Governance and Strategy

- 3.1 The Executive Director of Corporate Governance and Strategy has overall responsibility for the Legal Services Department.

The Executive Director of Corporate Governance and Strategy has designated the responsibility for the Legal Services Department and legal advice queries.

When an urgent decision is required by the Trust on any legal advice query this will be referred to the Executive Director of Corporate Governance and Strategy and/or the Associate Director responsible for the Legal Services Department.

Legal Services Department

- 3.2 The Legal Services Department is responsible for the obtaining of legal advice. The experience of specialist staff within the Trust e.g. data Protection, Child Protection, Caldicott Guardian will be utilised where appropriate.

The Legal Services Department is responsible for all legal advice requests. Additionally:

- Managing the day to day activity of all legal advice queries, recording and reporting on these matters as appropriate.
- Responsible for liaising with; specialist Trust staff, panel solicitors, legal advisors and any other relevant person in relation to requests for legal advice.

All Trust Staff

- 3.3 Trust staff to be aware of the contents of this policy and the associated Legal Services Procedure.

4.0 PRINCIPLES

- 4.1 Any Trust employee requiring legal advice must refer their queries to the Legal Services Department in accordance with the Legal Services Procedure.
- 4.2 Where a member of staff needs legal advice on any matter, they will need to discuss the need for legal advice with their line managers and relevant service Directors and seek approval to escalate such matters to the Legal Services

Department. The Legal Services Department will be satisfied that escalation has taken place appropriately if the relevant authorised person as detailed in the Legal Services procedure has given approval / is copied into any email request for advice.

- 4.3 When authorisation has been obtained in accordance with paragraph 3.3 above, staff can then contact the Legal Services Department at [REDACTED] who will either provide the necessary guidance or act as the point of contact between staff and Solicitors and ensure that the relevant advice is sought / provided.
- 4.4 Assistant / Associate Directors / Heads of Department not listed in the Legal Services procedure should not approach the approved panel law firms directly without the prior authorisation of the Legal Services Department, the Chief Executive or the relevant Executive Director.
- 4.5 Authorised persons (see 4.2 above) can refer all legal matters directly to the Legal Services Department in the first instance by completing the legal query form in Appendix 1.
- 4.6 It is imperative that instructions are complete and clear to ensure that targeted and relevant legal advice is provided in a time efficient manner.
- 4.7 The Legal Services Department will make every effort to respond to queries as soon as possible, however it should be noted that given the nature of the legal work, response times can vary considerably depending on the complexity of the query. If the Legal Services Department is not given enough time to deal with the query, this will need to be outsourced to one of the panel law firms causing the Trust to incur unnecessary legal expenses.
- 4.8 It is therefore imperative that legal queries are raised with the Legal Services Department immediately upon arising or at the earliest opportunity thereafter to afford the Legal Services Department the necessary response time.

5.0 TRAINING

- 5.1 The Executive Director of Corporate Governance and Strategy will arrange for legal training to be delivered by the panel law firms under the terms of the Framework Agreement. Training will be delivered during each financial year to cover key legal developments relevant to the business of the Trust.

6.0 MONITORING OF IMPLEMENTATION AND COMPLIANCE

- 6.1 The monitoring of the Legal Services Policy and Procedure will be monitored by the Legal Services Department, the HSSC and the Learning Oversight Sub Committee.

7.0 REFERENCE TO OTHER TRUST POLICIES/PROCEDURES

Legal Services Procedure

END