

Role Profile

Role title: - Associate Solicitor

Reports to: Legal Services Manager

Job purpose: To support the legal functions of the Association. To support all the departments across the Association by providing legal advice as required to support the business objectives. This will involve providing legal advice on all aspects of professional conduct/fitness to practise cases, and on issues relating to the Register in order to support the objective of public protection and to provide clerking in-house.

Financial: None

Staff: None

Other: Works in collaboration with other external contractors, assist in instructing Solicitors/Counsel, and liaise with the Associations insurers.

Principal accountabilities:

1. Provide accurate, relevant, and timely advice across the Association on a range of legal matters including but not limited to intellectual property law, charity law, business law, and data protection.
2. Provide technical and legal advice internally on Professional Conduct/Fitness to Practise cases and any legal or internal challenges to the Professional Conduct procedure/Article 12.6 procedure to support compliance in a legal context and in accordance with the principles of Natural Justice.
3. Ensure compliance with all laws and regulations that apply to the Association.
4. Managing and mitigating legal risk and promoting legal, compliance and risk management best practice throughout the Association.
5. Appraise the Association of legal risks associated with the Professional Conduct Procedure/Article 12.6 procedure in order that risks are mitigated so as to support public protection and the reputation of the Association.
6. Provide support to Professional Conduct disciplinary panels/Article 12.3 panels to support decision-making by the panels to ensure they are being made within the remit of the Association's procedures, in order that decisions are fair, sound, and well-reasoned in accordance with the principles of Natural Justice
7. Where required manage and prepare to present cases before the Professional Conduct Panel which are identified as serious public protection issues, to ensure the interests of the public are met.

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8. Keep abreast of evolving legal landscape in respect of healthcare regulation, charity law and business law.

9. Where required collaborate and work with external stakeholders to support the work of the Associations functions, to contribute to the maintenance of the reputation of the Association as a credible regulator of its profession.

BACP Principle accountability

- To be a BACP ambassador by upholding and demonstrating our values at every opportunity, through verbal, written and face to face communication.

Context:

Operating environment:

Working within the Governance department, and across the Association, requires a general understanding of the legal framework of charities, associations/companies and the Legal Framework that governs Fitness to Practice and Professional Conduct processes internally and externally and any changes to that framework. Requires understanding of other statutory legislation impacting the work of the Register. Currently the largest membership organisation for counselling and psychotherapy profession with over 60,000 members.

Framework & boundaries:

Work within legal remit externally and internally. Works under general internal policy guidance but provides impartial legal and technical advice in working according to market driver, political and legal challenges, and internal Governance business needs. Support all departments in the provision of legal advice and provide clerking services to the Registrar.

Organisation: see org chart

Relationships:

Direct reports: None

Manager: Legal Services Manager, Monthly 121s and regular team meetings

Other contacts: External Contractors, Solicitors/Barristers, and the Associations insurers

Knowledge & experience:

- Practising Solicitor, currently on Roll of Solicitors with a minimum of 5 years proven post qualification experience in regulation or related field
- Proven advocacy experience with evidence of knowledge of legal and regulatory framework, applicable to healthcare regulation
- Ability to understand, explain and apply complex case law and legislation
- Excellent at communicating with people at all levels, and strong influencing and team working skills and ability to work independently

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- Evidence of appropriate direction of matters, through correct judgement and confident decision making
- Track record of leading, delivering solutions, taking accountability for the successful resolution of very complex cases
- Meticulous attention to detail
- Resilient and flexible, with the ability to work in a dynamic and changing environment
- Proven experience of working with internal and external stakeholders
Working within the 7 Principles of Public Life (the Nolan Principles)

Job challenge:

The Associate Solicitor works across the Association and closely with the Registrar in supporting the Association's objective of Public Protection. The evolution and political environment governing the regulation of health care delivery will inevitably mean continuous review and change with the BACP Register. The rise in legal challenges by way of Judicial Review will impact the work of the legal department and the ever-increasing membership numbers.