

## Job Description

<b>Job Title:</b>	Litigation Officer
<b>Directorate:</b>	Residential Services
<b>Grade:</b>	PO4
<b>Reporting to:</b>	Litigation Manager

### Main Purpose

The post holder shall work as part of a specialist team:

1. Advising the Council on high-level complex legal and factual matters with major implications for contracts/relationships between the Council; consultants; contractors, as well as, for the Council's financial resources across Residential Services.
2. Representing the Council's financial interests and reputation in challenging, and sometimes novel disputes across a multitude of subjects requiring creative, innovative and flexible solutions – which are likely to have substantial impact on the Council's financial resources; service delivery and/or policy.
3. Monitoring, evaluating and advising on risk exposure; compliance; policies; legislation; service practice and/or provisions affecting Residential Services, as well as, making recommendations for improvements/efficiencies and guiding implementation.
4. Making decisions that have a major impact on Residential Services' provisions; resources; revenue; leaseholders; related organisations and other members of the public, together with trusted responsibility for financial resources, allocation and management within Residential Services.
5. Managing regularly conflicting priorities and deadlines, as well as, travelling to and attending various County Courts and Tribunals and working remotely from, disagreeable and/or difficult surroundings/conditions – as required.

The post holder will be expected to apply their own knowledge and discretion across highly complex, new and diverse problems (in accordance with Council policy and procedures), which require advanced/high level skills and excellent working knowledge of the Council's IT and accounting systems, as well as, high-level specialist & up-to-date knowledge/experience of statute; relevant case law; landlord & tenant matters; the Civil Procedure Rules; court and litigation processes; property law. They will also be expected to have confidence on their feet whilst advocating for the Council in legal proceedings & mediations.

The post holder will manage their own individual caseloads, as well as, advise on directorate-wide policies/provisions/practices. They will be required to make decisions with significant implications for the Council's financial interests and reputation, as well as, for engagement with leaseholders/freeholders; related organisations and the public.

In addition to do all of the above, the post holder will be committed to equality and diversity, ensuring at all times that the Council's core values, expectations and service standards are promoted and upheld.

## **Principal Accountabilities**

- Draft formal/complex Court documents, applications and prepare legal bundles.
- Advocate for/represent the Council in legal proceedings before the County Courts and the First Tier Tribunal (Property Chamber).
- Ensure the litigation process is in line with statute, best practices and Council's standards and skilfully negotiate claims/disputes to a successful outcome.
- Conduct factual investigations, as well as, procedural and legal research using specialist practitioners' textbooks, resources & databases (*Westlaw; LexisNexis; Thomas Reuters' Practical Law & The White Book*)
- Work with the Litigation Manager to monitor and evaluate policies and service practices affecting the whole directorate, as well as, suggest and manage implementation of recommended changes.
- Deal with complex, technical disputes, challenges and members' enquires.
- Monitor the Pre-Action Protocol and Court Issue Process.
- Investigate & monitor individual accounts and determine whether service charges are in line with the provisions of the lease.
- Take appropriate action to ensure that account holders pay service charges in accordance with the obligations under their lease.
- Exercise discretion; instruct transfers/allocation/write offs; agree; amend and monitor payment plans; allocate and manage the Council's financial resources, as well as, sums recovered from leaseholders/freeholders.
- Ensure customer accounts are handled with strict fiduciary control and all transactions are fully audited and documented.
- Ensure all queries are dealt with and resolved by the appropriate teams; work with other teams to ensure joined up practice and providing innovative, holistic solutions.
- Negotiate, liaise and correspond with leaseholders and freeholders including their representative associations, TMO (Tenant Management Organisation) and RMO (Resident Management Organisations)
- Providing training and upskilling to staff across the directorate.
- Instructing external experts; solicitors and/or barristers as necessary.
- Report on performance daily and work to KPIs.

## **Stakeholder Engagement and Partnerships**

- Prioritise a customer-focused and satisfaction led approach
- Innovate new work processes; implement novel practices and trial new technology to ensure efficiency and collaboration.
- Foster strong inter-departmental partnerships and working relations across the Council; key internal/external contacts, colleagues and consultants.
- Inspiring confidence in senior management; Council Leaders and Homeowners.
- Produce justification reports and briefing notes
- Dealing promptly with all Members', internal and external enquires – ensuring adherence to the Council's service level agreements (SLAs).

## **Generic Responsibilities**

- Deputise for the Litigation Manager as and when required.
- Successfully balance and prioritise constant change and conflicting priorities and deadlines.
- Forensically analyse and apply legal principles/knowledge with sound practical judgment to resolve challenging/complex legal/non-legal problems.
- Assess the merits potential claims and providing clear, comprehensive advice.
- Perform in line with targets and Key Performance Indicators (KPIs).

- Take personal ownership of problems/cases until resolution.
- Maintaining accurate records
- Be adaptable in the face of unforeseeable changes, obstacles and challenges.
- Take responsibility, appropriate to the post, for ensuring compliance with Council policies and procedures aimed at promoting and safeguarding the welfare of vulnerable children and adults.
- To carry out the duties of the post in accordance with the Data Protection Act, the Computer Misuse Act, the Health and Safety at Work Act, and other relevant legislation, as well as Council policies, procedures, standing orders and financial regulations.
- Always promote and adhere to the Council's Equal Opportunities Policy and tackling all forms of racism and all other oppressive and discriminatory practices.
- To encourage community cohesion and give practical meaning to the Council's policies on equalities and the staff code of conduct.

### **Other**

- Being able to deal with confrontational/aggressive account holders in a calm, professional and respectful manner, always.
- Ensuring the safety and security of individuals and the team when in public environments and/or serving formal legal documents.
- Be prepared to work outside of normal hours and/or Work from Home and disagreeable or difficult surroundings/conditions as necessary.
- To actively promote and uphold the Council's code of conduct, values, priorities and service standards.
- To undertake other duties appropriate to the grade as directed by management.

**PERSON SPECIFICATION  
Litigation Officer**

<p>It is essential that in your written supporting statement you give evidence or examples of your proven experience in each of the short-listing criteria marked Application (A)</p> <p>You should expect that all areas listed below will be assessed as part of the interview and assessment process should you be shortlisted.</p> <p>If you are applying under the Disability Confident scheme, you will need to give evidence or examples of your proven experience in the areas marked with a "Tick" (✓) on the person specification when you complete the application form.</p>			<p><b>Shortlisting Criteria</b></p>
<p><b><i>For link/career graded post, please mark knowledge, experience, and behaviours clearly for each grade.</i></b></p>			
<b>Qualification</b>	Q1	Relevant legal / professional qualification	A ✓
<b>Key Knowledge</b>	K1	Detailed knowledge of the pertinent Landlord and tenants Acts, Housing Acts, local Government, Finance and Data Protection acts and how they relate to the public sector leasehold / freehold management and service charges.	A ✓
	K2	High-level, specialist & up-to-date knowledge/experience of statute and relevant case law relating to service charges; landlord & tenant law; the Civil Procedure Rules; court and/or litigation processes	
	K3	Broad knowledge and awareness of current issues and developments affecting the management of council housing and/or landlord & tenant issues	A ✓
	K4	An excellent working knowledge of the Court process; procedural rules and the operation of the First Tier Tribunal (Property Chamber)	A ✓
	K5	Firm understanding and application of legal principles relating to Land law; principles of equity & construction of leases/contracts	
	K6	Ability and knowledge of logical, legal and/or deductive reasoning, as well as, the ability to construct factual/legal hypotheses and arguments	
	K7	Knowledge and experience in using legal practitioners' textbook, resources and databases	



<b>Relevant Experience</b>	E1	Proven experience in litigation, advocacy and/or leasehold/freehold management and practice	A ✓
	E2	Familiarity with running/defending debt recovery claims, breach of lease and/or constructing lease and/or covenants	
	E3	Solid experience of managing Court, tribunal and arbitration cases and of representing organisations in these processes	
	E4	Experience of creativity and innovation in both dealing with problems and implementing modern work practices and procedures	
	E5	Experience of working within a large, complex, customer-focused organisation, of working to performance targets and deadlines and of managing workload to meet targets	
	E6	Experience of liaising with resident, homeowner or comparable stakeholder groups and of liaising with bodies such as resident or consumer organisations, advice services such as the CAB, and preferably with councillors, MPs and other elected officials	
<b>Core Behaviours</b>		<p><b>Focuses on People</b>          Considering the people who our work affects, internally and externally. Treating people fairly and improving the lives of those we impact.</p> <ul style="list-style-type: none"> <li>• Ensuring anyone who calls me receives the best response that can be given even if it is not my area of work</li> <li>• Being approachable and positive for my area of work and other services</li> <li>• Showing empathy to help people inside the council as well as outside</li> <li>• Ensuring I treat people equally and take time to listen to their needs</li> <li>• Being open, flexible and available</li> <li>• Respecting team goals and supporting new members</li> <li>• Providing support, advice and guidance</li> </ul>	A✓



		<p><b>Takes Ownership</b>          Is about being proactive and owning our personal objectives. It's about seizing opportunities, driving excellence, engaging with the council's objectives, and furthering our professional development.</p> <ul style="list-style-type: none"> <li>• Taking ownership of my task, breaking it down, engaging with persons involved, and reflecting if there is a more efficient way of achieving it</li> <li>• Going the extra mile, valuing success, being proactive and knowledgeable and taking the initiative</li> <li>• Working with teams and service areas to achieve positive outcomes and develop personal capabilities</li> <li>• Actively engaging in one-to-ones, appraisal process and team meetings</li> </ul>	
		<p><b>Works Collaboratively</b>          Is about helping each other, developing relationships, and understanding other people's roles. It's about working together with colleagues, partners, and customers to earn their respect, and get the best results.</p> <ul style="list-style-type: none"> <li>• Finding out what other colleagues do and working closely with them</li> <li>• Networking with other teams to seek out mutually beneficial ways of working</li> <li>• Being a good team player and stepping in to assist manager or colleagues during absences</li> <li>• Sharing information, best practice and ideas with relevant networks and groups</li> <li>• Being approachable, listening and building constructive honest relationships</li> <li>• Regularly sharing success stories that lead to good outcomes</li> </ul>	
		<p><b>Communicates Effectively</b>          Is about how we talk, write and engage with others. It's about using simple, clear, and open language to establish positive relationships with others. It's also about how you listen and make yourself open to conversation.</p> <ul style="list-style-type: none"> <li>• Breaking down our ideas to</li> </ul>	A✓

		<p>create a better understanding and communication between divisions and end users – simple is best to communicate well</p> <ul style="list-style-type: none"> <li>• Targeting the message to the audience, ensuring that everyone can access the information.</li> <li>• Listening for information from my manager and the council that can impact on your work</li> <li>• Sharing and passing vital and new information and reflecting back understanding</li> <li>• Escalating issues and opportunities straight away, ensuring risks are managed</li> <li>• Consider the use of interpreters and translators where needed</li> </ul>	
		<p><b>Focuses on Results</b> Is about ambition and achievement. It's about orienting ourselves towards the end product and considering the effect of our service. It's about making the right impact, having the right result and changing things for the better</p> <ul style="list-style-type: none"> <li>• Getting my work done to the best of my ability with the resources and finances we have</li> <li>• Thinking in relation to the 'Borough Plan', working well with colleagues to get good results</li> <li>• Making sure I understand my objectives and what I need to do</li> <li>• Working with my manager to develop my skills and knowledge</li> <li>• Keeping my manager informed of progress</li> <li>• Looking for opportunities to move forward</li> <li>• Alerting my manager when I need support</li> <li>• Delivering projects on time and within budget</li> <li>• Thinking about partnerships and the resources needed</li> </ul>	