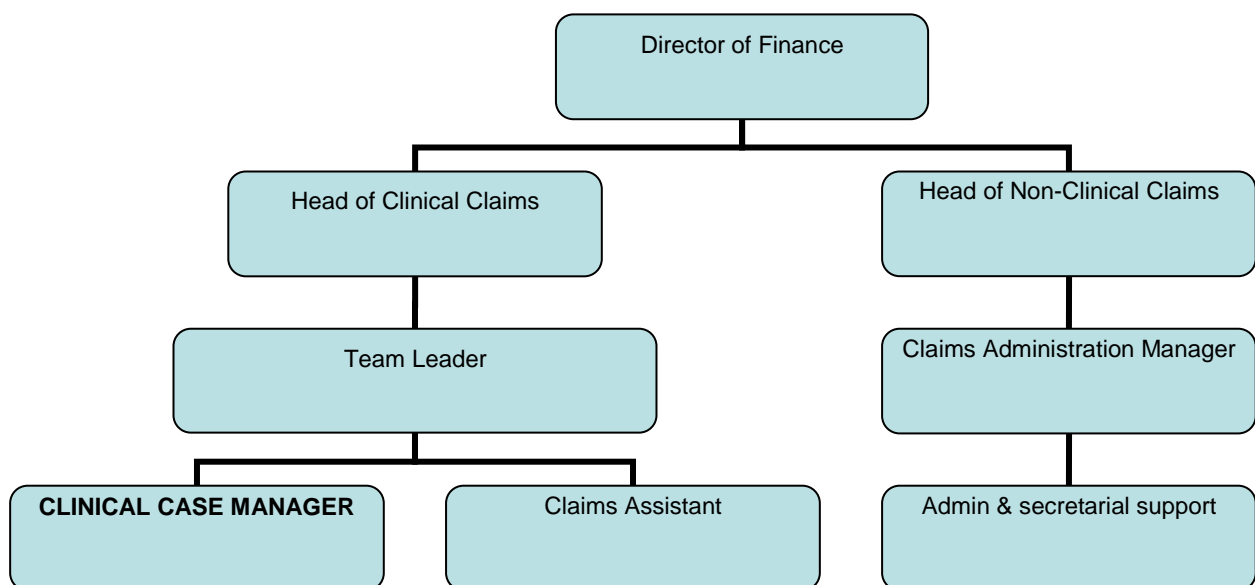


### Job Description

<b>Job title</b>	<b>Clinical case manager (Band 7)</b>
<b>Pay band</b>	<b>7</b>
<b>Reports to</b>	<b>Team leader</b>
<b>Location</b>	<b>Holborn, London WC1</b>
<b>Job summary</b>	<ul style="list-style-type: none"> <li>• To contribute towards the main aims of the Litigation Authority by proactively managing clinical negligence claims from commencement to conclusion on behalf of NHS trusts. To implement the Authority's policies with reference to specific guidelines and procedures to achieve the early, equitable and cost effective settlement of claims.</li> <li>• As a member of the claims team will be responsible for own portfolio of complex and non-complex clinical negligence cases and conduct the investigation, quantification and negotiation of these claims to conclusion. To consider the issues of Breach of Duty, Causation, quantification and cost control.</li> <li>• To accurately assess and maintain adequate reserves.</li> <li>• To provide a professional service to NHS Trusts, Claimants, Defence and Claimant Solicitors and all other interested parties.</li> <li>• To assist in the guidance and development of newer team members and act as a point of referral for other team members</li> <li>• Deputising for the Deputy/Team Leader as required.</li> </ul>

### Organisational Chart



## **Main Duties**

- 1 Investigate issues of Breach of Duty and causation, Quantum, assess and maintain adequate reserves, negotiate settlement of damages and costs in non complex and complex medical negligence claims.
- 2 Handling a personal caseload proactively to achieve early efficient, fair and cost effective settlement.
- 3 Effective management of caseload up to an individual case value and higher value under supervision.
- 4 Assist in the development of new team members, identifying and providing training where necessary.
- 5 Effective and accurate use of the NHSLA's Claims Management System and other databases.
- 6 Participating in year-end audits and Panel Solicitor audits as and when required.
- 7 Reporting to the Chief Executive and Technical Claims Unit when required and or necessary.
- 8 Assist in the compliance of agreed NHSLA Standards and Procedures Framework at all times.
- 9 Assisting Business Plan targets achievement through Key Performance Indicators.
- 10 Liaising with other Organisations, seeking contributions and recoveries as and when appropriate.
- 11 Authority to control expenditure within agreed limits.
- 12 Establish appropriate reserves in accordance with the reporting requirements and guidelines.
- 13 Assess adequate reserves for damages, claimant costs, defence costs, prospects of success and anticipated financial year of settlement in accordance with the NHSLA's obligations under the Financial Reporting Standard 12.
- 14 Upon receipt of a claim, assess scheme coverage and indemnity.
- 15 Undertake Breach of Duty and Causation investigations as necessary, with reference to relevant Case law and Statute.
- 16 Provide advice and recommendations to member Trusts regarding liability issues, quantum, and Risk Management issues, indemnity and coverage issues.
- 17 Obtain appropriate authority from Member Trusts for admissions and settlements.
- 18 Instructing appropriate medical experts when necessary - to assist in the Breach of Duty, Causation and Quantum investigations.
- 19 Considering all medical evidence in individual cases as part of Breach of Duty, Causation and Quantum investigations.
- 20 Drafting Letters of Responses; admissions; settlement proposals, including Part 36 and Infant Court Settlements; Consent Orders and other Court Orders.
- 21 Drafting press releases, assisting and managing press interest.
- 22 Drafting Letters of Apology.

- 23 Instructing Panel Solicitors as and when necessary, providing authority and instructions as appropriate; obtaining supervision as necessary; and monitoring costs.
- 24 Managing all forms of ADR, including Mediation in accordance with NHSLA's procedures.
- 25 Attending conferences with Counsel; medical experts and clinicians; Trials; and settlement meetings.
- 26 Effective and direct communication with Litigants in Person, ensuring sensitive responses and communication of issues including complex legal principles to the layperson.
- 27 Ensuring professional and direct communication with Claimant Solicitors.
- 28 Ensuring provision of highly specialised clinical technical services, Rehabilitation and other areas where appropriate and required.
- 29 Reporting to Management of Group Actions, and Serial Offenders.
- 30 Identifying Risk Management Issues in cases, assisting and advising Member Trusts in Risk Prevention.
- 31 Assisting in projects as and when required and or necessary.
- 32 Assisting the Team Leader and Deputy Team Leader as and when required, and or necessary.

### **Key Responsibilities**

- 33 To manage personal caseload and assist with management of team caseload within:
  - the terms of the Clinical Negligence Scheme for Trusts
  - NHSLA's internal time-limits
  - The spirit of the Pre-action protocol for the resolution of clinical negligence claims
  - The Civil Procedure Rules
- 34 To ensure fair and reasonable settlement of damages with due regard to the containment of costs arising in the claims process.
- 35 Accurate recording of claims information for case management system purposes
- 36 Accurate setting and maintenance of financial reserves.
- 37 Awareness and implementation of NHSLA policies, procedures and those relating to Case Management.
- 38 Awareness of clinical practices giving rise to claims on a regular basis and liaison with risk management department.
- 39 To protect the NHS from adverse publicity.
- 40 Attend training courses during core working hours on legal issues and NHSLA policies and procedures, and provide feedback to team where appropriate.
- 41 To keep abreast of legal developments in the practice of clinical negligence law.

### **Effort and working environment**

- 42 Physical effort – a frequent requirement for light physical effort for several short periods during a shift when carrying and handling files.
- 43 Mental effort – a frequent requirement for intense concentration.
- 44 Emotional effort – frequent exposure to highly distressing or highly emotional circumstances.
- 45 Working conditions – occasional exposure to verbal aggression and a requirement to use a VDU more or less continuously on most days.

### **Further information**

- 46 The post holder must at all times carry out duties and responsibilities with due regard to the Authority's equal opportunities policies and procedures.
- 47 The post holder must ensure that personal information for claimants, members of staff and all other individuals is accurate, up-to-date, kept secure and confidential at all times in compliance with the Data Protection Act 1998 and the common law duty of confidentiality.
- 48 The post holder must follow the record keeping guidelines established by the Authority to ensure compliance with the Freedom of Information Act 2000.
- 49 The post holder is expected to take responsibility for self-development on a continuous basis, undertaking on-the-job and other training as required.
- 50 The post holder is required to become familiar and comply with the Authority's policies and procedures.
- 51 The post holder must be aware of individual responsibilities under the Health and Safety at Work Act and identify and report, as necessary, any untoward accident, incident or potentially hazardous environment.
- 52 The post holder is expected to develop IT skills.
- 53 The post holder may be required to undertake duties at any location within the Authority, in order to meet service needs.
- 54 This job description and person specification are intended as a guide to the main responsibilities and profile of the post and not as an exhaustive list of duties and tasks. The post holder may be required to undertake other duties appropriate to the post's grade, which are not listed above, at the direction of a manager. The job description may be amended from time to time after consultation with the post holder.
- 55 The Authority operates No Smoking Policy and No Alcohol policies.

**Person specification**

<b>Category</b>	<b>Criteria</b>	<b>Essential (E) /desirable (D)</b>	<b>How tested *</b>
<b>Education &amp; qualifications</b>	Degree level or equivalent	E	A
	Recognised post graduate qualification or equivalent skills and experience	E	A
	Insurance/legal/medical or other professional qualification	D	A
<b>Skills &amp; abilities</b>	Good task planning skills with a systematic, thorough and logical approach to task completion	E	A, I & T
	Excellent written and oral communication skills with the ability to communicate at all levels, sometimes in sensitive and or hostile environments	E	A, I & T
	Highly developed negotiation skills with the ability to be authoritative and persuasive.	E	A, I & T
	Good interpersonal, skills requiring diplomacy and professionalism.	E	A & I
	Ability to manage several priorities at the same time	E	A, I & T
	Ability to work under pressure and to tight and immovable deadlines	E	A, I & T
	Ability to develop good working rapport within and across teams	E	A & I
	Ability to draft legal documents and complex legal correspondence in a concise and professional manner	E	A, I & T
	Ability to use NHSLA case management system	E	T
	Proficient in standard Office applications	E	A, I & T
	Ability to assimilate and analyse complex and sensitive clinical information	E	A, I & T
	Ability to explain complex factual, legal and clinical issues	E	A, I & T
	Ability to engender trust and develop and maintain constructive relationships with external organisations	E	A & I
	Ability to work on own initiative as well as part of a team	E	A & I

<b>Category</b>	<b>Criteria</b>	<b>Essential (E) /desirable (D)</b>	<b>How tested *</b>
<b>Experience</b>	5 years' personal injury or clinical negligence claims handling experience or equivalent knowledge and skills or post graduate qualification	E	A, I & T
	Managing a large case load within strict time limits and conflicting priorities	E	A & I
	Developing and monitoring processes and procedures	E	A & I
<b>Knowledge &amp; understanding</b>	Specialised and thorough knowledge of clinical liability claims handling/ case management	E	A, I & T
	Thorough understanding of current law and relevant statutes	E	A, I & T
<b>Other</b>	Confident with a high level of drive, enthusiasm and commitment	E	A & I
	Self motivated and focussed approach	E	A & I

\* A – application form; I – interview; T – test; P – presentation

Date: August 2009