

Ministry of Health and Social Services

Terms of Reference for Crown Counsel

1. Background

Montserrat, a British overseas territory, is a small island in the Leeward island chain, with a land mass of 39.5 square miles and a resident population of 4649 persons (2018). The eruption of the Soufriere Hills Volcano in 1995 rendered more than half of the island unsafe, as a result, three quarters of the island was declared an exclusion zone, which prohibits anyone from occupying that part of the island.

The delivery of health and social care on Montserrat is the responsibility of the Government and is administered under the Ministry of Health and Social Services (MoHSS). The mission of the MoHSS is to promote health and wellbeing, by empowering individuals and communities and assuring access to quality preventative, curative and rehabilitative health and social care services, in partnership with other stakeholders.

The Ministry has five programmatic areas:

1. Strategic Management
2. Primary Care
3. Secondary Care
4. Social Services
5. Environmental Health Services

Legal Services within the Government of Montserrat are administered by the Legal Department. This department is responsible for providing legal advice on civil matters; legislative drafting; preparing contracts and civil litigation. The Department is led by the Honourable Attorney General who is the principal legal advisor of the Government of Montserrat. The Attorney General is supported by a legal team comprising Crown Counsels, Senior Crown Counsels, Principal Crown Counsels and Parliamentary Counsel.

The Ministry of Health and Social Services requires legal support and representation to enable it to better advocate on behalf of its clients.

Further the MOHSS is governed by several pieces of legislation, a number of which have become outdated. A progressive organization is centred around improvement in the quality of its service, therefore the Ministry intends to develop new policy areas with the aim of improving quality of care and patient safety.

2. Purpose of Assignment

The Government of Montserrat is seeking to recruit a highly qualified Crown Counsel with experience in legal matters such as Family Law, Children and Vulnerable Person (to include the Elderly) Protection, Domestic Violence, Medical/Legal Services. Someone who is keen to impart their knowledge, skills, and experience to other members of staff where appropriate to enhance their practice development.

3. Scope of Work

The post holder will primarily be responsible for providing legal services to the Ministry of Health and Social Services. It is expected that the Crown Counsel will be a team player, and committed to contributing towards the provision of comprehensive, reliable and timely legal advice to the MoHSS.

The Permanent Secretary of the Ministry of Health and Social Services would have administrative responsibility for the Crown Counsel, and the Attorney General will have general oversight of the legal advice given.

As an experienced Commonwealth qualified barrister, solicitor or advocate, the successful candidate is required to be flexible and able to deal with areas of law outside of one's area of expertise.

The successful candidate is required to have experience of working for public sector organizations, of strategic planning and also of managing a caseload with limited litigation support. Strong analytical and communication skills are required for this role.

The post holder will conduct legal research to inform policies for Health and Social Services; make recommendations to the Ministry in terms of work to be done to specific Legislation; and subject to the guidance from and approval of the Attorney General, will be required to appear in the Magistrate's and the High Court on behalf of the MOHSS and the Crown, as applicable in matters related to Family Law, Child Care and protection, adult safeguarding and other related matters.

Professional Tasks

The Crown Counsel will be required to perform a range of legal services, in line with referrals and identified needs. These include, but are not limited to the following:

Primary Duties

- To work closely with and provide legal support to the MoHSS particularly in the areas of Family Law, Care and Protection of Children and Vulnerable Adults to include the Elderly and persons living with disability, Children in Conflict with the Law, Domestic Violence, all Health related services;
- Subject to the guidance from and approval of the Attorney General,
 - Provide legal advice to the MoHSS particularly in the areas of Family Law, Care and Protection of Children and the Vulnerable Adults, Children in Conflict with the Law, Domestic Violence, Mental Health and other health services,
 - Appear, in the Magistrate's and the High Court on behalf of the MOHSS and the Crown, as applicable, in matters relating to Family Law, Child Care and protection, adult safeguarding and other related matters.
 - Prepare contracts or other legal agreements related to the functions and services provided by the MoHSS.
- Monitor the progress of cases by ensuring all assignments in relation to cases are completed, and reports on the outcome of cases conducted to ensure updated case information is maintained.
- Ensure all cases for relevant assigned Courts are effectively coordinated to ensure the smooth operations of the Court.

- Provide guidance and support to the MOHSS in formulation and improvement of its policies;
- Review, and vet policies and procedures drafted by the MoHSS;
- Provide guidance and support to the MOHSS in formulating and recommending improvements to the relevant legislative framework, existing statutory and/or regulatory schemes;
- Participate in case conferences for discussion of issues arising out of cases to ensure readiness for court;
- Engage in research into cases to be adjudicated in the Magistrate's Court, High Court and Court of Appeal, to ensure all pertinent information is available for effective disposal of cases;
- Provide expert legal opinion to the MoHSS on specific matters;
- Draft Cabinet Memos and related documentation on behalf of the MoHSS;
- Perform other duties as may be reasonably assigned from the Permanent Secretary.

Secondary Duties

- Develop protocols or standard operating procedures across the Ministry as directed for implementation;
- Develop policies or legal framework for addressing medico legal matters;
- Review case files and provide guidance in relation to matters being handled by Social Services.
- Conduct training in areas related to the functions and services of the MoHSS thus maintaining a highly skilled team.

Knowledge

- Advanced knowledge of and ability to interpret the Laws
- Working knowledge of the Civil Service Rules and Regulations, Standard Operating Procedures, Staff Orders, Collective Agreements and Departmental Guidelines.
- Working knowledge of computers and computer applications.

Skills

- Be highly organized, with excellent case management, administrative and time management skills.
- Have the ability to interpret and apply legislation and precedent.
- Have excellent analytical, reasoning and decision making skills.
- Have a high level of oral and written communication skills, in particular the ability to distill and explain complexities in non-legal language when necessary.
- Very good legal research skills and an ability to self-teach in a new area of law.
- Advocacy skills, with interest in expanding this skill.

Abilities

- Ability to meet tight deadlines and cope with heavy workloads, whilst maintaining accuracy.
- Ability to deal with difficult situations, whilst remaining calm and self-controlled.
- Decisiveness, soundness of judgment and clarity of presentation.
- Ability to draft advice, policies and prepare legal submissions.
- Committed to the need for absolute confidentiality.
- Ability to establish credibility and earn the respect of others (including other professionals, Members of the Legislative Assembly and the general public) through depth of knowledge.

Qualifications and Experience

- Bachelor of Law Degree.
- Certificate in Legal Education or equivalent.
- Qualified as an Attorney at Law or a Barrister.
- Admission to the Bar as an Attorney at Law or a Barrister in a Commonwealth Jurisdiction.
- Master's Degree in one of the following areas will be an asset: Medical Law, Family Law, Child and Adult Social Care Law, Mental Health
- Ability to interpret and apply legislation and precedent.
- Clearly evidenced ability to conduct a broad range of contentious work and to advise on non-contentious matters.
- A minimum of three (3) years working experience in related environment to the highlighted professional tasks/identified needs.

Evaluation Method

Work performance will be evaluated on the basis of:

- Demonstrated knowledge and technical expertise relevant to the job.
- Accuracy, thoroughness, and timeliness of work produced.
- Quality and quantity of work produced.
- Demonstrated responsibility, authority and ability to act with regard to assigned duties.
- Effectiveness in relating to internal and external customers.
- Self-reliance, creativity and ingenuity in effectively fulfilling the duties of the post.
- Judgment and decision-making as it pertains to area of responsibility.
- Demonstrated positive interaction and effective communication with work colleagues.
- Proven time management skills and punctuality at work.

Personal requirements for the post

- The post-holder must have a working knowledge of varied areas of law, to include Family Law, Care and Protection of Children and the Elderly, Domestic Violence and evidence of having done research in the area of Medical Services Law.
- The post-holder must be prepared to quickly acquire a good working knowledge of the Laws of Montserrat and to familiarize themselves with the functions of the Government of Montserrat. Whilst both the law and court systems are based on English law and the English court system, there are unique elements, which the job holder will be required to grasp at an early stage.
- The post-holder must be able to work in a small isolated community, with an understanding of the impact current social work practice may have on a different culture.
- A flexible approach to work, with a willingness to assist with the provision of services when there are staff and technical capacity shortfalls.
- Exercise good judgement, integrity and discretion when handling confidential information.

4. Remuneration (per annum)

- The Remuneration for the post of Crown Counsel is EC\$190,000.00 per annum which includes basic salary and allowances.

5. Duration

The terms of engagement will be for a contractual period of two (2) years.

6. Reporting and Management Arrangements

- The Officer will report directly to the Permanent Secretary, Ministry of Health and Social Services. The Attorney General will be consulted as appropriate, on matters of the law.
- The Officer will work as part of a multi-disciplinary team for joint evaluating and assessing of cases, policies and procedures across the Ministry as necessary.

7. Other Requirements

An up to date Criminal Records Bureau certificate as part of our policy of safer recruitment.

8. Confidentiality

All information, data and documentation belonging to the GoM will be treated by the Crown Counsel as confidential and shall not, at any time during or after the termination of his/her engagement, be disclosed by the Counsel, his servants, or agents or any third party without written consent of the Government.