



## **Trainee Legal Adviser**

### **Role Profile**

**January 2025**

#### **The key purpose of the role**

Magistrates' Courts deal with approximately 95% of criminal cases, 70% of civil cases, and 60% of family cases. Dealing with cases justly and speedily, and in ways that meet the needs of our court users, is at the heart of what we do.

When you have qualified as a legal adviser you will be pivotal to the smooth running of the court. Magistrates are unqualified and voluntary members of the judiciary drawn from the local community, sit on a voluntary basis and do not have a legal background. The legal adviser facilitates the business of the court by providing advice on law, practice and procedure in an open court and by assisting magistrates in formulating and drafting of their reasons.

As a Trainee legal adviser, you will be assigned to either the adult or family jurisdiction. You will commence a training programme designed to enable you to act as legal adviser to the magistrates and District Judge (magistrates' Court) in accordance with legislation and the Criminal and Family Practice Directions. Initially you begin your training by observing an experienced legal adviser and then move on to speaking independently in court with responsibility for ensuring legal procedures are properly followed. You will develop the skills to facilitate the business of the court and gain confidence in giving accurate legal advice to the magistrates in open court to ensure all cases are dealt with justly.

Legal advisers must be able to deal with the pace and multi-layered challenges of a busy court case list with ever changing priorities and time pressures; able to research law in a live environment where required. As a legal adviser you will be part of a wider team of legal advisers; locally, regionally and nationally. In the day-to-day role, legal advisers need to make independent and accountable decisions, whilst working autonomously and confidently. Legal advisers must be able to communicate clearly to a wider audience while managing a courtroom in a fast-paced environment. Your ability to be flexible in approach and adapt to different situations quickly and effectively is a key skill for this role.

#### **Key legal adviser responsibilities**

##### **(i) Building and maintaining effective working relationships with magistrates:**

- Advising the magistrates on law, practice and procedure and assisting with the drafting of their reasons
- Facilitating a structured decision-making process based on knowledge of appropriate techniques, manuals, guidelines and current statutory and case law developments.
- Working in partnership with magistrates both in and out of court and demonstrating a recognition and understanding of local practices, procedures, policies, current issues, and relevant training opportunities.

##### **(ii) Facilitating the business of the Court:**

- Preparing, planning and the execution of activities to enable court/direction hearings, courtroom activity and the wider activities that progress the business of the court, including provision of advice and written legal documentation



- Providing professional advice and documentation both in and out of court
- Planning, conducting and concluding case management hearings effectively, when sitting with or without a bench of magistrates
- Applying specialist knowledge and skills both in and out of court as well as with administration teams and in related meetings
- Supporting the work of the court through contact with Panel/Committee members during meetings, on a one-to-one basis and at training/development sessions and by liaising with the relevant agencies involved in specialist court and Committee work.
- Competent in the use of IT systems including online digital legal resources.
- Accurately recording and resulting the outcome of cases/hearings using the Courts' digital system.

### **(iii) Advising and working with staff:**

- Working in partnership with other staff, using knowledge of relevant protocols, procedures, processes and constraints
- Carrying out administrative duties using local scheduling, listing and case management protocols, within statutory and non-statutory time limits.
- Providing legal advice and guidance to administrative staff

## **Other key accountabilities:**

### **Customer service and standards**

- Promotes user focused activity and standards - has strong written and interpersonal skills utilising principles of Human Voice of Justice
- Contributes to on maintaining standards of service and identifies areas for improvement – takes forward solutions using 'continuous improvement' techniques.
- Management of complaints and services failures, and competent in use of associated software application.

## **Decision-Making:**

The ability to advise on and make objective and impartial decisions is an important part of a legal adviser's role. Sometimes those decisions will involve complex issues and competing interests and as a legal adviser you will need to not only be able to make sound decisions but be able to give clear reasons for any decision.

Decisions involving the law will require sound legal research, using online resources, and the ability to quickly assimilate legislation and case law and to apply it confidently to the situation being considered. You will also be required to prioritise and progress work efficiently taking account of the needs of those interested in the case.

## **Knowledge, Skills and experience required;**

To be eligible to apply for this post, you must have passed the academic stage of qualification to become a barrister in England and Wales, or a solicitor of the Senior Courts of England and Wales, or a Fellow of the Chartered Institute of Legal Executives (CILEX) or CILEX Lawyer by virtue of —

- (i) having passed the necessary examinations; (example of which are listed below)
- (ii) having been granted an exemption in relation to the necessary examinations (example of which are listed below) by the appropriate examining body; or
- (iii) any combination of the two.



By way of example, the following list reflects the currently approved academic qualification routes. If you remain unsure whether your qualifications make you eligible, please email [HQLegal@justice.gov.uk](mailto:HQLegal@justice.gov.uk) for clarification:

- The Legal Practice Course (LPC) for Solicitors, or BOTH the SQE1 and SQE2 stages of the Solicitors Qualifying Exam; or
- The Bar Training Course; or equivalent for Barristers; or
- The CILEx Level 3 Professional Diploma in Law and Practice and the CILEx Level 6 Diploma in Law and Practice; or
- The CILEx Graduate Fast Track Diploma; or equivalent for Graduate Membership of CILEx.

You can apply for this role whilst you are completing the final academic stage of qualification but must be able to evidence your final certification at the point of an offer being made, to be able to proceed to appointment. If you are unable to evidence the correct certification at the point of offer, you will be removed from the process.

## Training

HMCTS delivers a bespoke training programme for trainee legal advisers to develop the skills, and knowledge for the legal adviser role. The training is delivered through a variety of methods, and you will be supported by an allocated mentor to guide them throughout the Induction and Training Programme.

You will be required to attend a two-day Induction Programme run by the Judicial College which is followed by supplementary training in the workplace and the completion of modules contained in the Judicial College's legal adviser Manual. This learning will be enhanced by relevant court observations and additional local and regional training events with peers.

Participation in this programme will require regular contact with not only the mentor but also your Line Manager who will set performance objectives to facilitate and monitor your progress. You will be expected to achieve those objectives by managing your day-to-day performance with a view to attaining and maintaining the trainee legal adviser baseline competences and maintaining their own continuing professional development requirements. You will be expected to collate evidence for Judicial College assignments and against each necessary competence, behaviour, ability and milestone in a portfolio of evidence.

Having successfully completed the legal adviser Induction and training programme it is expected that you will be able to act as a legal adviser in adult criminal and/or civil courts, and/or youth criminal and civil courts and/or Family Court without supervision.

### **The role of a legal adviser also includes various other additional responsibilities outside of the court room environment. Some of these responsibilities include:**

- Prepare for their courts, research legal issues, support the case progression function, deal with enquiries and participate in other team administrative duties as directed by their Legal Team Manager.
- During your training, you will be expected to record (record) the decisions made by the Magistrates on a digital platform and ensure all legal forms are completed correctly.
- To be proactive in building a constructive Mentor/mentee relationship
- Keep learning logs/records and adhere to any requirements of the professional bodies where relevant.
- Use study days appropriately to maximise opportunity.
- Enrol and complete the relevant mandatory courses e.g., Corporate Induction Crime/Family, legal adviser Consolidation Training
- Undertake and complete the Judicial College Study pack.



## **The two-year training period covers the following elements:**

**Legal study** - The Judicial College training programme together with HMCTS workplace learning and experience provides the essential legal training for Trainee legal advisers and is designed to take approximately twelve to eighteen months to complete. Following that Trainee legal advisers will continue to develop their legal knowledge and skills within HMCTS.

**Skills development** – it is expected that a Trainee legal adviser will develop their skills across a range of courts or hearing types during the period of legal study and over the following six to twelve months.

**Qualifying as a tier 1 legal adviser** - Most Trainee legal advisers will take two years to complete their legal study and develop sufficient professional skills across a range of court types to evidence the expectations of a tier 1 legal adviser.

## **Career Development**

Upon successful completion of the full training and submission of your training portfolio, a Trainee legal adviser will then progress to an SEO Tier 1 legal adviser role (with the associated increase in pay).

As a Tier 1 legal adviser you will continue to grow your skills and develop a portfolio for assessment for progression to tier 2 (in line with the HMCTS legal adviser Tier Progression Framework). Tier 2 legal advisers are expected to demonstrate a high level of legal professionalism and will use those skills outside of the courtroom for the wider benefit of their team and HMCTS. The Tier 2 role provides the opportunity to demonstrate knowledge and skills in a recognised legal practice area together with the full range of associated delegated powers. Tier 2 legal advisers play an important role in ensuring effective case management and managing complex cases.

The Tier 2 role also provides an opportunity for career development in other areas such as management and leadership, mentoring and training, customer service and organisational delivery.

Tier 2 legal advisers play an important role in mentoring other staff whether trainee legal advisers, legal advisers in training, (now known as legal advisers qualified entrants) apprentices and other legal advisers who are in the process of developing their skills through the career structure.

Tier 2 legal advisers can develop their careers within HMCTS through opportunities to apply for Legal Team Manager roles or within the wider Civil Service.

## **Secondments**

Within the legal adviser Career Structure, legal advisers will have the opportunity to apply for and be considered for legal and non-legal secondments within the wider departments of HMCTS, MOJ and other Government Agencies.

## **Judicial Appointment**

A Tier 2 legal adviser will find the knowledge and skills gained within the role particularly relevant to any aspirations for judicial appointment. HMCTS is supportive of applications for judicial appointment and a number of legal advisers within HMCTS sit as fee paid judiciary in tribunals, county courts and magistrates' courts.



## **Base**

You will be offered a post at a base courthouse that can oversee the training programme. In many areas legal teams work across a number of courthouses and a reasonable amount of travel can be expected.

The training programme takes up to two years to complete and it is expected that the programme will be completed within the base location. Save in exceptional circumstances, the postholder should not apply to transfer to another area during the period of the training programme.

## **Working Hours**

A trainee legal adviser will be contracted to work 37 hours excluding lunch breaks.

A successful candidate once in post will be required to work those hours over five days, including Saturdays and Public Holidays.

This job description is a guide to the principal current duties of the post. It is not an exhaustive list of the duties and responsibilities of the post and you may be required to undertake any other duties from time to time that are commensurate with the seniority and nature of the post.

## **Place of work and mobility**

You will be allocated to your work base location that has been agreed between yourself and line manager as part of the recruitment process. This will also be confirmed in the formal contract that you receive.

Your place of work as set out in your contract, relates to your base location for the duration and purposes of training. You will be expected to spend the duration of your training at your agreed base location to fulfil the demands of the training and the business needs in that location.

On completion of training, you will be allocated a base by the Head of Legal Operations and this decision will be based upon business demand and requirements.