Information Pack for the Recruitment to the NIGALA Solicitors Panel

April 2012
Background

The Northern Ireland Guardian Ad Litem Agency (NIGALA) will establish a Panel of Solicitors from which appointments may be made to represent children and young people in specified public law proceedings. The solicitor and guardian ad litem collaborate to provide a ‘tandem’ system of representation in these proceedings.

The purpose in establishing a NIGALA Panel of solicitors is to ensure that, as far as possible, children are legally represented by those who meet the highest standards in the practice of family law. Inclusion on the panel is strictly in respect of the individual solicitor rather than practice.

The Panel will cover the jurisdiction of Northern Ireland and therefore a number of solicitors based in each Health and Social Care Trust’s area will be appointed to the Panel. The overall size of the Panel is expected to be approximately 60-70 solicitors based on the needs of the NIGALA. The Panel will in the normal course of events be reconstituted no later than April 2015.

Eligibility Criteria

NIGALA invites applications from suitably qualified solicitors to become members of the NIGALA Panel from which appointments will be made to provide legal representation to children and young people in specified public law proceedings as defined in Article 60(6), Children (NI) Order 1995.

In order to be eligible to apply for inclusion on the list candidates must

- be a qualified solicitor eligible to practice in Northern Ireland at the date of application
- be a member of the Solicitors’ Children Order Panel of the Law Society of Northern Ireland or if not currently a member, have been a member of the Panel for 2 years within the last 5 years
- hold a current unrestricted Practising Certificate
Selection Criteria for the Panel

(i) Essential Criteria

- a minimum of 5 years experience within the last 7 years of representation of parties in family law proceedings.
- ability to communicate effectively with children and young people.
- advocacy skills and written communications skills.
- knowledge of the Children (NI) Order 1995, in particular Parts 5 and 6; also other legislation relating to children and families; and the implication of recent case law.
- ability to work in tandem with a guardian ad litem.

(ii) Desirable Criteria

- successful completion of the Law Society (NI) Advanced Advocacy course or equivalent
- experience of representing children
- demonstration of wider commitment to the area of family law (eg membership of relevant committees; task groups; provision of training; writing articles)

Appointment/Interview

(a) Appointment

The NIGALA reserves the right to appoint to the solicitor panel whenever it deems necessary and may retain a waiting list of appointable solicitors for a specified period of time after the selection process is concluded.

(b) Interview

The Selection Panel will appoint the solicitors who appear to be best qualified regardless of ethnic origin, gender, marital status, sexual orientation, political affiliation, religion or disability. It is intended that candidates will be shortlisted on the basis of their application form and the outcome of an on line occupational test (Psychometric Occupational Test). Those shortlisted will be called for interview.

The Interview will assess a number of areas
• Experience in representing parties in family law practice
• Knowledge and expertise in family law
• Communication skills
• Advocacy skills

Candidates will be asked to make a five minute presentation to the panel on a subject to be provided on the day of the interview.

(d) Timetable
The current timetable for the process is set out below:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Advertisement</td>
<td>27th April 2012</td>
</tr>
<tr>
<td>Closing date</td>
<td>15th May 2012</td>
</tr>
<tr>
<td>Occupational Testing</td>
<td>Week commencing 28th May 2012</td>
</tr>
<tr>
<td>Shortlisting</td>
<td>Week commencing 4th June 2012</td>
</tr>
<tr>
<td>Interviews</td>
<td>Week Commencing 18th June 2012</td>
</tr>
</tbody>
</table>

All candidates should ensure their availability for the above timescale. Interviews will be held in the Antrim area to ensure a central location and for convenience of applicants from across the province.

(c) Decision Making
Appointments will be made to the panel on the basis of interview performance and the need to achieve a geographical spread across Northern Ireland in support of delivering a cost effective service. Applicants will be considered for appointments to cases in respect of the HSC Trust area in which they have their current practice and one other adjacent HSC Trust area.

Applicants should note that the current three year breakdown on work by Trust area is as follows;¹

¹ Based on Information April 2009 – 31 March 2011
<table>
<thead>
<tr>
<th>Trust Area</th>
<th>%</th>
<th>No of Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Belfast HSC Trust</td>
<td>39%</td>
<td>489</td>
</tr>
<tr>
<td>Southern HSC Trust</td>
<td>23%</td>
<td>280</td>
</tr>
<tr>
<td>South Eastern HSC Trust</td>
<td>12%</td>
<td>171</td>
</tr>
<tr>
<td>Western HSC Trust</td>
<td>15%</td>
<td>198</td>
</tr>
<tr>
<td>Northern HSC Trust</td>
<td>11%</td>
<td>128</td>
</tr>
</tbody>
</table>

**Terms and Conditions**

A formal memorandum of understanding will be provided to the panel membership but a summary of the main terms and conditions is set out below

(i) **Quality of Service**

There is an expectation that all solicitors on the NIGALA Panel will provide a high quality service. This will include matters such as responsiveness, compliance with instructions and prioritisation of the work as informed by the Protocol for the Working Relationship between Solicitors and Guardians ad litem.

(ii) **Responsiveness**

Solicitors are required to provide timely advice throughout all stages of proceedings. Knowledge of the judicial guidance on case management is necessary and a capability of working within such guidance.

(iii) **Training**

In addition to the Continuous Professional Development (CPD) requirements of the Law Society (NI), each solicitor on the NIGALA panel is required to attend at least two seminars/courses per annum organised for guardians and solicitors by the Agency. (Where possible, Law Society (NI) recognition of NIGALA seminars/courses for CPD purposes will be secured).

(iv) **Appraisal**
Appraisal will be undertaken biannually on the basis of the feedback from a system of joint evaluation between solicitor and guardian ad litem following the closure of each case, a self appraisal completed by the Solicitor, details of training attended and any other relevant information as determined by NIGALA.

(v) Performance

In the event of poor performance by a solicitor, NIGALA reserves the right to take action which may ultimately result in removal from the Panel if necessary prior to the bi-annual appraisal. If NIGALA was to initiate such action, the solicitor would be notified in writing of the areas of concern and given an opportunity to make representation before any action is taken. The Executive Director’s decision may be appealed within 14 days’ notice of notification of the decision. An appeal will be heard by the Chairman of the NIGALA Board and a Non-Executive Director. The solicitor and the management of the Agency will be provided with an opportunity to make submissions in their own right to the appeal panel either in person or in writing. A written decision on the appeal will be sent to both management and the solicitor by the NIGALA Chairman within 7 working days following the appeal hearing.

(vi) Conduct

In exercising its functions NIGALA may:

1. Having due regard to a panel members general conduct and/or any complaints received from there on which may affect his suitability to remain on the panel and notwithstanding any action taken or penalty imposed by any committee of the Law Society or by the solicitors’ disciplinary tribunal may remove the solicitor from the panel.

2. Suspend or revoke membership of the panel where the panel member’s conduct or work undertaken as such or his general conduct renders it inappropriate for him to retain membership of the panel either on a temporary or permanent basis and notwithstanding any action taken or penalty imposed by any committee of the Law Society or by the solicitors’ tribunal.

3. NIGALA may apply for and consider information held by the Law Society and may request disclosure by an applicant for panel membership or by an existing panel member of any matter which may affect the suitability of that person to remain on the NIGALA panel.

4. NIGALA may apply to the appropriate authority for disclosure of criminal records or of other information available to that authority in relation to the applicant or to an existing panel member.

5. Solicitors must behave professionally at all times and must not act in any way that may bring into disrepute the reputation of NIGALA. Any suspected
unprofessional conduct will be reported to the Law Society (NI) in accordance with its regulations.

(vii) **Complaint**

All complaints or allegations against a solicitor on the NIGALA panel, either in relation to his/her work undertaken as a panel member or his/her general conduct, will be dealt with as follows. The NIGALA shall undertake an investigation and shall take any measures deemed appropriate in the conduct of such an investigation. The matter may also be referred to the Law Society of Northern Ireland’s appropriate regulatory committee(s). Upon conclusion of the Agency’s investigation, the Executive Director (NIGALA) shall determine the complaint and shall assess the solicitor’s suitability to remain on the panel. The Executive Director’s decision may be appealed within 14 days’ notice of notification of the decision. The appeal mechanism is as in (v) above.

(viii) **Confidentiality**

NIGALA Panel solicitors must comply with all legal obligations in respect of confidentiality and the processing of personal data including compliance with provisions of the Data Protection Act 1998. Successful applicants will be required to comply with NIGALA’s Data Sharing Agreement and possess a user licence for the Criminal Justice Secure System (CJSM) in order to ensure secure electronic transfer of information.

(ix) **Vetting**

Successful candidates will be subject to formal external vetting as required by law.

(x) **Equality Opportunities Monitoring**

The Equality Opportunities Monitoring form constitutes an important element of the application. Therefore applicants must ensure they complete and return the form along with their application form. Failure to do so will lead to the application not being accepted.

(xi) **Funding**

The guardian ad litem will appoint a solicitor to provide legal representation for the child. Legal aid is made available to children who are the subjects of public law proceedings and solicitors will be expected to make application to the Northern Ireland Legal Services Commission (NILSC). Fees and expenses will be determined by NILSC and are not for negotiation with NIGALA.
(xii) Exception
In exceptional cases, a solicitor who is not on the NIGALA Panel may be appointed on the basis that it is the choice of a competent child which remains after the merits of appointment of a Panel member are explained.

(xiii) Caseload
Appointment to the Panel does not guarantee that an individual practitioner will be allocated an agreed number of cases.

(xiv) Undertaking
Successful candidates will be required to provide an undertaking in writing that they will personally represent the child in all aspects of the case. If, for reasons beyond the solicitor’s control this obligation cannot be fulfilled, the guardian ad litem must be informed immediately in order that alternative arrangements may be made.

(xv) Duration
Whilst the Panel will be reconstituted no later than April 2015 the NIGALA reserves the right to discharge the panel and reconstitute it at any time and by whatever means it considers appropriate.