

## CANDIDATE INFORMATION BOOKLET

**The Children & Young Person's Commissioner Scotland is recruiting for the position of:**

**Legal Officer – Grade 4 (£36,298 - £47,244)**

**Edinburgh based with flexible working**

The responsibilities and powers of the Children and Young People's Commissioner are set out in the Commissioner for Children and Young People (Scotland) Act 2003. The Commissioner is appointed by the Queen on the recommendation of the Scottish Parliament and is entirely independent of the Scottish Government.

**All applications via CV and cover letter are welcomed and must be submitted before closing on 24<sup>th</sup> June 2022.**

**Interviews will take place week commencing 4<sup>th</sup> of July 2022.**

*Passionate about children's human rights? Want to use your legal expertise within investigation and litigation to make a real difference to the lives of children and young people? Then we want you to join us to promote and safeguard the rights of children and young people in Scotland.*

## **Overview of the Children and Young People's Commissioner Scotland**

In 2003 the Scottish Parliament wanted to "make a real difference by creating an independent, high-profile and influential post" of Children and Young People's Commissioner with a responsibility to promote and safeguard the rights of everyone under 18 in Scotland or up to 21 if the young person is in care or has care experience.

Children and young people don't have the same economic or political power as adults. Adult systems aren't designed around children's needs and when things go wrong it's much harder for them to get justice. They need a champion who is an independent person able to challenge those in power. The role of Commissioner must do that, whilst bringing together different parts of the political and institutional systems and society in the best interests of the child.

As well as being a champion for rights, a key part of the job is to work with people who make decisions that affect children and young people's lives so that they deliver on their promises – for example within education, healthcare, housing and justice. Decision-makers must understand their rights obligations and by including and listening effectively to children and young people, they will do their jobs properly. As Commissioner, I have a dedicated team of 15 staff who bring a variety of skills and talents to help make sure I have the information and support to do my work.

As a team, we work to our shared values of bravery, independence, leadership, participation and respect so that we can be the fierce champions of rights that children and young people need us to be.

The Commissioner's office is moving into a new and exciting period. On 16 March 2021 the Scottish Parliament unanimously passed the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill. Responding to the decision of the UK Supreme Court on 6 October 2021, the Scottish Government has committed to bringing an amended Bill back to the Parliament. The prospect of UNCRC incorporation, which comes along with additional litigation powers for the Commissioner's office, presents a generational opportunity to ensure that respect, protection and fulfilment of children's rights are embedded into every aspect of

law, policy and practice. As a result, this role will sit at the leading edge of children's human rights litigation in Scotland.

## **Role Summary**

The Legal Officer will work in the Commissioner's Advice and Investigations Team, reporting to the Head of Advice and Investigations. The Legal Officer will be responsible for the provision of internal legal advice and the lawful and effective use of the Commissioner's investigative powers, as well as supporting the delivery of the office's advice function. In addition, they will be directly responsible for the analysis and management of a body of legal casework on behalf of the Commissioner.

The Legal Officer will also support the general functions of the office by providing advice and support directly to the Commissioner and to other teams as appropriate.

### **The key strategic issues impacting on the post will be:**

- Relevant domestic law including the Commissioner for Children and Young People (Scotland) Act 2003, the Children and Young People (Scotland) Act 2014, and the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill.
- International human rights instruments, particularly the United Nations Convention for the Rights of the Child (UNCRC).
- Developments in domestic and international human rights case law
- The Commissioner's Strategic Plan 2020-24

<b>Responsibilities</b>
<ul style="list-style-type: none"><li>• Providing specific legal advice and other support in relation to the exercise of the Commissioner's investigative powers</li><li>• Further develop and lead on the office's strategic litigation function including:<ul style="list-style-type: none"><li>- Assessment of cases for intervention and other involvement by the Commissioner</li><li>- Drafting submission and legally representing the Commissioner as required</li><li>- Instructing Counsel as appropriate</li><li>- Management of cases</li></ul></li><li>• Monitoring relevant case law domestically and internationally, particularly at the European Court of Human Rights</li></ul>

- Provision (with other team members where appropriate) of proportionate and effective responses to children's rights issues raised via the Advice function
- Develop and maintain networks at domestic and international level to support the work of the Commissioner
- Providing legal advice on issues relating to children and young people's rights. This also includes developing, reviewing and advising on law, policy and practice affecting children and young people
- Work collaboratively with all teams and stakeholders to achieve the Commissioner's strategic objectives.
- Support, develop and mentor more junior colleagues in their work
- Ensuring the efficient and timely management of an assigned work load
- Public presentations relating to the work of the Commissioner as required
- Efficient administration and record keeping in compliance with relevant legislation

**The responsibilities outlined in this job description should not be regarded as comprehensive in scope and may be added to or altered as required, in line with the requirements of the Commissioner.**

### **Essential Requirements**

The successful candidate must have

- A minimum of two years' satisfactory relevant post-qualification experience as a solicitor, advocate, or barrister
- Experience in a relevant area of law relating to human rights
- An understanding of how international human rights law impacts domestically
- Demonstrable experience and understanding of legal process in Scottish courts and tribunals
- A proven ability to advocate effectively in the courts as required, to write high-quality legal submissions and instructions
- A proven track record of planning and prioritising legal case work
- The capacity to undertake high volumes of work and deliver to strict deadlines

- An excellent capacity to develop, manage and maintain effective working relationships internally and externally

In addition

- A proven track record of working effectively in teams in a multi-disciplinary environment.
- Sound judgement and good decision-making skills
- Experience in the use of appropriate technology e.g. electronic case management systems and other IT tools and applications commonly used in a modern legal office.  
A track record of creating presentations and drafting policy and legislative advice
- Effective communication skills
- Proven experience of excellent report writing and high standard of general written communication skills
- Commitment to a rights-based approach to work and in particular to the meaningful participation of children and young people

### **Desirable Requirements**

- A valid Practising Certificate or be eligible to obtain a Practising Certificate prior to the starting date
- Experience in investigation and conducting formal inquiries.
- Experience of undertaking strategic litigation
- Experience of working directly with children and young people.
- A broader understanding of domestic and international law as it affects children and young people. An understanding of the public sector in Scotland

### **Children & Young Person's Commissioner Scotland**

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