

Accessing Legal Advice Procedure

June 2025

CONTROL RECORD			
Reference Number N/A	Version 0.1	Status Draft	Author Assistant Director of Corporate Affairs (Governance)
			Sponsor Director of Corporate Affairs
			Team Governance
Title	Accessing Legal Advice Procedure		
Amendments	N/A		
Purpose	To set out the ICB’s process for accessing legal advice and describe key roles and responsibilities.		
Superseded Documents	N/A		
Audience	All staff within the Nottingham and Nottinghamshire Integrated Care Board		
Consulted with	N/A		
Equality Impact Assessment	Not required for this document		
Approving Body	Not required for this document	Date approved	N/A
Date of Issue	June 2025		
Review Date	N/A		
This is a controlled document and whilst this process may be printed, the electronic version available on the ICB’s document management system is the only true copy. As a controlled document, this document should not be saved onto local or network drives.			

Contents

Introduction and Purpose	2
Scope	2
Roles and Responsibilities	2
Process for seeking legal advice.....	3
Record keeping	3
Communication, Monitoring and Review	4

Introduction and Purpose

1. The ICB will occasionally require legal advice on complex matters in order to protect the organisation and ensure it is operating within the law. The central budget for legal expenditure is held by the Corporate Affairs Team, who are responsible for overseeing and authorising all legal costs incurred by the ICB. The purpose of this document is to ensure that:
 - a) Staff are aware of the process to follow if legal advice is needed.
 - b) Appropriate records of legal advice are maintained within a central repository, for both organisational and audit purposes. This includes the maintenance of a legal register.
 - c) Other options for securing advice (such as using in-house expertise) are investigated before proceeding to contact the ICB's solicitors.

Scope

2. This process is applicable to all individuals employed by or working with the ICB, including those employed in a temporary capacity (hereafter referred to as 'individuals'). This process applies to all circumstances where legal advice is required, which for the purposes of this process are categorised as follows:

Type of legal support	Definition
Reactive	Where individual issues arise during the course of the ICB's business activities.
Proactive	Where advice may be required at the outset of a specific programme of work or as part of business case development.

Roles and Responsibilities

3. The following roles and responsibilities apply:

Role	Responsibilities
Director of Corporate Affairs	The Director of Corporate Affairs will ensure that the ICB has robust, cost effective, arrangements in place for the provision of legal advice across all of the ICB's activities. This role will act as the 'gate keeper' for all reactive and proactive legal support requests and will instruct the ICB's solicitors when satisfied that this is the appropriate course of action.
Head of Corporate Assurance	The Head of Corporate Assurance will monitor the effectiveness of this process and ensure that appropriate records of legal access and advice are maintained centrally and recorded on the ICB's legal register.
Individuals	Individuals who have been granted authorisation to obtain legal advice are required to keep the Head of Corporate Assurance regularly informed of the status and developments relating to the legal matter.

Process for seeking legal advice

- Individuals seeking proactive or reactive legal advice are asked to complete the ICB's legal advice request form. This form is used to capture the strategic context of the request, and individuals are expected to clearly articulate the specific question or issue requiring legal input. Examples of the required details are outlined below:

Information required	Example answers
Reason for seeking legal advice	E.g., for advice on a situation that has not been encountered before; to confirm that intended action is the right approach or where there is significant risk to the organisation.
Whether other options have been explored	Such as seeking advice through internal expertise or colleagues who have previous received legal advice on similar matters.
Timescales	Any deadlines or relevant dates (eg. court dates) and likely duration advice will be needed for (eg. if throughout a particular project).
Name, role, directorate/team and senior manager details	Confirmation of who is requesting the advice and that the relevant manager from the ICB's Senior Leadership Team is aware that the request is being made.

- The form is available at: <https://forms.office.com/e/xy1yu10pZe>. The Corporate Affairs Team will review the information sent through and respond to the request within three working days. Urgent requests can be made directly to the Director of Corporate Affairs; however, completion of the form must be done retrospectively to ensure the request is logged.
- Once authorisation is granted to move forward with the request, the Corporate Affairs Team will instruct the most appropriate law firm. An estimation of anticipated fees will be gathered, and the law firm will conduct a review to identify any potential conflicts of interest.

Record keeping

- Whilst certain matters may be dealt with quickly over the phone/MS Teams, any advice should ideally be provided in writing. Individuals should also keep notes relating to dates and time spent corresponding with/talking to the solicitor, as this may be required to validate the ensuing invoice.
- The ICB will maintain a legal register of all key details relating to accessing and receiving legal advice.

9. The legal register will be supported by a central repository of legal advice received, which will be maintained by the Head of Corporate Assurance. Records will be kept in line with the ICB's Records Management Policy.
10. Whilst communication with solicitors regarding the provision of legal advice is generally covered by legal privilege (i.e. exempt from disclosure under the FoI Act), care should be taken to ensure correspondence is kept factual – do not include any personal opinions or make statements that could be perceived to be defamatory or discriminatory.

Communication, Monitoring and Review

11. The Accessing Legal Advice Procedure has been developed to ensure that staff understand the correct process for obtaining legal advice. The procedure can be found on the ICBs intranet page.
12. The ICB's Audit and Risk Committee will oversee the ICB's legal activity and will receive the legal register annually.
13. Any individual who has queries regarding this process or has difficulty understanding how this process relates to their role, should contact the Assistant Director of Corporate Affairs (Governance).
14. This process will be reviewed regularly and updated as needed.