

Bevan Brittan 

RM6240 Public Sector Legal Services

Lot 2 - General Service Provision



Crown
Commercial
Service



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The use of information provided throughout this prospectus is not commercially sensitive.

Where information is not a matter of public record, appropriate permission has been sought for inclusion.

Introduction

Bevan Brittan is a UK-Top 100 national law firm providing legal and advisory services to central and local government, NDPBs, the NHS, social housing, regulatory bodies and the full range of entities working under this Framework.

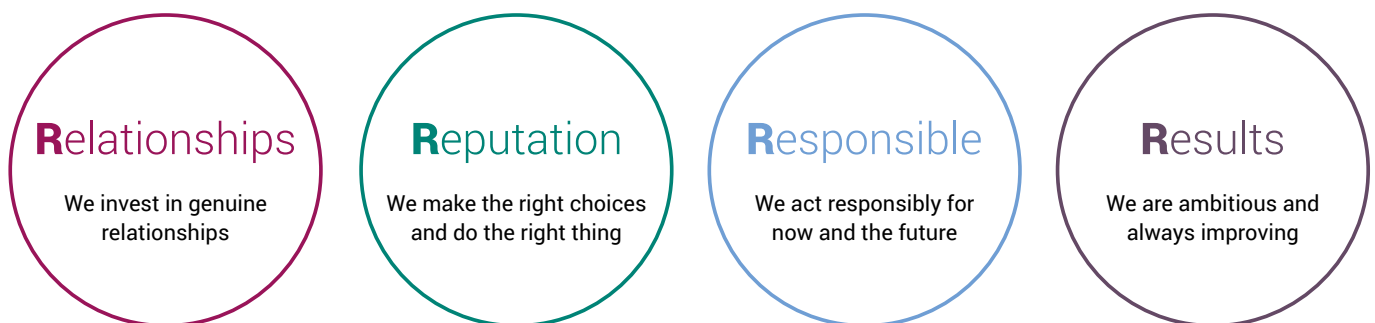
Our practice consists of over 90 Partners, 300 lawyers in total and over 500 staff, from our offices in Birmingham, Bristol, Leeds and London - reflecting the nationwide location of clients and markets.

We act for an exceptionally broad range of public sector and regulatory clients including over 120 local authorities every year and 60% of NHS Trusts. We have also worked with the NHS since its inception and act for 8 of the 10 largest Housing Associations in the country.

Our clients really value our breadth of experience across complementary sectors, enabling us to realise our clients' objectives through our understanding of the sectors they work in and what can and cannot be achieved in terms of regulatory and governance structures.

Our clients demand legal experts that know their markets inside-out and are able to provide high-quality, strategic legal advice that demonstrates market understanding and anticipates their needs. To ensure we deliver that legal and regulatory advice within the context of our clients' ever-changing market, we invest time, resource and research, whilst working with industry leaders to maintain our cutting-edge knowledge for the benefit of our clients.

Underpinning how we advise and support our clients are our values - they are core to our business and provide a sense of our personality and how we work with our clients to become their business partners.



As a responsible business the values shape the decisions we make and how we work with our clients, with each other and the contribution we make to the wider business communities that we are part of.

Team Structure



Supplier Relationship Manager
Melanie Carter (Partner)
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Contact for Tender opportunities
Vicky Hodgson (Bids Manager)
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Key personnel:

Specialism	Key Contact	Team Size
Property, Real Estate and Construction	Mark Calverley, Andrew Tobin	139
Social Housing	Louise Leaver	117
Children and Vulnerable Adults	Kirtpal Kaur-Aujla	12
Court of Protection	Simon Lindsay	29
Education Law	Amy Tschobotko	13
Debt Recovery	Virginia Cooper	14
Planning	Dalee Kaur	6
Pensions	Nigel Bolton	2
Litigation and Dispute Resolution	Olivia Carter	8
Intellectual Property	Richard Lane	12
Employment	Sarah Lamont	40
Health, Healthcare and Social Care	Simon Lindsay	96
Primary Care	Vincent Buscemi	48
Mental Health Law	Hannah Taylor	30

Social Value

Our Responsible Business programme is made up of four pillars that align with the UK Government's five key social value themes:

1. Community Engagement

We have an active and passionate Community Engagement programme making a significant contribution to the communities in which we and our clients work, and to help tackle economic inequality and social mobility. We have various initiatives, including apprenticeships, work experience and mentoring schemes, providing skills development and training that directly impacts our local community members. We offer 10 students work placements each year. We promote applications through the media, University of Birmingham's 'Routes to Profession' scheme and the University of Law's 'Pathways to Law' scheme.

Additionally, Bevan Brittan is fully committed to pro bono work; lawyers are strongly encouraged to deliver pro bono work and the firm's Pro Bono Work policy has the full and enthusiastic backing of the firm's board. We have set a target of **250 hours** with an aim to double this to 500 hours over the next year or so.

2. Diversity & Inclusion

We are committed to promoting equality, diversity and inclusion in the workplace and our client relationships. We strive to ensure that our dealings with people, our working environment, our policies, procedures and employment terms are free from bias. 42% of our partners are female against an industry average of 35%. We are aware of the issues affecting inequality in employment, skills and pay in our workforce, which reflect those of the legal sector, and include:

- Access to the profession by socially disadvantage groups via support for school mentoring programmes and supporting charity group such as **The Talent Tap** who aim to meaningfully change the lives of talented school leavers by providing access to work experience, support and networking opportunities.
- Under-representation of women at higher levels including Partnership and broader under-representation of other minority groups either with a disability, from an ethnic minority background and people who are LGBTQ+.
- Gender Pay Gap, due to the relatively higher percentages of men being employed in more senior, higher paying roles versus women, who traditionally perform less senior, lower paying roles.

3. Wellbeing

Wellbeing is something we take very seriously as a firm and it forms one of the four strands of our Responsible Business strategy. We have a dedicated wellbeing partner lead, who leads our Wellbeing Committee and Wellbeing Ambassadors across the firm. In addition, our senior partner is the board sponsor for wellbeing, ensuring it has the highest level of support from our leadership team and is ingrained at every level of the firm. Our current wellbeing offering includes:

- the training and deployment of 25 **Mental Health First Aiders**;
- signing up to, and implementing, the **Mental Health at Work** Commitment;
- proactively encouraging and supporting **employee networks** (which raise awareness, share knowledge and provide peer support) for menopause, employees with SEN dependants and men's health;
- rolling out a bespoke training scheme for all partners and line managers specifically focussed on compassionate leadership and improving wellbeing across the firm;
- supporting and championing **national and international "wellbeing" days**, including Grief Awareness Week, World Mental Health Day and National Menopause Day; and
- providing all employees with access to practical advice and counselling support, 24 hours a day, 365 days a year through our **Employee Assistance Programme** provided by Aviva.

Social Value (continued)

4. Environmental Sustainability

We are an accredited UN Climate Neutral Now company (one of a handful of Law Firms to have achieved this recognition) and we are a member of Legal Sustainability Alliance (LSA), where we work collaboratively with organisations to improve the environmental sustainability of our activities. We introduced a Green Travel Policy to reduce our CO2 emissions for business travel whilst maintaining core business needs.

Bevan Brittan achieved ISO 14001 certification in 2021, demonstrating that we operate an effective environmental management system that meets the certification standards. It allows us to identify our environmental objectives and work towards achieving these in a measurable and accountable way, with all of our staff and suppliers following best practice to achieve continuous improvement.

Mandatory Specialisms

Property, Real Estate and Construction

Key personnel: Mark Calverley (Partner) & Andrew Tobin (Partner)

In addition to providing advice on all aspects of property, real estate and construction, we are currently advising on some of the biggest regeneration projects active in the market. We provide a full service offering on major construction and infrastructure projects across health, education, leisure, highways, energy and housing including procurement strategy, contractual and security documentation and support and strategic input.

Case Study

We advised the **London Borough of Havering** in connection with the redevelopment and renewal of 12 sites in Havering including the large Waterloo estate, adjacent to Romford which will result in more than 3,000 new houses being delivered. This is a once-in-a-generation project for the Council which is looking to provide more, better affordable housing within its borough. We advised the Council on the procurement of a development partner, and this involved a wide range of skills including title issues; vacant possession; appropriation; CPO; a suite of construction and development documentation; all as part of an efficient procurement process.

Social Housing

Key personnel: Louise Leaver (Partner)

We advise clients across the spectrum of organisations engaged in social housing including Registered Providers, NHS and Local Authorities. We offer a complete service and support clients on all legal issues relating to: Governance and Corporate; Funding and Treasury; Property and Development; Procurement and Commercial; and Tenant and Leaseholder Management. But importantly, we offer more than just legal expertise – we provide an in-depth understanding of the housing market accumulated over decades of specialising in the sector.

Case Study

We assisted **Peabody Trust** on the complex corporate acquisition of the iconic Dagenham Stamping Plant car works site at Dagenham Dock in Barking & Dagenham. The high-profile transaction required expert advice from a multi-disciplinary team of corporate, property, planning, litigation and funding lawyers to deal with significant complexity owing to multiple adjoining land interests and ongoing demolition/remediation works. The housing team continue to advise Peabody as they work closely with Barking and Dagenham Council and the Greater London Authority to deliver a placemaking-led masterplan for more than 3,100 homes of which over 1,550 will be affordable housing.

Children and Vulnerable Adults

Key personnel: Kirtpal Kaur-Aujla (Partner)

We advise public authorities on commissioning and delivering care/support to children and young people; including Parental Responsibility, distinguishing between parental control restrictions vs. deprivation of liberty/interferences with human rights, s20/s25 Children Act accommodation, managing social/familial/sexual contact, disclosures and information governance, Court of Protection/Inherent Jurisdiction proceedings and safeguarding. We assist with joint agency working between health, education and social care, especially through transition from child to adult services. We advise on responsible commissioner disputes and overlap between the Special Educational Needs and Disabilities (SEND), Care Act, s117 aftercare Mental Health Act and NHS Continuing Healthcare arenas. We have a broad spectrum of experience in advising on health and social care commissioning specifically within children's services and for vulnerable adults. We act on high level complex outsourcing, partnering, and multi-authority collaboration arrangements, as well as the establishment of alternative models for the delivery of children's services.

Case Study

We are at the forefront of advising on the establishment of Children's Trusts pursuant to Statutory Directions issued by the Secretary of State for Education under the Education Act 2006. We advised an NHS CCG regarding a Spanish-national young man of Russian descent who presented with significantly challenging behaviours transitioning to adult services, where his residential school has served notice and the local authority with ordinary residence responsibility intends to cease to maintain his EHC Plan. We advised the CCG on commissioning responsibility, its interaction and involvement with the SEND Tribunal and Pilot, its procurement exercise (including NHS England grant application under the Transforming Care Agenda) and regularisation of the significant interferences with his human rights through the Court of Protection.

Court of Protection

Key personnel: Simon Lindsay (Partner)

We act for a broad range of health and social care organisations across the country. We have the technical expertise to advise organisations on meeting their complex obligations and responsibilities owed to vulnerable service users, and have developed a series of innovative products and tools to meet your needs and help solve the difficult dilemmas that arise.

Case Study

In RS –v- University Hospitals Plymouth NHS Trust we supported the Trust in a complex application to the Court of Protection for withdrawal of life-sustaining treatment in the face of an intervention by one member of the patient's family, who objected to the proposal on religious grounds. Several applications followed, including interventions by a foreign embassy and the European Court of Human Rights.

Education Law

Key personnel: Amy Tschobotko (Partner)

Our team of education lawyers advise local authorities on various education law issues including in relation to:

- School funding and grant arrangements
- Policies relating to schools (e.g. we provided policy advice on the delivery of Covid-19 vaccines in schools)
- Academy arrangements and conversion (including disputes and contractual matters)
- School transport, including changes to policies and consultation
- Special educational needs (SEN) and Education, Health and Care Plans (EHCPs), and
- Safeguarding

We regularly advise the Local Government and Social Care Ombudsman on complaints involving SEN and EHCPs. We also act for a range of universities on education law matters including equality and diversity; reasonable adjustments; student complaints; student contracts and consumer law issues; disciplinary and academic processes; and exchange and collaboration agreements.

Case Study

We provided advice to **a local authority** in relation to membership arrangements and voting procedures for a schools forum. This involved considering the requirements under the relevant regulations and the eligibility of particular schools for a grant. We also looked at issues around whether members who represented particular schools were eligible to vote on relevant matters.

Debt Recovery

Key personnel: Virginia Cooper (Partner)

Our debt recovery experts provide an efficient, effective and economic service for the collection of debts. Our overriding objective is to drive debt recovery cases to the swiftest possible solution whilst maximising recovery of outstanding debts. We utilise a range of debt recovery methods, including sending letters of demand/ letters of claim, issuing statutory demands/winding-up petitions and Court proceedings. We have significant County Court, High Court and Court of Appeal experience, as well as foreign jurisdiction experience. We have experience of a wide range of enforcement methods, including charging orders, attachment to earnings and enforcement agents, as well as experience of enforcement in foreign jurisdictions. We frequently instruct enquiry agents and advise on the prospects of recovery, by reference to known assets. We are also experts in alternative dispute resolution, including negotiation, mediation, adjudication and expert determination. This means that we can consider the most cost-effective approach to debt recovery. In each case, we recognise the critical importance of understanding the context in which the debts arise, including any relevant statutory provisions and any public law, commercial or reputational considerations.

Case Study

We acted on behalf of 51 UK local authorities and two higher education institutions in relation to the settlement of 81 claims brought by the insolvent Icelandic bank, Glitnir Bank hf. This was in respect of an alleged overpayment in 2012 as a result of an Icelandic Supreme Court decision in 2014, post-distribution to our clients who were wholesale priority creditors. Our work included advising the clients on their position, verifying the claimed repayment figures, co-ordinating execution of settlement agreements by our clients and liaising with our Icelandic Counsel.

Planning

Key personnel: Dalee Kaur (Partner)

As a highly experienced planning team we advise on all aspects of planning and environmental matters and in bringing forward applications for development so as to minimise the risks of legal challenge. This includes providing advice on the redevelopment of historic buildings, auditing environmental statements and the application of EU directives. We have a particular expertise in unlocking brownfield land for development including progressing compulsory purchase orders that assist in the delivery of redevelopment and regeneration schemes and dealing with difficult highways, rights of way and town green issues.

Case Study

We are currently acting for the **London Borough of Tower Hamlets** on all planning matters relating to the compulsory purchase of land at Aberfeldy West, required to deliver regeneration in the borough. The proposed development will deliver approximately 1,600 new residential units, 25,500 sqft of retail space, 29,100 sqft of offices, local employment, significant improvements to the local highway network, comprehensive supporting infrastructure, new walking and cycling links, affordable workspace, and new public spaces and parks. We have advised on appropriation, open space/exchange land, funding, statement of case, decision making and project managing the compulsory purchase.

Pensions

Key personnel: Nigel Bolton (Partner)

We advise local and central government, fire authorities, housing associations, the Police, charities and education bodies and LGA, FCA and administering authorities on all areas of pensions. We have particular expertise with public sector schemes (all iterations) including LGPS, NHSPS, TPS, CSPA and the Firefighters' Pension Scheme. We also advise Employers and Trustees on the set up, running (including regulatory and compliance issues) and wind-up of private sector schemes, including integration with wider employee benefits such as salary sacrifice and death benefits. We advise on pensions issues in transactions, such as outsourcing, joint ventures, mergers and acquisitions, shared services and procurement processes including risks analysis, regulatory requirements and complex pensions aspects of TUPE transfers. We also support clients around pensions litigation, internal grievances, complaints and Pensions Ombudsman procedures.

Case Study

We advised **National Savings & Investments** on the return of outsourced employees to the Civil Service Pension Scheme. The contractor provided a broadly comparable pension for ex-NS&I staff. Partway through the contract, NS&I and the contractor agreed that, due to the costs of the current scheme, the employees should return to the Civil Service Scheme. We worked with NS&I, the Government Actuary's Department, the contractor, their legal and actuarial advisers and the Cabinet Office to arrange this mid-contract transfer. This was a significant project, showing how we work across the public and private sectors and produce new solutions.

Litigation and Dispute Resolution

Key personnel: Olivia Carter (Partner)

We act for public sector bodies across health, local and central government as well as regulators and ombud schemes. We provide a full services litigation offering covering contract disputes, complex ICT disputes, defamation and harassment claims, financial services, negligence and fraud as well as public law challenges. The team have a wealth of experience advising clients on all forms of alternative dispute resolution including mediation, adjudication, arbitration and expert determination. We also have specialist experience of acting on collective actions advising large groups of clients and can advise on funding options.

Case Study

We advise **local authorities** regarding waste contracts. On one particular matter, we advised the four waste collection authorities in dispute with a waste collection services provider. The value of the claims and counterclaims exceeded £20m and related to a variety of issues around performance, the accuracy of pre-contract information provided and TUPE issues. The dispute raised complex issues including the statutory obligations of waste disposal authorities and the interaction with a separate Private Finance Initiative contract relating to the processing of waste in the region.

Intellectual Property

Key personnel: Richard Lane (Partner)

We advise on all aspects of intellectual property (IP) law both from the development of IP (including within joint ventures or other similar collaborative research and development projects), the protection of IP (whether through registration or other forms of protection), the exploitation of IP through to enforcing IP rights against third party organisations who are infringing on such rights.

Case Study

We advised **University Hospitals Birmingham** on all aspects of IP owned and developed by the Trust (solely or in collaboration with other third party organisations both private and public). The Trust engaged us to support, on an ongoing basis, on the challenges arising from the development and ownership of IP, including contractual relationships with funders and/or joint developers of IP and the proposed exploitation of such IP for the benefit of the Trust. We have also advised the **Royal Free NHS Foundation Trust** on the licensing of intellectual property rights, income sharing payment mechanisms, brand protection and the permits and licensing regime for the provision of healthcare services. We also worked closely with the relevant government departments.

Employment

Key personnel: Sarah Lamont (Partner)

We provide employment advice to clients across the public sector including local and central government, Fire Authorities, housing associations, the Police, NHS, charities and education bodies. Our TUPE expertise is a major strength; advising on ground-breaking models for shared services, Teckal companies, s75 arrangements, outsourcing, insourcing and frameworks. We have an outstanding record in Employment Tribunal proceedings, acting in many seminal cases at all levels of appeal. We advise on all aspects of employment law including: contracts and collective agreements including nationally negotiated terms such as National Joint Council and Agenda for Change; discrimination and equal pay; industrial action; redundancies; terminations and settlement agreements; whistleblowing; and immigration.

Case Study

Engaged by the **Local Government Association**, we are representing 52 Fire Authorities, defending claims brought by over 10,000 firefighters in England, Wales, Scotland and Northern Ireland alleging discrimination. The claims were joined with the McCloud case and heard by the Courts at the same time. We are now dealing with ground-breaking remedies issues in the Employment Tribunal in the context of the Government's plans for pensions reform.

Health, Healthcare and Social Care

Key personnel: Simon Lindsay (Partner)

We support health and social care providers to fulfil their obligations to their service users. We help them navigate human rights, equality and professional obligations. Our specialist services include inquests and inquiries, CQC and other regulatory prosecutions, mental health, family law and Court of Protection applications, continuing healthcare arrangements and all issues arising from care for vulnerable service users. Our experience in working with local authorities and NHS organisations means we can offer a constructive service, which understands the business environments they operate in.

Case Study

We acted for an **NHS Trust** in a Court of Appeal case which considered the issue of whether a 17 year old's right to refuse treatment could be overridden by a court. The matter started as a late night application to court for an emergency declaration that the child could lawfully be given a blood transfusion, in the face of his religious convictions. We supported the Trust through the application to court and, ultimately, to a successful outcome which clarified the obligations of the staff for future care planning.

Primary Care

Key personnel: Vincent Buscemi (Partner)

We have extensive experience advising clients on all areas of primary care law, regulation, policy, funding, commissioning and contracting. We provide specialist multi-disciplinary advice across our corporate, commercial, regulatory, employment, clinical risk and claims, and real estate teams. Our clients include: primary care providers, general practitioners (GPs), GP federations, Primary Care Networks, dentists, pharmacists, commissioners and funders.

Case Study

We have advised and supported Symphony Healthcare Services, an at scale primary care provider, on their establishment and corporate structure, including supporting them with the acquisition of 17 GP practices, practice mergers and various restructuring projects. We have developed standard sale and purchase, and restructuring documentation, due diligence materials and a range of property and commercial agreements that support their integration model. Our support has included advising on all aspects of NHS primary care and contracting arrangements, real estate and development issues, premises funding and support, corporate structuring and regulatory issues, including CQC registration. Our support has enabled the client to grow at pace and become the largest provider of primary care and community services in the South West.

Mental Health Law

Key personnel: Hannah Taylor (Partner)

Our mental health practice is best known for:

- Handling the most complex mental health cases, delivering innovative solutions for clients facing challenges to their practice and regulatory scrutiny
- Advising on obligations relating to admission, treatment, discharge and risk management relying on the Mental Health Act, Code of Practice and Reference Guide
- Providing training on the legislation, human rights and mental capacity so our clients are confident in their understanding and how they discharge their obligations professionally
- Offering a full-service for patient-facing matters and on technical aspects of mental health legislation/ governance including resourcing/policy decisions (e.g smoking cessation, service reconfiguration, s.136-suite availability), police/HSE/CQC investigations/regulation
- Regularly appearing in wide-ranging forums including: inquests, first/upper tier-tribunal, Court of Protection, criminal courts, High Court, appellate courts, independent/public inquiries and safeguarding and police investigations.

Case Study

We successfully represented **Broadmoor Hospital** in Djaba in the First and Upper Tier Tribunal, the Court of Appeal and the Supreme Court. The case reviewed the applicability of Articles 5, 6 and 8 of the European Convention on Human Rights to the Tribunal's powers when considering a detained patient. Could/should the Tribunal review the conditions of detention and take into account an alleged human rights' breach?