

Bevan Brittan 

RM6240 Public Sector Legal Services

Lot 1 - Full Service Provision



Crown
Commercial
Service



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Disclaimer notice:

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.

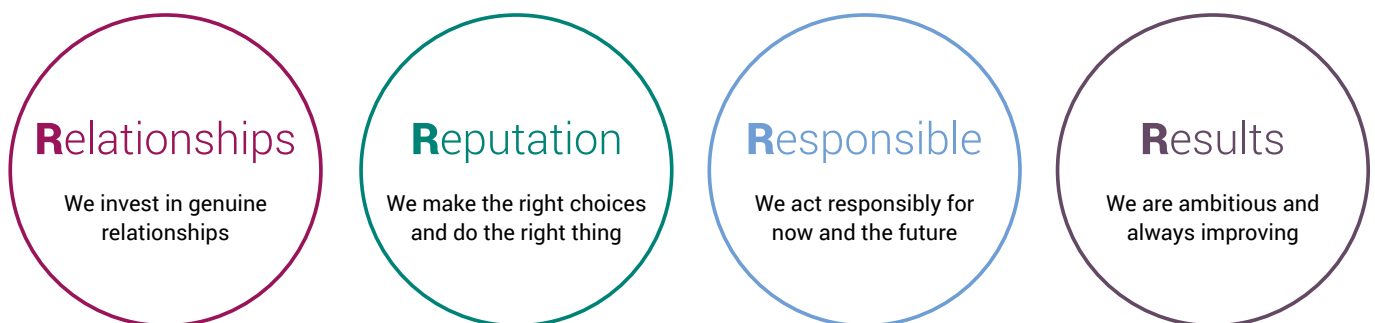
Our practice consists of over 90 Partners, 300 lawyers in total and over 500 staff, from our offices in Birmingham, Bristol, Leeds and London - reflecting the nationwide location of clients and markets.

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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 melanie.carter@bevanbrittan.com



Contact for Tender opportunities
Vicky Hodgson (Bids Manager)
 0370 194 3093 | 07887 855113
 vicky.hodgson@bevanbrittan.com

Key personnel:

Specialism	Key Contact	Team Size
Administrative and Public Law	Melanie Carter	79
Non-Complex Finance and Investment	David Moore	7
Contracts	Kirtpal Kaur-Aujla	12
Competition Law	Bethan Lloyd	6
Corporate Law	Chris Harper	16
Data Protection and Information Law	James Cassidy	5
Employment	Sarah Lamont	34
Information Technology	Ash Woodcock	12
Infrastructure	Nathan Bradberry	11
Intellectual Property	Richard Lane	12
Litigation and Dispute Resolution	Olivia Carter	8
Partnerships	Chris Harper	16
Pensions	Nigel Bolton	2
Public Procurement	Matthew Mo	6
Property, Real Estate and Construction	Mark Calverley, Andrew Tobin	139
Energy, Natural Resources and Climate Change	Nadeem Arshad	11
Retained EU Law and EU Law	Emily Heard	7
Planning	Dalee Kaur	6
Projects	Colin McConaghy, Olivia Blessington	11
Restructuring and Insolvency	Virginia Cooper	13
Education Law	Amy Tschobotko	13
Children and Vulnerable Adults	Kirtpal Kaur-Aujla	12
Food, Rural and Environmental Affairs	Richard Lane, Kathryn Lawrance	12
Health, Healthcare and Social Care	Simon Lindsay	96
Life Sciences	Vincent Buscemi	22
Telecommunications	Richard Lane, Steven Eccles	12
Charities Law	Sarah Greenhalgh	16
Health and Safety	Adam Kendall	8
Transport Law (excluding Rail)	Andrew Tobin	21
Tax	Chris Harper	16
Outsourcing/Insourcing	Ash Woodcock	12
Immigration	Ashley Norman	34
Public Inquests and Inquiries	Melanie Carter	13
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

Administrative & Public Law

Key personnel: Melanie Carter (Partner)

Administrative and Public Law lies at the heart of our practice areas for public authorities and we operate in cross-disciplinary teams to combine top level public law expertise with sector knowledge. Our work involves advising on governance and vires issues, as well as policy development and decision making; working with clients to mitigate the risk of potentially controversial projects or decisions being challenged. We are specialists in judicial review proceedings, providing strategic advice with a view to securing the optimal outcome bearing in mind reputational, cost and resource implications.

Case Study

We are the sole retained lawyers for one of the **Ombudsman** for all their public law work. Recently we defended a judicial review regarding the perimeter of its statutory jurisdiction and discretion. This was a highly complex matter which had significant implications for all other Ombudsman schemes. Our work included advice on the Ombudsman's statutory remit and powers, principles of good decision-making, the taking of witness evidence and strategic advice as to the litigation and reputational matters. We worked within the client's cost constraints and delivered a successful outcome.

Non-Complex Finance and Investment

Key personnel: David Moore (Partner)

Our banking and finance team are specialists in development, project and mixed source finance for lenders, local authorities, housing associations, education providers and other bodies engaged with the public sector, advising upon:

- Funding wholly owned development subsidiaries and joint ventures;
- Sourcing and defraying central government grants and repayable funding;
- Investment into third party energy and infrastructure schemes;
- Raising funds via capital markets (both public bond issues and private placements);
- Off balance sheet funding structures, such as sale and leaseback deals;
- Derivative transactions, and vires, charity, subsidy control and governance issues.

Case Study

We advised the **London Borough of Newham** to finance the acquisition and development of new housing through its wholly owned Registered Provider and housing investment company. This included advising on multiple investment and development loan facilities and accompanying security arrangements covering a dozen sites. The projects involved the development of a mixture of affordable housing, shared ownership units and the acquisition of dwellings. We provided structuring and subsidy control advice, drafting and negotiation of funding, security, development and property agreements and comprehensive property due diligence.

Contracts

Key personnel: Kirtpal Kaur-Aujla (Partner)

We advise on all aspects of contract law; drafting, negotiating, enforcing and addressing termination and exit liabilities across all sectors. Steeped in complex Public Private Partnerships, Private Finance Initiatives and outsourcing contracts, we also advise on commercial activities including goods, works and services. We are familiar with public sector commissioning and procurement strategies that require a range of contracts from outsourcing, commissioning, shared service arrangements and joint ventures to concessions, grants and other arrangements such as payment by results contracts. Our experience includes supporting contract management activity to deliver a variety of objectives such as service improvement; cost reduction; generation of income; and demand management. Recent issues include engaging supply chains and ensuring social value as well as managing provider default (including insolvency). Our extensive sector range covers regulated public infrastructure such as energy, waste, digital, telecommunications, transport and regulated public services such as health, education, housing and the environment.

Case Study

We advised the **London Borough of Barnet** on their outsourced contracts with Capita back office services and a joint venture with Capita development and regulatory services. We have been supporting the commercial director in contract management activities to improve services (through a variety of enforcement actions); seeking to settle numerous multi-million pound disputes; dealing with the outcome of a fraud; considering options for a partial or full termination including the exit issues and potential termination liabilities and all the related operational matters. Throughout we have worked with the client to ensure appropriate decisions are recorded; positions are preserved; consultation and procurement considerations are maintained. All whilst the subject of scrutiny, and with a backdrop of local elections and Capita profit warnings.

Competition Law

Key personnel: Bethan Lloyd (Partner)

We provide a full range of support services to beneficiaries under the framework including advice on potential competition law breaches under the Competition Act 1998: abuse of a dominant position which may, for example, arise where a public body controls transport access to a public destination, or unlawful agreements or arrangements between organisations which are intended to or may affect competition. We also advise on mergers, including within the health sector, and due diligence reports, and carry out extensive work on subsidy control and State aid issues, ranging from the limitations on the ability to fund infrastructure through to support for business in research and development, and the scope for a subsidy to arise in property and regeneration projects.

Case Study

We advised **The Doctors Laboratory** in connection with a proposed joint venture with University College Hospital London and the Royal Free Hospital. The transaction was cleared as a merger by the competition authorities at stage one, but this involved providing significant market analysis to explain the market workings and how the joint venture would affect competition. It also required negotiation and agreement of a confidentiality ring to reflect the need to preserve the confidentiality of the information being shared, and careful consideration of the ancillary restrictions to support the joint venture to avoid a wider set of restrictions than would be permitted. This enabled the client to proceed and invest in improvements to the service.

Corporate Law

Key personnel: Chris Harper (Partner)

We advise on all aspects of company law, structuring and transactions, often as part of larger cross-disciplinary teams. We represent buyers and sellers of shares/assets, central/local government, NHS, public private partnerships, housing associations, individuals, major corporates, charities/NFP, investors, investment funds and banks. Our experience includes mergers and acquisitions, exit strategies, structuring/establishing joint ventures (regeneration/property development, waste/energy, education, health and housing) and wholly-owned delivery vehicles, children's trusts, group restructurings and fund investments. We are often called to advise on sensitive corporate governance and directors' duties issues.

Case Study

We represented **Peabody Trust** on its acquisition of a company which owns the iconic Ford plant, Dagenham. The transaction was structured as a 100% share acquisition from Europa Capital. This was high profile and high value, with significant complexity and multiple adjoining landowners (including Network Rail), remediation works and corporate/financial restructuring needed to reflect the commercial agreement. We advised on all aspects of the transaction for Peabody, including corporate, funding, property, construction and tax. We are now advising on the various corporate structures to bring development forward.

Data Protection and Information Law

Key personnel: James Cassidy (Partner)

Information is vital for all organisations and the legal and reputational risks associated continue to grow in complexity. Our dedicated information law and privacy team provide advice to a wide range of clients from all sectors on their obligations under the Data Protection Act 2018 and the UK General Data Protection Regulation (UK GDPR). The team advise clients on all aspects of data protection compliance including commercial and contractual advice, data rights requests, data sharing agreements, data breaches, litigation and Data Protection Impact Assessments (DPIAs). We work with clients to conduct UK GDPR audits, provide training and draft template documentation. We also advise of the Freedom of Information Act 2000, the Environmental Regulations 2004 and the common law duty of confidence.

Case Study

We advised an **NHS Trust** on the data protection implications and risks associated with a large scale patient data sharing exercise with a private sector organisation in relation an innovative health analytics project utilising machine learning. We provided advice on the lawful basis, data ethics considerations, the DPIA and the commercial and contractual issues.

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.

Information Technology

Key personnel: Ash Woodcock (Partner)

We advise on all aspects of IT law, including software licensing, software development, infrastructure services (traditional hosting, cloud (IaaS, IaaS)), managed services (including SaaS) and commercial exploitation. Whether the client is delivering services in-house or procuring a fully-managed service, we can support the full life cycle of IT from developing procurement strategy through to exit management support. And, if things should go wrong, we can support any dispute through dispute resolution procedures or ultimately the courts.

Case Study

We advised **Defra** and **Natural England** on the procurement of a service to support, maintain and develop a critical IT system which supports its management of common agricultural policy funding. We supported the client from the start of the project to develop their strategy, including developing a Service integration and Management model to support a multi-supplier contract arrangement with a managing supplier controlling those other suppliers. We provided advice on the procurement process, contractual arrangements, negotiation and, following completion, we have provided additional contract management support including supporting through a dispute resolution procedure issues arising across the suppliers.

Infrastructure

Key personnel: Nathan Bradberry (Partner)

We advise on all aspects of infrastructure law advising upon 800 Public Private Partnerships (PPP) projects. We have advised on the most popular structures including Building Schools for the Future and the template Private Finance Initiative (PFI) agreement and NHS LIFT.

We advise on the expiry of early deals and in health where we created the popular Strategic Estates Partnership Model. We continue to advise on new forms of partnership and are leading advocates of contract management support to these projects to drive performance, value and change. Sector range is extensive and includes regulated public infrastructure such as energy, waste, housing, digital, telecommunications, coast defences; transport including roads, tunnels; and regulated public services such as health, education, housing and the environment. The models for delivery of infrastructure continue to develop and we support options appraisals regularly. Our expertise extends to asset (and share) disposals created as well as refinancing and restructuring projects and assets ownership and revenue flows.

Case Study

We are advising a **local authority** on their £500m new Waste PPP Project and delivery of their future waste management strategy. The PPP project includes the future management of the city's residual waste streams and all their major waste infrastructure assets, including the Tyseley Energy Recovery Facility (25MW), redevelopment of transfer stations and household waste recycling centres. Our multi-disciplinary team is assisting on all the legal and commercial aspects of this major Waste and Energy PPP project, including a complex expiry and contract extension, PPP infrastructure issues, operational matters, construction law, public law, energy and procurement issues.

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.

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.

Partnerships

Key personnel: Chris Harper (Partner)

We advise on the statutory powers of parties to enter proposed corporate and contractual partnership arrangements. We provide advice and draft appropriate agreements to reflect partnership terms, providing for risk and reward sharing, risk mitigation and dispute resolution. The team also advises on sensitive issues in partnership management and governance. We also advise on health and social care partnerships under s75 NHS Act 2006 relating to commission and provision arrangements as well as less formal joint commissioning arrangements and other means to develop integrated services.

Case Study

We advised a **local authority in the North West** on partnership arrangements designed to substantially increase pooled funding between the Council and its co-terminus Clinical Commissioning Group, as well as making provision for joint and lead commissioning. The scheme included provision to enable additional funds outside the remit of a s75 pool to be managed through the joint commissioning function in order to maximise the benefit of integrated commissioning through the scheme, with a view to a significant improvement in the efficiency of commissioning, and better outcomes for the local population.

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, CSPS 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.

Public Procurement

Key personnel: Matthew Mo (Partner)

We provide a full service offering and end-to-end support in planning and conducting public procurement exercises from soft-market testing; developing procurement documents (prequalification criteria; tender evaluation criteria, and procurement and contractual documents); bid clarifications and tender evaluation; debriefing unsuccessful bidders, managing challenges including strategy and High Court representation.

Case Study

We advised **Cardiff Council** on a procurement to appoint a consortium to design, construct, maintain and operate a new flagship 15,000 capacity music/entertainment and events arena in the city as part of a wider masterplan redevelopment of the Cardiff Bay area. This was a complex project in terms of investment finance, development, property and operational arrangements over a 45-year concession opportunity. We provided advice on the complete award process from the procurement options and strategy; developing the evaluation criteria with technical and financial advisors; drafting the procurement and project documentation; engaging in contract negotiations with bidders; conducting the tender evaluation exercise as well as debriefing unsuccessful bidders.

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. 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.

Energy, Natural Resources and Climate Change

Key personnel: Nadeem Arshad (Partner)

Our multi-disciplinary legal and regulatory team can help you meet your commercial and Net Zero objectives, including:

- Renewable Energy - solar, wind, biomass, hydro, marine
- Energy Innovation – energy and battery storage, hydrogen
- Energy from Waste – carbon capture, CHP, ATT
- Transport – electric vehicles, charging infrastructure, low carbon fuel
- District Energy – heating, electricity, cooling
- Energy Efficiency – domestic retrofit
- Energy Digitalisation – smart grids, data
- Nuclear and conventional power – gas, coal, oil, fracking

We advise clients on developing and funding energy infrastructure – including on all the property, planning, permitting, grid connection, construction, corporate, banking, public law, power purchase, carbon trading, emissions and regulatory matters. We also assist on resolving disputes which might arise during the construction or operational phase of an energy asset.

Case Study

We advised **a local authority** on a project involving battery storage, solar PV, smart grid management, district energy, and hydrogen infrastructure. We added value to the client by advising on project structuring, commercial contracts, procurement law, Power Purchase Agreement, construction and operation and maintenance issues.

Optional Specialisms

Retained EU Law and EU Law

Key personnel: Emily Heard (Partner)

We advise on the application of EU law including in the context of public procurement, competition, subsidy control, employment, energy and resource management, planning and regulatory matters.

Case Study

Iridium Concesiones de Infraestructuras SA and Ors v Transport for London [2019] 3589 (TCC).

We represented **a consortium of contractors** who were unsuccessful in their bid to deliver the Silvertown Tunnel project, which is a nationally significant infrastructure project comprising a new tunnel under the River Thames. Our challenge included the interrelationship of principles under the Treaty on the Functioning of the European Union with our national Public Contracts Regulations 2015. In this judgment we successfully argued that increased costs and delays could have been avoided had Transport for London set out its reasons for asking to lift the automatic suspension, and the Court reduced the costs recoverable by Transport for London as a result. The case entailed significant trial preparation and engagement with Transport for London, and ultimately settled without requirement for a lengthy and complex trial.

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 generally project managing the compulsory purchase.

Projects

Key personnel: Colin McConaghy (Partner) & Olivia Blessington (Partner)

We advise on all forms of complex infrastructure projects, including Public Private Partnerships (PPPs), Private Finance Initiatives (PFIs) and joint venture vehicles. We have been market makers in the PPP and PFI sector since its inception and have advised on over 600 PPP/PFI Projects including those funded by bank debt, corporate finance, equity, prudential borrowing and other forms of public sector funding across multiple sectors.

We have helped to create many of the innovative UK projects models over the last 20 years, including Strategic Estates Partnerships, Building Schools for the Future, NHS LIFT and Regional Health Infrastructure Companies Programme.

We have extensive experience in advising clients through all stages of a project: from structuring and procurement, through construction and service commencement, advising on variations and disputes, and now, increasingly, advising clients on the various steps to be undertaken in advance of expiry and/or handback (including subsequent delivery requirements to the asset/facility to ensure ongoing service delivery).

Case Study

We advised the **South West Devon Waste Partnership** (involving the Plymouth, Torbay and Devon Councils) on their £796m project for the development of the award-winning Devonport Energy Recovery Facility (ERF) and district energy network. The ERF is operated as a combined heat and power (CHP) plant, providing sustainable electrical energy and heat to the naval base and dockyard as well as some electricity to the National Grid. We advised on all aspects of this innovative and complex PFI project, including the procurement phase, PFI project documentation, funding, construction, energy supply and property arrangements demonstrating our expertise across many specialisms including in respect of PFI, energy, financing, procurement, construction and property. We continue to advise the Partnership on operational and performance issues.

Restructuring and Insolvency

Key personnel: Virginia Cooper (Partner)

We have extensive experience advising office holders, lenders and corporate and public bodies in a variety of service sectors on a broad range of insolvencies and asset tracing matters. Our work includes UK and cross-border insolvencies working with insolvency practitioners/stakeholders on complex insolvent estates to ensure they are administered effectively, appropriate restructuring options explored to maximise creditor returns. Recent high profile insolvencies include the Icelandic banks, Prezzo, Travelodge and various SIPPs. We know that maintaining supply is crucial for public bodies and health boards and when insolvencies happen we negotiate, on an individual or collective level, to ensure critical supply is maintained.

Case Study

We are currently advising **a financial services regulator** on pursuing recoveries in excess of £400m from insolvencies of nine group companies across the UK and various Caribbean jurisdictions. Our work has involved devising a global insolvency strategy, consideration of complex cross-border insolvency issues, securing our appointment to the various creditor committees and working closely with the administrators and other key stakeholders to maximise recoveries for creditors.

Education Law

Key personnel: Amy Tschobotko (Partner)

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

- 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 Special Educational Needs and Education Health Care Plans. 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.

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.

Food, Rural and Environmental Affairs

Key personnel: Richard Lane (Partner) & Kathryn Lawrance (Partner)

We have worked for many years with the Department for the Environment, Farming and Rural Affairs (Defra), Natural England, Natural Resource Wales as well as a subsidiary of Defra Livestock Information Services Limited across their various activities. This includes supporting data and license management to support statutory functions, advising on statutory powers, and supporting contract and procurement activity in support of delivering of services and functions. We are also advising on likely Biodiversity Net Gain requirements in terms of planning applications for new developments.

Case Study

We regularly support **Natural England** on a wide range of issues associated with its statutory functions. Recently we have been supporting Natural England on the Biodiversity Net Gain Metric which forms part of the new Environment Act 2021. This included supporting Natural England on how the new metric, required to be published by Defra under the Act, would be owned, managed and updated between Natural England and Defra. We have also advised on a variety of ancillary issues including:

- Ownership of intellectual property in the metric given the number of partners involved in its development;
- Ownership of the data used by the metric including agreeing necessary licenses;
- The memorandum of understanding between Defra and Natural England.

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.

Life Sciences

Key personnel: Vincent Buscemi (Partner)

Our corporate, commercial and regulatory lawyers provide a wide range of legal support services to clients operating in the life sciences sector including pharma, bio and health tech, medical devices, diagnostics, and digital health. Our specialist multi-disciplinary team advises clients on UK and EU medical device regulations, pharmaceutical manufacturing and distribution, and research, development and clinical trials. We help clients navigate the complexities of the post-Brexit legislative landscape. Our clients include: national and international organisations; new entrants, start-ups and scale ups; Universities; and NHS organisations.

Case Study

We advised a **leading specialist hospital provider** on the research, development and commercialisation of a highly specialised cardiac medical device, including intellectual property protection and licensing, non-disclosure and confidentiality arrangements, international research and development agreements, clinical trial arrangements and licensing issues relating to the marking of the devices in Europe and the UK. Our advice has enabled the client to develop the device within the EU/UK in-house manufacturing rules and use the device for patients on humanitarian grounds before being fully commercialised, eventually being placed on the market in the UK.

Telecommunications

Key personnel: Richard Lane (Partner) & Steven Eccles (Partner)

We have significant experience advising on telecommunication contracts and services covering broadband and Wifi networks through to telephony systems. In addition to these traditional telecommunication areas we have been working with a consultancy practice to develop a commercial model around 5G neutral host for commercialisation by public bodies.

Alongside this, we have advised landowners and telecoms operators on the rights afforded to operators by the Electronic Communications Code, particularly insofar as those rights apply to real property.

Case Study

We advised **Sunderland City Council** on the procurement of one or more strategic partners to deliver the FTTP and a 5G neutral host network across the city - a first of its kind project by a public body within the UK.

This work included:

- Procuring an open access fibre company to deploy 95% FTTP;
- Grant funding bid with DCMS for the deployment of a 5G private network in partnership with the North East Automotive Forum and Nissan to trial an autonomous HGV lorry;
- Procurement of a strategic partner to enter into a joint venture with Sunderland City Council to deliver and operate a 5G neutral host network.

Charities Law

Key personnel: Sarah Greenhalgh (Partner)

Our charity law team has in-depth expertise in advising charities and other organisations dealing with charities on the full range of charity law matters including governance, land, constitution Charity Commission regulation and engagement, commercial activity, collaboration and joint ventures, and mergers.

Case Study

We advised **Bath & North East Somerset Council** on matters related to its recreation ground held by the Council as trustee on a separate trust and the issues presented by Bath Rugby Plc seeking to develop a permanent stadium on the recreation ground and the on-going use and re-procurement of a developed leisure centre on the site. Including extensive work with the Charity Commission on re-structuring of the trust, governance issues associated with a public body being the sole corporate trustee and the compatibility of permanent developments for private benefit being undertaken on land held in charitable trusts as permanent endowment.

Health and Safety

Key personnel: Adam Kendall (Partner)

Adam leads Bevan Brittan's Health & Safety/Criminal Regulatory team advising on health and safety; fire safety; environmental; trading standards and waste licensing issues. In particular, Adam and his team have a wealth of experience in advising and assisting government bodies and other public sector clients and regularly provide training seminars and workshops to Boards.

Case Study

In 2022, our Health & Safety team were involved in prosecuting (on behalf of **a local authority**) a leading retailer and a number of other parties following the death of a 10-year-old boy in a shopping centre. This case has involved working alongside Counsel as well as the Internal Enforcement Team advising on Police and Criminal Evidence Act (PACE) interviews, gathering of evidence and the identification (and the basis of prosecution) for each of the defendants. The case was significant in terms of both its scale and complexity with the management of a large-scale disclosure exercise, the taking of statements from over 90 witnesses and instructing, and obtaining reports from a number of technical experts. The outcome was ultimately successful for the client but most importantly the family, with three of the four Defendants found guilty by a jury following a lengthy 11-week trial. Sentencing is set to follow.

Transport Law (excluding Rail)

Key personnel: Andrew Tobin (Partner)

Our construction team has a focus on highways and related infrastructure projects, particularly acting for local authorities. We support clients in formulating effective procurement and contracting strategies for both capital projects and long-term asset management programmes. We are experienced in using all the industry-standard contract documentation with specific expertise in the NEC4 suite of contracts for both construction and maintenance.

Case Study

We are advising **Oxfordshire County Council** on numerous road construction, dualling and upgrading projects being delivered through the Housing Infrastructure Fund. Our work has included advice on contracting strategy and choice of appropriate forms of contract, drafting project and procurement documents for the appointment of contractors to deliver the projects, and drafting and advice in relation to asset protection and maintenance issues of neighbouring landowners including Network Rail. Our expert advice has been informed by our work for a number of other Councils in recent years on similar road upgrade and maintenance works

Tax

Key personnel: Chris Harper (Partner) & Ross Birkbeck (Specialist Tax Barrister)

We advise the public and private sectors on the tax aspects of corporate, property and contractual structures and joint ventures. Our clients include for local authorities and health sector entities, public private partnerships, housing associations, individuals, major corporates, charities/not-for-profit, investors, investment funds and banks. We are experienced in working alongside a client's external or in-house tax advisers.

Case Study

We advised **Brighton & Hove City Council** about the VAT, Stamp Duty Land Tax and Corporation Tax implications of establishing a wholly-owned housing delivery vehicle and a £178m joint venture with Hyde Housing by way of a Limited Liability Partnership. This included extensive dialogue with the Big Four accountant. The project aims to increase the number of Living Wage rental properties and those offered to the market on a shared ownership basis, as well as allow the Council to swap land with a registered provider as part of a scheme to regenerate part of the city.

Outsourcing/Insourcing

Key personnel: Ash Woodcock (Partner)

We advise central government, non-departmental public bodies, local government and NHS bodies on a wide range of insourcing and outsourcing projects, many of which are high-profile and complex. This includes:

- Advising on all legal matters relating to outsourcing of front/back office services;
- IT/technology outsourcing;
- Outsourcing on traditional activity basis;
- Innovative outsourcing partnership models;
- Payment by results;
- Outsourcing on a concession basis and third party funding; and
- Acting on the increasing trend of 'towers' or disaggregation projects and those which are seeking to insource (taking back previously externalised services) or multi-sourcing (a mix of insourcing and outsourcing).

Case Study

We are currently advising **National Savings and Investment** (a non-ministerial department reporting to HMT) on the c£800m outsourcing of its retail and business to business functions, including all of the IT and technology underpinning such services. The programme is comprised of five major projects (being procured under various procurement routes including Restricted Procedure, Competitive Dialogue and CPN) and we are providing full service support to the client on procurement, contracts, intellectual property, IT, employment, regulatory and data protection.

Immigration

Key personnel: Ashley Norman (Partner)

Immigration law has become a key compliance responsibility for all HR and recruitment departments, and is central to any recruitment process and ongoing employment relationship. Brexit and the end to the free movement of labour from the European Union gave renewed impetus to managing overseas staff and satisfactorily resourcing workforces in the UK. In response to the complexities of the law, we have developed a specialist Business Immigration Group – a team of specialist lawyers who will assist you with anything from one off queries and advice to retainer style arrangements to give you comfort that your organisation is legally compliant. We also act as Home Office level 1 users and can assign certificates of sponsorship on behalf of clients.

Case Study

We provide all ongoing immigration advice to **a large regulatory body** which on-boards a number of overseas employees each year and operates under a sponsor licence for skilled workers. We receive requests to assign certificates of sponsorship for new recruits and are able to do so ourselves on behalf of this client, having been set up as level 1 Home Office users. We work closely with the client's recruitment and resourcing team, often turning around advice on queries and/or applying sponsor certificates at short notice. As well as day-to-day business immigration advice, we have also recently delivered a series of bespoke webinars to the client's resourcing team focussing, on the key requirements for recruiting employees from overseas and maintaining compliance with sponsor licence obligations. It was crucial that the training was accurate in terms of legal obligations/compliance and practical and comprehensible to the audience.

Public Inquests and Inquiries

Key personnel: Melanie Carter (Partner)

Our expert team has some of the widest ranging experience in Inquiries in the UK and stands ready to assist with clients' needs, whether as Solicitor or secretariat to the Inquiry, advising a Core Participant or an evidence provider. Importantly, given our deep understanding of the public interest but also reputation management, we can assist in a positive but equally responsible and careful way to any criticism that might arise.

We are also experts in inquests and work with our clients to secure the best outcomes in what are often difficult circumstances. We have a vast experience in representing a range of organisations for inquests, including NHS and other health bodies, regulators, schools and third sector bodies.

Case Study

We represent a **major NHS trust** in connection with the Infected Blood Inquiry. We have advised on the Inquiry's processes and powers under the inquiries legislation; coordinated a large-scale disclosure exercise (both electronic and hardcopy and dating back to the early 1970s); prepared witness statements; responded to notifications of criticism made in the evidence of other witnesses; and given information law advice regarding disclosures to the Inquiry and related requests under FOIA. Our approach was to combine proportionality whilst satisfying the Inquiry that all appropriate steps had been taken.

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, s136-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.