

# Independent Schools



# Why Birketts?

We understand that Independent Schools face considerable challenges and that you need legal advisers who can talk your language. Our Education Team comprises experienced lawyers with specialist knowledge of the Independent Schools sector. We will partner with you to support your strategic aspirations and secure a successful future for your school.

We pride ourselves on delivering practical and commercial advice supported by a real understanding of the sector.

## The hallmarks to our team's approach are:

- We prioritise getting to know you
- Excellent value for money and cost-effective service
- Sector expertise supported by a full-service offering
- Joined up, reliable, proactive and responsive
- Technically excellent advice
- We aim to make complex issues simple

## We provide a full service offering to our Independent School clients, including:

- Employment law advice, including HR support and employee investigations
- Governance, regulatory and compliance
- Charity law advice
- Safeguarding advice and investigations
- Student issues and dispute management services
- Immigration law advice and support
- Regulatory and criminal defence (including health and safety law)
- Land, property and estates (including commercial letting arrangements)
- Construction law advice (including dispute resolution)
- Mergers, collaborations and reorganisations
- Data protection and IP sharing and protections
- Procurement and contract management advice
- School fee-related matters, including fee deferral arrangement, fees in advance schemes, as well as debt recovery strategies
- Reputation management
- Environmental, Social and Governance (ESG)
- Tax



I find that sometimes they say things I don't want to hear... they're not fearful of saying what needs to be said, but do it in a way that was always seeking to try and get the best outcome they possibly can for their client. ”

*Royal Hospital School, Ipswich*

# Employment and HR support

Our Employment Team has a reputation as a leading employment law practice in the UK. The team has more than 30 specialist employment lawyers, who advise on all aspects of employment law facing the HR professional – from everyday operational challenges through to strategic planning.

**The size and expertise of the team enables us to draw upon resources across our offices with additional support from our trainee solicitors and employment-dedicated paralegals.**

**The team's principal services include:**

- Employee relations issues
- Settlement agreements
- Equality, diversity and inclusion
- Discrimination
- Unfair and wrongful dismissal
- Employee contracts and handbooks
- Redundancy and workforce reorganisation
- HR services

Our Employment Team is retained by a number of Independent Schools to provide employment law advice and assistance on contentious and non-contentious issues.

We are also one of three firms appointed by the Department of Education to provide independent legal advisers to the Teaching Regulation Agency's professional conduct panels. We have a team of 12 legal advisers, supervised by Abigail Trencher, who regularly sits on and advises professional conduct panels to determine whether a teacher should be prohibited from teaching. We therefore have an in-depth understanding of the legal framework governing teachers, including safeguarding.



The key attributes we look for are responsiveness and creativity. Birketts are always quick in their response, and adept at finding a creative solution to tricky employment problems. ”

*Chambers [UK 2024] ranking*

**In addition to employment law advice, we provide the following services:**

**Immigration advice** – our specialist immigration team, led by Sacha Wooldridge, can assist with any immigration issue that may arise, from advising on right-to-work checks, conducting compliance audits and training, to advising and assisting with recruiting an employee for whom a visa is necessary.

**Employee investigations** – we have a team of employee investigators who are experts in dealing sensitively with all manner of investigations that may arise through disciplinary and grievance procedures or otherwise.

**Shaping Excellence training** – we have a dedicated employment law trainer who delivers practical and engaging training on a wide range of topics, including equality, diversity and inclusion, employment essentials for managers, and managing ill health. As part of our Shaping Excellence offering, we have devised and delivered, 'Essential Law for School Leaders', which deals with the key elements of employment and student-related law of which managers within a school need to be aware.

**HR consultancy** – our HR consultant, Catherine Hodds, is able to assist with interim HR support, retained HR consultancy and additional expertise for your in-house HR team.

**Mediators** – we have a team of trained mediators who can provide mediation services which can often be helpful in resolving difficult grievance issues.

# Student issues, disputes and safeguarding

Our dedicated Student Issues and Disputes Team, led by Sara Sayer, has significant experience of advising educational institutions, particularly Independent Schools, on all areas related to students and the parent contract.

## We advise on:

- Parental complaints
- Special educational needs and disability discrimination
- Peer on peer misconduct including alleged sexual misconduct
- Safeguarding
- Expulsions
- Duty of care
- Data subject access requests
- Educational negligence complaints
- Student-facing policies and procedures
- The prevent duty
- Freedom of information requests

---

## Charity law advice, governance, regulatory and compliance

We have a specialist Charities Team, led by Liz Brownsell.



I have worked with Liz Brownsell for many years; she is very knowledgeable, abreast of the latest developments in charity law and regulation, and always on-hand to give quick, practical advice in a responsive and tailored manner. Her client care is exceptional. ”

*Chambers [UK 2024] ranking*

The members of our team are experts at all levels of charity law and regulation, with extensive experience in advising a wide range of charities and education sector organisations on a daily basis. Our Charities Team works with the Independent Schools Team to deliver practical, co-ordinated and multidisciplinary commercial advice on areas including:

- Setting up new charities and incorporating existing charities
- Administration and clerking duties to ensure good governance

- Advice on managing expendable and permanent endowment funds, donations and conditional gifts
- Comprehensive charity property advice on the holding, acquisition, funding, development, asset management, letting and disposal of property (including advice on strategic development and investment)
- Compliance (including Charity Commission investigations and serious incident reporting) and support with internal trustee disputes
- Fundraising and sponsorship arrangements

To add value to our charity and education sector clients, we regularly deliver training on key governance and regulatory topics, both in-house via our Shaping Excellence programme and through free-to-attend seminars and webinars available to view on Birkett's YouTube channel.

## Recent webinars include:

- Updating charity governance documents
- Understanding conflicts of interest
- Mergers and collaborative working

# The Parent contract

We know that your relationship with parents is absolutely critical to the success of your school.

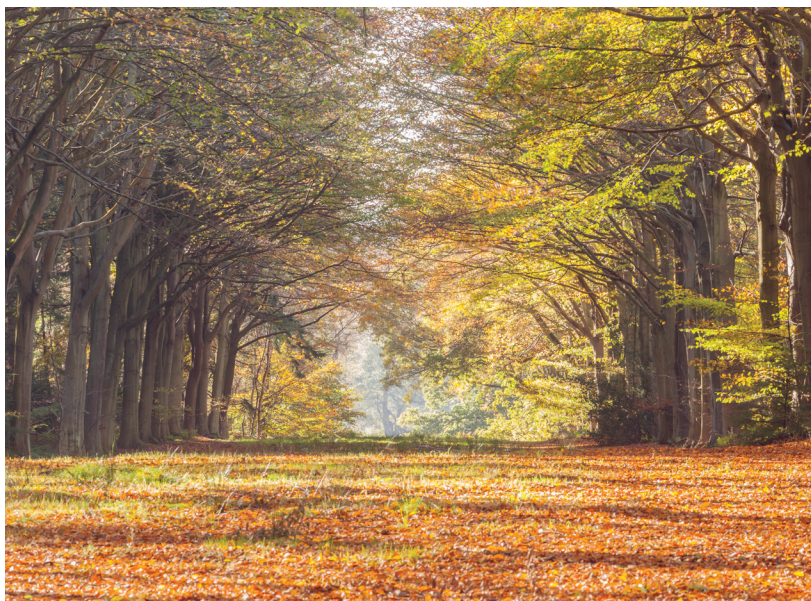
**Our Commercial and Technology Team regularly drafts and advises Independent Schools on:**

- The parent contract
- Admissions policies
- Fees-in-advance schemes
- Complaints policies



# Land, property and estates

Our award-winning property team has more than 225 lawyers and is nationally recognised for its scope and quality. Our education property specialists, led by Dwight Patten, form part of our Education Team and work closely with a number of Independent Schools.



**Our principal services include:**

- Commercial leases and conditional agreements for leases and renewals
- Investment portfolio management, rent review memoranda, deeds of variation and licences for alterations and to underlet
- Investment acquisitions / disposals and property and construction finance
- Dilapidations, reinstatement and rent arrears advice
- Conditional and unconditional acquisitions and disposals
- Strategic land, overage, pre-emption and option arrangements

# Construction and Engineering

Our Construction and Engineering Team is highly ranked by the legal directories of leading law firms, Chambers and Legal 500. The team specialises in both the drafting and negotiating of legal documentation (building contracts, professional appointments and ancillary documentation), as well as the avoidance and resolution of disputes. The team acts for a wide range of private and public sector clients in the education sector, including schools, college, universities and local authorities.

**Our areas of expertise and advice include:**

- Dispute resolution
- Mediation/pre-action
- Adjudication
- Court arbitration
- Professional negligence
- Recovery and realisation
- Development
- Funding
- Public sector

# Procurement and Contract Management

Our dedicated Commercial and Technology Team is made up of specialists in a wide range of fields, including consumer and competition regulation, EFSA regulation, intellectual property, utilities, IT/technology and cleantech. The team has extensive experience of advising Independent Schools and understands the key issues affecting the sector.

## **Our commercial advice includes drafting and advising on:**

- Commercial leases and conditional agreements for leases and renewals
- Investment portfolio management, rent review memoranda, deeds of variation and licences for alterations and to underlet
- Investment acquisitions / disposals and property and construction finance
- Dilapidations, reinstatement and rent arrears advice
- Conditional and unconditional acquisitions and disposals
- Strategic land, overage, pre-emption and option arrangements



---

# Regulatory and Criminal Defence

Our Regulatory and Criminal Defence Team, led by Matthew Gowen, has achieved nationwide ranking in the leading legal directory, Chambers and Partners, for its work in the health and safety area.

As well as former HSE inspectors, the team includes two barristers, who are trained in prosecuting and defending allegations of serious sexual misconduct and who have

worked with our Education Team to conduct several sensitive investigations into complaints of sexual misconduct, including historic allegations.

## **We can also provide expert advice and proactive support on the following:**

- Environmental regulations
- Health and safety regulations
- Trading standards

---

# Data Protection and IP sharing and protections

Our Data Protection Services Team advises on international data transfers and assists with management complaints and ICO investigations and enforcement action.

## **We are able to advise on all data protection issues and routinely assist Independent School clients on:**

- Retention of employee and student records
- Subject access requests

- Data breach management
- Compliance audits
- Planning and strategic advice
- Drafting data processing and data sharing agreements

We also advise on all contentious and non-contentious aspects of intellectual property rights, including trade marks and branding.

# School fee-related matters

We offer a full debt recovery service, led by Josh Ripman, tailored to suit your specific needs.

From demand letters to conducting litigation, through to judgment, our highly experienced team of debt recovery experts will support you to reduce your debtor days and improve your cash flow.

## **Our standard debt recovery service includes:**

- No commission
- Online instruction facility
- Access to experienced legal professionals
- Full legal and insolvency services



# Our relationship with you and your school

Flexibility and collaboration are at the heart of all we do. We want to be a true partner to your school; adapting our services to meet your requirements.



We base our service on building longstanding relationships, and our dedicated team will provide you with high-quality, joined-up support. We will work hard to ensure you receive friendly and trusted advice from people who really care about you, your aims and objectives, your culture and ambitions. We will proactively support you with innovative and practical solutions to address any challenges you face.

## **Our client relationship commitment is based on:**

- Partner-led service
- Dedicated client relationship manager (CRM) to look after you at a strategic level
- Regular service meetings with your CRM to discuss your feedback and needs
- Continuity of people with a focus on building strong working relationships
- Quality and consistency of service
- Breadth and depth of expertise, a cost-effective service and a focus on next level client satisfaction

# Added value services

We offer a range of added value services for the benefit of our Independent School clients; many of which are offered at no extra charge.

## Education sector thought leadership

Through our education sector thought leadership programme, *Education Matters*, we offer regular, free of charge updates and webinars on legal topics relating to Independent Schools. To subscribe to *Education Matters*, click on the QR code below and select Education from the drop down menu.

[birketts.co.uk/sector/education](https://birketts.co.uk/sector/education)



Additional added value services include:

- Discussion groups
- Secure, online data rooms

## Birketts' Employment App

Designed and managed by Birketts' award-winning Employment Team specifically for HR professionals, the App provides users with essential information on the very latest in Employment Law. The App is free to download from the App Store and Google Play. Once installed, users can receive notifications on the key legal developments relevant to HR, find information on relevant upcoming events, and gain access to recent Birketts articles and seminar recordings.

Download our employment app:



+44 808 169 4320

[birketts.co.uk](https://birketts.co.uk)

Birketts LLP is a limited liability partnership authorised and regulated by the Solicitors Regulation Authority and registered in England & Wales with registered number OC317545.

A list of members may be inspected at any of our offices. The term 'Partner' is used to refer to a member of Birketts LLP.

©Birketts 2023

## Shaping Excellence training

We are able to offer in-house training on a wide range of topics under our Shaping Excellence programme. Shaping Excellence is founded on the belief that organisations that have clear values and engaged employees excel in their field. However, creating the right environment doesn't happen by chance. Your managers need the right knowledge, skills and support.

With a number of modules to choose from, our Shaping Excellence programme will ensure you're on the right path to success.

## Topics we cover include:

- Employment
- Charities
- Data protection
- Commercial contracts
- Construction

## Cost effectiveness

We want to create predictability and help you manage your legal costs. The overriding principle is to provide transparency and deliver value. We work with our clients at the outset to determine the most appropriate fee structure for the work to be carried out. That may be:

- Hourly rates with fee estimates
- Fixed fees subject to assumptions
- Legal retainer with monthly fixed fees

For further information  
please visit;

[birketts.co.uk/education](https://birketts.co.uk/education)



IS 700564