



RM6240 Public Sector Legal Services

CCS Prospectus

Browne Jacobson

Lot 1: Full Service Provision (for England and Wales)
Lot 2: General Service Provision (for England and Wales)

Version 01 April 2024

**Browne
Jacobson**

Crown
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The use of information provided throughout (with particular regard to that given in case studies and key contact biographies) is not commercially sensitive, and where it is not a matter of public record then appropriate permission has been sought for inclusion.

Introduction

At Browne Jacobson, we are thought leaders who provide world-class advice on current and complex matters of government. Our years of experience in business and society give us a unique insight into both public and private bodies. This – and our ability to forge strong relationships with governmental organisations – puts us at the centre of public sector modernisation; while our significant work in organisational change, the drive to carbon neutrality, digital transformation, regeneration and more, means we make a positive impact across many of society's biggest issues.

With bases in London, Birmingham, Manchester, Exeter, Dublin, more recently Cardiff and our founding city of Nottingham, and links across the globe, we're a national law firm with international reach. Our 500+ Lexcel and ISO accredited lawyers – including 140+ partners – are bound together by our shared values. Each of us is dedicated to making the complex simple and finding creative solutions.

We're honoured to have been selected as an approved supplier to CCS' RM6240 public sector legal services and we're excited about what we can achieve together.

We offer a unified service to our clients, no matter where they need us. In cases where you require international representation, we'll put you in touch with leading firms we've identified as being the best in their markets. This ensures you continue to have access to legal advice that's high-quality, efficient and cost effective.

Our approach to relationship and matter management also ensures a consistent service across all legal specialisms. Quality of work and advice comes as standard; what sets us apart is our desire and ability to work in genuine partnership with clients. We give practical advice that can be applied commercially and is underpinned by our commitment to improve outcomes for every person, community and business we serve.

What's more, we're adaptable in our approach, beginning with an understanding of your goals. While we are delighted to bring our experience gained from serving more than 200 local authorities, 50 NHS bodies and numerous fire services, social care and social housing providers to this partnership, we do not come with preconceived notions. Instead, we seek to understand and build relationships that are tailored to your individual needs.

Immersing ourselves fully in public sector organisation and delivery means that we can offer you the knowledge and experience that best suit your needs. We are active members of industry groups such as The Whitehall and Industry Group (WIG) and work collaboratively with think tanks and government bodies including the Local Government Information Unit, the Local Government Association, and New Local. You can therefore be confident that we will provide advice that is pragmatic, carefully aligned with your interests, and in line with national best practice.

We also seek to add value where we can, supporting you, and your team with your growth and development.

We go the extra mile at no additional cost, providing training, seminars and networking opportunities, as well as issuing regular newsletters providing guidance on technical and sector issues so you are always up to date on the law. To arrange access to these, or to discuss how we can help, please get in touch.



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Social value

Browne Jacobson has established a national reputation for its commitment to promoting greater diversity and inclusion in the legal profession. This is supported by the firm being in the top five ranked organisations in the UK's Top Social Mobility Employer Index for the past three years, including the first law firm to top the rankings.

FAIRE for all

Recognising that law needs all voices to reflect the society it serves, we're working towards social mobility, diversity and inclusion in our firm – and our profession. And we're focusing on well-being and individuality so that all our people can thrive too.

- In 2021, the firm launched FAIRE (Fairer Access into Real Experience) – a unique programme offering work experience opportunities to candidates specifically from lower socio-economic and ethnic minorities backgrounds. Since its launch, the annual FAIRE events have drawn participation from over 30,500 students representing 2,000+ schools.
- In November 2023 the firm deepened its commitment to the social mobility agenda by recruiting a dedicated Social Mobility Inclusion team. The team's key purpose is to advance socio-economic diversity within the legal profession and, via partnerships with clients, extend its positive impact on social mobility to other industries. The team's key objective for Q1 of 2024 is to establish a clear and measurable strategy to advocate for and advance socio-economic diversity in the firm's hiring, retention, and promotion practices, ensuring equal opportunities are available for all, regardless of socioeconomic background.
- We champion and celebrate disabilities of all kinds and have programmes of activity which educate, engage and inspire the firm and our people on the journey to becoming more disability smart. Browne Jacobson has been awarded Level 2 for the Government Disability

Confident Scheme in recognition of our work to recruit, retain and develop people with a disability. This includes establishing and publishing a Reasonable Workplace Adjustment policy which is accessible to employees and prospective candidates, rolling out disability awareness training to both HR Advisory and Recruitment teams, and engaging in events and campaigns led by our Disability and Conditions community and producing an inclusive events checklist that supports accessibility.

- Recently, the firm launched a dedicated mentoring scheme for aspiring Black lawyers, partnered with Forage to launch an interactive online work experience programme to broaden access for aspiring young lawyers and was chosen to be one of only 13 UK businesses who will form the Social Mobility Commission's (SMC) new Employer Advisory Group.
- In March 2022 the firm began a two-year pilot of its REACH (Race, Equality and Cultural Heritage) mentorship programme. The key aim of the programme was to provide support, personal development and career opportunities to the mentees, as well as providing the firm with a strong pipeline of Black aspiring lawyers. When the pilot drew to a close in November 2023, the potential of the programme was clear: in year one of the pilot 54% (7 of 13) of the mentees secured employment with the firm. In year two of the pilot that figure increased to 83% (10 of 12) – a truly outstanding outcome for both mentees and the firm. In March 2024 the firm officially launches the REACH mentorship programme – we're looking at having 20 mentees

on the programme and are opening up applications from a broader selection of colleges and from any UK non-Russell group university. We're also working with clients, who will support the programme by offering mentors to us.

- We're ensuring our promotion shortlists and panels are gender balanced. This has improved the percentage of women progressing into partnership by 6% in 2023.
- We've adopted, and are monitoring and improving policies on flexible working, parental leave and support for working carers. As a result, one department now has 14% of men working on a formal flexible arrangement, up from 0% and all areas of the firm are seeing an increase in take up.
- We're growing our employee led networks within our firm: REACH (Race, Ethnicity and Cultural Heritage); LGBTQ+; Disabilities and Long-Term Conditions; Gender, and Working Families. These groups influence our anti racism statement; and our diversity and inclusion training programme and our annual diversity survey.

One world

We fully understand that our activities have an impact on the environment and the communities we serve. Our responsibility is to minimise that impact by raising awareness of the climate emergency, reducing our carbon footprint and energy consumption wherever we can. Just like you, we're keen to engage with businesses across all service areas who share our outlook and ambitions.

Our new Carbon Reduction Plan has recently been signed off by the CCS. This demonstrates to our employees and interested parties a commitment

to decarbonising the firm through a net zero outcome by 2035. It provides examples of how we've reduced carbon to date and our intentions for the coming years.

We undertook our third annual sustainability assessment by EcoVadis, a globally recognised assessment platform that rates businesses' sustainability based on environmental impact, labour and human rights, ethics and sustainable procurement practices. We maintained our previous score of 58 out of 100 (some 13 points higher than the industry average). In the category of "Environment", we had a 50% increase in continual improvement in the 2023 reassessment, which is a great reflection of the commitments by the firm.

As part of the 2023 UN Climate Change Conference, COP28, we published a series of videos and articles in anticipation and in reaction to the Conference. Our legal experts covered the topics of renewables and building development, nature and government and green sustainable finance, and how the decisions made will impact the public and private sector.

In August 2023 we hosted Natural World Day in our Nottingham office. This included a screening about our Wild Isles, speakers from Brinsley Animal Rescue, Respect For Animals and the Nottinghamshire Wildlife Trust, and our very own resident bee expert, Andrew Douglas.

As part of the offering from the new catering facility at Mowbray House (Nottingham office), the used coffee grounds are boxed up daily and taken away for composting. Mowbray House has also seen external waste bins implemented just for Browne Jacobson. This allows improvements in both segregation and calculating more accurately the weight we produce. This will give us greater opportunities in the future. Following rebranding and other projects, we donated surplus sundry items to local charities and schools such as furniture, stationery, linen and excess catering equipment. We added Power1 notebooks to all new starter welcome packs through our stationery partner, Linney. These are produced from mixed paper offcuts making every one unique (and for every unit purchased by Browne Jacobson a child receives one who might otherwise struggle to afford it).

Pro Bono Programme

We launched in January 2024 our new Legal pro bono programme, which aims to create a more holistic approach to pro bono work across our firm and provide greater opportunities for our fee earners to get involved in great pro bono work for worthy causes.

We've signed up to be a member of LawWork's Not-for-Profits Programme, which is expected to provide a regular stream of pro bono opportunities that align with both our values and our practice areas. LawWorks effectively acts as a broker, matching small and medium not-for-profit organisations with law firms with suitable resource. LawWorks is the leading pro bono charity for solicitors in England and Wales, and is supported by the Law Society.

We'd welcome the chance to share our experiences, ideas and initiatives, and in return hear what's working for you – so please, get in touch.

RM6240 Public Sector Legal Services

Full Service Provision

(for England and Wales)

Lot 1

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Team structure (Lot 1)

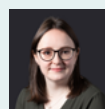


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Key figures/roles relevant to the provision of services under RM6240 Lot 1: Full Service Provision (for England and Wales)



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Mandatory Specialisms

Lot 1



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Administrative and public law

Browne Jacobson's public law team has extensive experience of advising Central Government, arm's length public bodies, local authorities, education institutions, NHS organisations and other publicly funded bodies such as housing authorities on all areas of constitutional and administrative law.

Our clients span all parts of the UK and we have strong professional relationships with partner law firms in Scotland and Northern Ireland, as well as in Europe and the Middle East.

Areas of expertise include the powers and functions of Central Government, the devolved powers of the devolved administrations and sub-national devolution, local government law, professional disciplinary proceedings and public regulatory law.

This includes providing advice on vires, judicial review, legislative drafting, decision-making, legislative interpretation, delegation, consultation, fairness, the public sector equality duty, bias, predetermination, and public law advice in the context of major projects.

Our experience

We're advising the **Welsh Government** on its transformational Primary Care reform programme, encompassing all four areas of Primary Care health services in Wales.

We advised **Yew Tree School** in its successful judicial review (the first of its kind) of the decision of the Regional Schools Commissioner not to revoke an Academy Order.

We provided extensive advice to **The Coal Authority** on the extent to which, and how, the Authority might wish to seek legislative reforms to its powers and functions.

We're advising four **local authorities** on the creation of a combined authority. This includes advice on the provisions of the deal document and the transfer of functions, consultation, governance arrangements, political balance, and legislative drafting.

For many years we have advised **NHS England** and **regional NHS organisations** in relation to legislative reform and on complex governance issues. We are now advising a large number of health and care organisations within **Integrated Care Systems**, on the close down of Clinical Commissioning Groups, and the establishment of **Integrated Care Boards and Integrated Care Partnerships**.

Competition law

Browne Jacobson advises all levels of government, private and third sector organisations on subsidy control, state aid, and UK and EU competition law.

Having supported both funding bodies and recipient of grants we have unrivalled insight into the objectives and requirements of all stakeholders. We use this insight to provide clients with tailored solutions that meet their individual needs.

Our expertise spans everything from national grant funding schemes to public sector loans, guarantees and joint ventures.

We also advise on the competition implications of central government and local authority projects and initiatives, regulatory proposal, national and regional NHS projects and purchasing arrangements; procurement challenges where breaches of competition law are alleged through to successfully defending in cartel investigations (including dawn raid response teams) by the Competition and Markets Authority, other UK concurrent regulators and the European Commission; as well as leniency and immunity applications, and appeals before the Competition Appeal Tribunal.

Our experience

We advised the **Welsh European Funding Office** on state aid for allocation of funding from the European Programme of Structural Funds. This involved advising on a substantial number of projects in a short timescale. We also advised the **Welsh Government** on state aid and other aspects of its schemes to accelerate green investment in Wales.

We advised an **executive non-departmental public body** on the subsidy control compliance of a national funding scheme that provided thousands of grant funding interventions in a sector traditionally perceived as high-risk from a subsidy/state aid perspective.

We advised the **Department of Business Energy** and clean energy firm **Lux Nova** on the subsidy control aspects of the rollout of the £350m heat network improvement project. We also prepared the official state aid and procurement guidance and are continuing to advise on the successor Green Heat Network Fund.

We advised **Nottingham University Hospitals NHS Trust** on the application of UK merger control rules in relation to a proposed merger with Sherwood Forest Hospitals Foundation Trust.

We advised a client in relation to the application of UK competition law to an environmental improvements funding scheme including the relevance of the CMA's competition law guidance in relation to environmental sustainability agreements.

We're supporting the distribution of £158.5m of public funds to over 50 local authorities and registered providers via the **Midlands Net Zero Hub**.

Contracts

Our commercial team provides top-quality advice and support in relation to contract drafting, negotiation and establishment of optimum contracting structures.

With a nationally-recognised public sector practice we aren't just commercial lawyers.

We are commercial lawyers who bring broad expertise in areas such as public procurement, subsidy control, grant funding and vires/governance to understand the environment in which our public sector clients operate.

The contracts we advise on include some of the most significant arrangements entered into by our clients in areas such as outsourcing, tech/IT, environmental management, leisure and social care.

Our experience

We advised **South London Waste Partnership** in relation to the procurement of food and green waste disposal contracts. Key to the success of this procurement was the creation of an innovative evaluation matrix which ensured that the Authority appointed providers who delivered the best commercial deal across transport and disposal of both food and green waste streams.

Our role in the major re-procurement of facilities management services for **Kent County Council's** entire corporate estate encompassed all legal aspects of both the hard and soft facilities management services procurements, until contractual close. We took the lead on the drafting/negotiation of all contract documents and we reviewed and advised on all of the procurement documentation, playing a prominent role in discussions and negotiations with bidders. We also advised on drafting and negotiating interface arrangements between the appointed service providers.

We're advising **London Borough of Ealing** on the strategically important contracts underpinning the regeneration of Southall Gateway; a £185m housing-led regeneration project supported by housing zone grant funding which will deliver circa 530 new homes, including 85% affordable and shared ownership housing. We've advised on the drafting and negotiation of all relevant contracts, including the initial collaboration agreement between the parties to govern feasibility activity and the contractual joint venture (via a development agreement). Our scope of work has also included comprehensive title due diligence, governance and procurement as well as advising on the Council's grant funding arrangements with The Greater London Authority. Our public sector expertise enabled us to provide effective input into Cabinet Reports and advise on the vires, procurement and subsidy control aspects of the overall project.

Corporate law

Browne Jacobson's specialist corporate team has considerable experience of advising public sector bodies on all aspects of company law and corporate governance.

We regularly advise on the incorporation by public bodies of companies and their participation in corporate joint venture vehicles. And business transfers and mergers involving public sector organisations.

We also advise on many high-value corporate mergers and acquisitions, private equity transactions and joint ventures. For example, we advised Sephora SAS (part of the LVMH Moët Hennessy Louis Vuitton Group) with their acquisition of Feelunique, a major prestige online beauty retailer.

We also offer a cost-effective and high-quality company secretarial services to assist governors with their regulatory responsibilities under corporate law.

Our experience

We advised on the successful £650m merger between **Derby Teaching Hospitals NHS Foundation Trust** and **Burton Hospitals NHS Foundation Trust**.

We advised a **metropolitan council** in relation to the set-up of a major public-private joint venture – established to deliver a £1bn city-centre redevelopment.

We advised **Manchester City Council** on its £20m Civic Quarter Network initiative. We advised on the incorporation and governance of the Teckal compliant companies and the Council's equity investment as part of the project to create an energy centre in the city.

We're sole legal advisers to **Lovell Partnerships'** 50/50 LLP corporate regeneration joint venture with **West Sussex County Council** – designed to promote and deliver £1bn worth of regeneration at sites across the county over a 20-year period.

We are providing legal support to a third of the **UK's freeports**. This includes our appointment as sole legal advisers to the **Celtic Freeport's** lead authority and accountable body, assisting with the development of the freeport from OBC and FBC submission through to its operational and delivery phases, as well as advising two accountable bodies and a governing body in connection with newly established English freeports.

We advised the environmental giant **Suez** on its £2bn international acquisition of its former UK waste management business from French-headquartered business Veolia which included complex cross-jurisdictional work.

We advised on the global procurement company **Entegra Europe UK Limited**, part of the **Sodexo Group**, on the acquisition of Beacon Services Group Limited. We advised on all legal aspects of the acquisition and preparation of the agreements.

Data protection and information law

Browne Jacobson has extensive expertise advising public sector, arm's length and private sector organisations on all aspects of information law.

We regularly advise on the law surrounding the collection, use and sharing of personal data, including compliance with the data protection principles (particularly in relation to lawfulness, fairness and transparency); international data transfers; Freedom of Information (FOI) requests, related complaints made to the Information Commissioner's Office (ICO) and tribunal appeals; subject access requests and related complaints; and cyber-attacks and other time-critical data breaches, and related communications with data subjects and the ICO.

We draft contractual clauses, data sharing/processing agreements, data protection impact assessments and privacy notices, and defend claims for damages for data breaches, breaches of confidentiality and/or misuses of private information.

Our experience

We helped a **local authority** to manage a backlog of subject access and disclosure requests that had arisen in its Social Services department.

We advised a **public body** on the transfer of personal data to a British Overseas Territory. We gave advice in connection with enforcement/prosecution functions, transfer methods and data protection issues.

We advised a **local authority** in relation to the publication of a planning register that included the personal data of applicants, and those consulted as part of the application process.

We helped **NHS England** respond to 70+ vexatious requests made under the FOI Act by employees during a campaign against the introduction of a new contract. We also appeared on their behalf at the tribunal.

We successfully defended the **Welsh Government** in a data breach claim made by former employee, who had accessed a confidential database to obtain information for personal reasons.

We obtained a High Court injunction on behalf of a **local authority** to restrain the unlawful retention and use of third-party personal data that had been obtained by removing redactions made in connection with a subject access request.

We advised an **independent health provider** following a cyber-attack on one of its data processors.

Employment law

Browne Jacobson's experienced employment lawyers and HR consultants understand the challenges faced by public sector organisations.

We deliver expert advice and strategic support that enables you to focus on your objectives.

Working in partnership with your HR and management teams we will help you reduce the likelihood of employment disputes and risk – and manage your obligations as a public sector employer.

Our expertise includes advising on: contracts and contractual disputes, including pay disputes; policy drafting and amendments; managing performance and short-term/intermittent and long term ill-health issues; disciplinary issues, grievance and whistle-blowing; managing and making the most of hybrid working, secondments and flexible working requests; maternity, paternity and other leave rights; restructures, changes to terms and conditions and redundancy exercises; TUPE and the outsourcing or bringing services back in-house; immigration and licences to sponsor; settlement agreements and the approval and audit process; and trade unions, collective issues including interpretation of collective/recognition/partnership agreements and industrial action.

Our experience

We have supported several **local authority** Chief Executives with managing their relationship with the Monitoring Officer and Section 151 Officer, in most circumstances avoiding an irretrievable breakdown in trust and confidence – a critical ingredient in the “golden triangle”. Recently, we advised on the suspension of these statutory chief officers (who were then the subject of a disciplinary process under the JNC Model Disciplinary Process).

We advised a **regulator** on a serious whistleblowing allegation, raised by staff who had been outsourced. With our advice, their in-house legal team and senior executives vigorously and promptly dealt with the issue, avoiding any reputational damage should the allegations have been made public.

We advised an **arm's length body** on its relocation under the Government's levelling-up policy.

We continue to advise a **non-departmental public body** on a move to a true hybrid working model.

We advised a **Parliamentary Standards Body** on how to manage cross-grievances raised by, and against two senior people, one of whom was appointed by a third party. We devised a grievance process that led to the discreet and claim-free departure of one of the individuals.

Working in conjunction with our public procurement team, we advised a **local authority** on the implications of TUPE during a retendering of homecare services exercise – minimising and avoiding liabilities as much as possible.

Energy, natural resources and climate change

With the need for energy and infrastructure projects continuing to grow, we can support you in delivering essential transactions which have a direct and positive impact on economic and social prosperity.

Providing a range of practical and innovative solutions and services, Browne Jacobson acts for sponsors, equity investors, debt financiers, major corporates, public bodies, contractors, construction companies, developers, landowners and energy purchasers.

Our expertise includes district heat networks, waste, planning, environment, renewable energy, ecology, public transport, clean air zones, 25-year environment plans, safeguarding your intellectual property, funding, procurement, contracts and risk and regulatory issues.

Regularly advising on policy changes, we are up to date on the latest thinking from Government and how you need to apply it.

Our experience

We advised on the admission of the entire issued ordinary share capital of green Hydrogen technology and manufacturing group, **Clean Power Hydrogen**, to trade on AIM – a market operated by the London Stock Exchange plc.

We advised **Oxford City Council** on the world's first transmission connected Electric Vehicle (EV) charging hub project. This initiative – part-funded by the Government's Industrial Strategy Challenge Fund – will be the country's largest Electric Vehicle charging super hub, a significant step forward for the city's drive to carbon neutrality.

We undertook a risk review of an engineering, procurement and construction contract seeking to deliver Carbon Reduction Measures at one of **Wye Valley NHS Trust's** hospitals. This work included the negotiation of a deed of indemnity in connection with the underlying PFI Project Agreement.

We advised the **Welsh Government**, and their Minister for Climate Change in relation to an application to build a Solar farm on "best and most fertile" farmland.

We are advising **Cheshire East Council** on the procurement and development of a 5MW Solar farm including vires, regulatory, public procurement, property and contract advice. This includes drafting and negotiating construction and maintenance contracts, offtake and grid-sharing agreements.

Information technology

Browne Jacobson are known for our advice on the full range of information technology matters and transactions, across central and local government, as well as arms-length bodies and the wider public sector.

Our expertise in this area includes all aspects of technology products and services, including hardware purchasing, software licensing, managed services, e-commerce and cloud-based services agreements; design, development and maintenance; information technology and telecoms procurement and contracting; integration projects; re-organisations, restructurings, change/transformation, exit and migration programmes; as well as end-to-end single source projects. Since the Francis Maude reforms to ICT procurement, we have developed particular expertise in complex disaggregation projects.

We have pioneered new contractual models and approaches to improve the customer's position, including enhancing the clarity and certainty of services; simplifying and enhancing cross-party collaboration; reducing customer legal risk where the customer has retained part of the services in-house; and Agile software development. We are experienced in working in accordance with government guidance and in using and amending model terms and CCS documentation (such as the Tech Services series of frameworks). We stand out for our ability to deliver a single, integrated, end-to-end legal team for each client, collaborating with other specialist lawyers with expertise in procurement, data TUPE and other areas, when necessary.

Our experience

We advised **Croydon Council** on the break-up of a large end-to-end IT services agreement and its replacement by five new service lines, tendered and awarded under a series of sequenced procurements and involving partial terminations of the incumbent contract.

We advised an **executive agency of HM Treasury** on the procurement of a replacement trading platform, including related IT, hardware, software, applications and maintenance. The platform is of critical importance to them and HM Treasury, being used to trade the UK National Debt.

We're advising the **Crown Prosecution Service** on the disaggregation and subsequent staggered procurement of a large-scale, complex IT outsourcing services contract.

Infrastructure

Browne Jacobson's national infrastructure lawyers provide holistic advice on a broad range of transactions, supporting you through each of the main lifecycle stages associated with infrastructure assets.

We provide advice, support and guidance on a wide variety of issues in major or complex projects. Browne Jacobson acts for stakeholders at all levels throughout the whole project lifecycle: sponsors, investors, major corporates, public bodies, contractors, construction companies, developers / landowners and purchasers.

Regularly advising on all sides of infrastructure projects, public and private, we are up to date on the latest policies and industry thinking from Government and how you need to apply it. We can assist you with:

- The initial concept and the planning and authorisation phases (including regulatory and procurement advice).
- Raising equity (including via PFI/PPP funding models) and debt capital.
- Negotiating ongoing commercial contracts, risk mitigation, regulatory issues and advising on agreements with governments e.g. license agreement (during the development and operation stages).
- Securing and protecting your Intellectual Property.
- The sale or acquisition of such assets including asset-level legal due diligence.
- Disputes and alternative dispute resolution procedures.

We can also advise (in an infrastructure context) in connection with the development of technology aimed at furthering the net-zero agenda, including power generation, renewables (wind, solar and tidal), energy-from waste, district heating and electric vehicles charging infrastructure.

Our experience

We advised the [Welsh European Funding Office](#) on a £31m EU-funded Tidal Energy project, expected to become one of the largest sites in the world to test and advance tidal technologies.

We are advising the [Coal Authority](#), on a Concession Agreement underpinning Seaham Garden Village (1500 new homes) providing energy from minewater to deliver District Heating for the development.

We're continue to act for the [South London Waste Partnership](#) in relation to the expiration of and exit from existing Waste contracts and the re-procurement of cost-effective services for the haulage, processing and treatment of food and green waste.

We're advising [the North Wales Trunk Road Agency](#) in relation to ongoing DBFO contracts for operation and maintenance of its Highways.

Intellectual property

Browne Jacobson's experienced and award-winning Intellectual Property (IP) team helps to protect, enforce and commercialise some of the world's leading brands and technologies.

Non-contentious experience ranges from research and development agreements for the development of an entirely new model of electric car to significant IP licences for household names.

With an excellent track record, specifically in high-stakes disputes Browne Jacobson has run many of the UK's leading cases.

We have shaped trade mark law with reported cases for brands as diverse as Veuve Clicquot, Wolverhampton Wanderers, the London Electric Vehicle Company and Slimming World in the High Court and EU court.

We have helped clients with complex and cutting-edge patent litigation in technologies as diverse as mobile phones, pharmaceuticals, x-ray and agrochemicals.

Our experience

We undertook a full review of the IP and IT licensing arrangements relating to the [Medicines and Healthcare Products Regulatory Agency](#) core database. Our gap analysis was followed by subsequent amendments to the framework agreement through a change note mechanism, which has given the MHRA the comfort it needs that there is no risk to its business continuity whilst it puts in place a new framework agreement with the future supplier.

We've advised the [Money and Pensions Service](#) on numerous IP schemes, including the rebranding and launch of its "Money Helper" service.

We have advised [Clean Power Hydrogen Group Limited](#) on a number of international licence deals to commercialise its core membrane-free electrolyser technology in the production of highly-pure hydrogen.

We assisted online dating giant, [Match](#) to win at trial and in the Court of Appeal in its trade mark infringement action against competitor Muzmatch, which had taken unfair advantage of Match's famous brands. Muzmatch have rebranded to Muzz.

Litigation and dispute resolution

Browne Jacobson has significant experience in litigation, arbitration and mediation – covering the entire risk portfolio. Our legal, cost and counter-fraud specialists work in partnership with in-house advocates, and criminal defence teams to meet your objectives and manage your reputational, financial and commercial interests. Proactive, strategic risk management advice is our forte.

Our expertise includes commercial disputes (such as outsourcing, ICT disputes, supply & energy disputes); health & safety matters; discrimination & defamation claims; intellectual property disputes; personal injury claims; public liability; employer's liability; PFI disputes & handback; urgent / interim applications; injunctions; adjudication; arbitration; mediation; negotiation; alternative dispute resolution; expert determination; complex disputes with an international element; early contract termination; shareholder disputes; financial crime investigations; asset tracing; civil fraud recoveries; joint venture disputes; and regulatory issues.

As a founder member of the Centre for Dispute Resolution, we've an excellent track-record for providing cost-and-time-effective solutions to our clients. Deploying the early and effective use of alternative dispute resolution, including in domestic and international proceedings.

When appropriate, we conduct cases in the small claims, fast-and-multi-track, County and High Courts, mercantile, technology and construction and commercial courts.

Our experience

Advising a **Local Authority** in a multi-million pound arbitration concerning service provider breaches under a PFI contract. A negotiated settlement was reached following a two-day mediation.

Acting for **NHS Trusts** who terminated contracts with an IT provider for the supply of electronic advertising notice boards. Urgent, without prejudice negotiation took place with a compromise reached.

Advising a **Local Authority** in a dispute with its joint venture partner including considering default/deadlock provisions and insolvency considerations. The settlement allowed the £200m regeneration scheme to be brought in-house, avoiding adverse financial, political and PR challenges.

Advising **Natural Resources Wales** on potential civil liability and an investigation under section 19 of the Flood and Water Management Act 2010, as well as managing a significant number of claims arising from extensive flooding in South Wales in February 2020.

Representing a **non-departmental public body** in an employer's liability claim after an employee suffered catastrophic injuries sustained at work. We collaborated with the Claimant's solicitors to provide rehabilitation support, which resulted in a favourable settlement.

Non-complex finance and investment

Browne Jacobson is proud to be one of the UK's key banking and finance advisors to local and central government bodies, as well as to registered providers, further and higher education bodies and Homes England.

We offer specialist expertise across the full range of general banking matters (domestic and overseas) including: loan agreements, guarantees and security arrangements; trade finance; financial litigation asset finance; capital markets; acquisition finance; and project finance.

We are also skilled at advising on restructurings, refinancings and general finance on a bilateral, club and syndicated basis.

Our specialist real estate finance unit, containing dual real estate and finance professionals, is particularly well-respected for its work delivering the very highest levels of projects and infrastructure finance expertise.

Our experience

We've advised the bidders on various infrastructure acquisitions, including **First Sentier Investors** in connection with their successful £995m acquisition of energy-from-waste assets from SSE plc and their subsequent acquisition of Wheelabrator UK; and we advised Manchester County Council in connection with a district heating project.

We advised the **Welsh European Funding Office (WEFO)** on a significant £31m funded tidal energy project, located in Anglesey, off the North West coast of Wales. Once developed, the renewable energy infrastructure created by the project will become one of the largest tidal stream sites in the world enabling tidal stream developers to test and advance tidal technologies through the provision of a pre-consented grid connected zone which is capable of accommodating tidal devices in arrays.

The team were part of the wider Browne Jacobson team who advised **Bromley Council** on its groundbreaking initiative to help many of the 1200 homeless people and families the Council supports. The project was funded by an £85m loan into a joint venture partnership with Orchard & Shipman, a social housing provider, to provide up to 300 affordable housing units to the people of Bromley.

The team has acted on more than 50 transactions for **Homes England's Home Building Fund**, which provides development finance to SME house builders. We also act for Homes England on its **Housing Infrastructure Fund programme**. This has involved us advising on over 15 grant facilities to local authorities to unlock and accelerate large housing developments.

Partnerships

Led by former Managing Partner, and qualified executive coach, Iain Blatherwick, Browne Jacobson's partnership team is brought together across a range of legal disciplines and sector backgrounds. Our experience includes advising on contentious and non-contentious partnership matters.

From early-stage creation, constitution and governance to trading issues, decision-making, financing and remuneration, including profit sharing.

We have extensive experience advising on major regeneration and infrastructure developments, advising on disputes, enforcement of covenants and restrictions when required.

We have experience advising on all manner of partnerships and LLPs ranging from public-private partnerships, through to professional or farming partnerships.

We are familiar with the breadth of issues which can arise in a partnership situation and always ensure that our approach focuses on the commercial objective of our client first and then devising the most practical way of implementing that.

Our experience

We advised **Watford Borough Council** on a joint LLP venture with Kier Property for the Riverwell regeneration project. A £500m, 65-acre development on land jointly owned by the Council and local NHS Trust.

We acted for and advised **Enfield Council** in their first 50/50 LLP set-up to oversee the redevelopment of a 29-acre employment area worth c. £100m.

We closed two regeneration joint venture partnerships for the **London Borough of Havering** set-up to deliver 2,000 new homes and community facilities in projects worth a collective £550m.

We're the sole legal advisors to **Chalkdene Developments LLP** a 50/50 LLP regeneration joint venture between Hertfordshire County Council and Lovell Partnerships. We're advising on corporate and funding matters, the drafting and negotiating of documents for real estate, construction and planning.

We acted for **Lovell Partnerships** (originally Morgan Sindall Investments Limited) on its successful bid for a £1bn regeneration opportunity with West Sussex County Council.

Pensions

At Browne Jacobson our pensions team advises a wide range of public and private sector clients, including NHS England, hospital trusts, local authorities, fire and rescue services, multi-academy trusts, and employers and trustees of private sector occupational pension schemes.

Our expertise spans all areas of this dynamic and business-critical field, pensions litigation, regulatory compliance, trusteeship and employee benefits.

Our experience

We act for many **local and county councils** in relation to the pensions aspects of outsourcing services, reviewing documentation and negotiating funding arrangements in respect of the Local Government Pension Scheme (LGPS), including pass-through agreements and cap-and-collar arrangements. We advise the authorities on their obligations under the Best Value Authorities Staff Transfers (Pensions) Direction 2007; how they may participate in the Teachers' Pension Scheme; the LGPS and the NHS Pension Scheme; the possibility of removing eligibility for future entrants and current employees; the statutory obligations under the relevant public sector scheme; and how exposure to exit payments may be minimised.

We've advised a number of **NHS Trusts** on the statutory requirements of the NHS Pension Scheme, and eligibility to participate in other public sector pension arrangements, together with automatic enrolment requirements. Outsourcing issues are frequently addressed, including the requirements of Fair Deal and the financial implications of reinstating members of a broadly comparable scheme into the NHS Pension Scheme.

We advised **Bedfordshire Fire and Rescue Service** in relation to the over- and underpayment of pensions to firefighters. The issue centred around pensions not having been abated for those who were in receipt of disability benefits and also an ill-health award, as part of their pension. This had led to some significant overpayments over a number of decades. We advised on the legal ability to recover overpaid funds and strategy for doing so. This has led to the repayment of hundreds of thousands of pounds into the public purse.

Public procurement

Browne Jacobson advises on all aspects of complex procurement issues including drafting specifications, evaluation criteria, tender documentation and associated procurement and contractual documentation.

Our specialists also provide legal support in cases where a procurement challenge is made – and have a good track record of defending challenges from private sector providers.

Our ability to quickly get to grips with challenging legal and commercial problems is universally welcomed by our clients, who include NHS England, Homes England and over 200 local authorities.

Our experience

We were appointed to advise **NHS England** on the re-procurement of suppliers to provide the infrastructure for their 111 telephony network services. The procurement also sought a suite of new digital transformation services using natural language processing. We advised on the tender exercise, including drafting the tender and evaluation documents and moderation of the evaluation, the drafting of the contract to ensure it delivers to NHSE's extensive requirements for what is a key part of the UK's integrated and urgent care strategy, ensuring the 111 service could be delivered in the devolved administrations, advice on the use and protection of personal data, and general project management of the process. Our advice has included ensuring that lessons learnt from the pandemic were translated into contractual terms that will strengthen the provision of urgent care in the UK.

We advised **Rushmoor Borough Council** on the procurement of an operator to run its leisure centres. Our detailed knowledge of the Sport England standard form leisure operating contract combined with experience of working with leading consultants, Strategic Leisure, meant that we were seamlessly able to incorporate technical and financial/payment issues into the overall transaction.

We advise **Shropshire Council** on the redevelopment of the Riverside site in Shrewsbury, a large regeneration project that has included the procurement of the professional team, and ongoing advice on various ancillary appointments.

We have supported clients in successfully defending procurement challenges, formal and informal, including the establishment of a single supplier framework, the award of homecare contracts worth £500m, and a number of waste contracts.

Property and construction

At Browne Jacobson we are embedded in the everyday handling of strategic, high-profile and often long-term property, real estate and construction projects for the public and third sector organisations and private sector companies that transact with the public sector

Our multi-discipline teams can assist you throughout every stage of your project: acquisition and disposals (and projects for the same) of freehold and leasehold sites for crown or commercial land; large-estate management for departments or authorities with sizeable real estate estates, including landlord and tenant disputes; site assembly and regeneration projects for urban environments, including the necessary construction advice to support delivery; drafting and amending bespoke and standard form construction contracts, major framework agreements and PFI/PPP contracts, and the operational management of them and potential related disputes; private and social housing delivery, large strategic land delivery and infrastructure projects, including garden communities and associated joint ventures and land value capture; compulsory purchase orders advice and acting on development sites affected by strategic planning; investments in real estate and sale and lease-backs; strategic and estate real estate litigation advice, support on dilapidations and lease renewals and rights of light on new development projects; mixed use development projects between private and public sector bodies; and property tax advice – from day-to-day structuring and transactional advice (e.g. freehold disposals, leases, lease renewals etc), to bespoke advice in relation to VAT and Stamp Duty Land Tax issues, public-private joint ventures, and on local authorities establishing corporate vehicles for outsourced service provision and “mutuals”.

Our experience

We're acting for **Homes England** in collaboration with Walsall Council to deliver the regeneration of a 44-acre site – derelict for more than 20 years. The project includes innovative solutions to deliver an “unviable” development, including prudential borrowing against future business rates within a designated Enterprise Zone.

We acted for **Cheshire East Council** on all stages of the regeneration of a former royal arcade retail area, that was replaced with a modern cinema-anchored mixed-use leisure and retail scheme, new bus station and car park. We advised throughout the competitive procurement process and on the site assembly, drafting a development agreement and short-and-long-term leases and advising on demolition, contracts, collateral warranties and state aid. We also guided the in-house team through the process of appropriation, to deal with development constraints at the site.

We advised **Buckinghamshire Council** on the acquisition of a shopping centre in Aylesbury. Over 18 Browne Jacobson lawyers worked in partnership with the in-house team to manage real estate, planning, environmental, tax, construction and insolvency related aspects of the project – ensuring that cabinet members were provided with clear and commercial advice at all times.

RM6240 Public Sector Legal Services

Optional Specialisms

Lot 1



**Browne
Jacobson**

Crown
Commercial
Service
Supplier

Charities law

Browne Jacobson are known for our deep understanding of the sector, providing tailored and measured advice that helps you to balance your statutory and charitable duties.

With a focus on charities that have public bodies as trustees our charity law specialists provide support on the full range of commercial, operational (including real estate) and regulatory issues in the charities sphere, including: the roles and responsibilities of trustees; conflicts of interest between duties as both public body and trustee; the acquisition and disposal of property (including authorising self-dealing); creating, merging and winding up organisations; and amending governing documents and purposes.

We also advise on contracts and funding agreements between public sector bodies and charities, and how to amend or terminate such agreements if necessary, as well as on restructuring, regulatory issues and registration with the Charity Commission and trustee disputes.

Our experience

We advised a **local authority** in a land swap between itself and a charity of which it was sole trustee.

We advised a **local authority** on regularising a situation where it had built a leisure centre on charitable land, unaware that it was holding the land on trust.

We have been advising a **local authority** as the corporate trustee of a registered charity on a petition for a Scheme from the Charity Commission authorising a land swap, required in order to allow for the disposal, major regeneration and development of a town hall by a private provider. Together with counsel, we supported the local authority through an appeal process by individuals and a renewed application to the Charity Commission. The matter raised technical issues of charity governance, public benefit and disposal of charitable land.

We advised a **local authority** on the replacement of itself as sole trustee of a charity with a new board of independent trustees including due diligence and skills analysis on new trustees and training.

Children and vulnerable adults

Browne Jacobson's children and adult services teams have a national reputation for advising on strategically important and high-profile matters, and on supporting effective delivery of services.

Working in collaboration with our clients and sector organisations we're leading conversations on the transformation of services, building on the opportunities of integrated care systems, and the insights they offer into better approaches to delivery.

These include inquests, serious case reviews, inquiries, redress and claims schemes, judicial review, mental health, mental capacity and deprivation of liberty, civil and criminal proceedings, advice on powers and duties, delivery vehicles and establishment of Integrated Care Systems and policy development and advice.

Our teams are trained on inclusive and empathetic communication and we work with external experts on accessible communication to deliver policies and documents which stakeholders are better able to engage with.

Our experience

During the pandemic we guided the **Welsh LGA** in its advice for its members on workforce risks and its associated indemnity. We also advised **local government, care providers and public bodies** on workforce sharing, joint working and discharge arrangements.

We were appointed by a number of **integrated care systems** stakeholders to support their transition and are working with them to develop all aspects of their structure, process and policies.

We advise **local authorities** on charging decisions and policies and have supported clients to update their guidance on recent charging reforms. We also offer an extension service to their adult social care and child law teams with lawyers able to provide advisory and advocacy services in the Court of Protection and Family Proceedings Courts, including and out of hours service.

We advise and where necessary act in relation to complaints and Judicial Reviews connected with service provision, including complex scenarios including **Fabricated and Induced Illness**, adoption, connected person foster care, guardianships of children and trusts following intestacy, and involving the largest care packages and changes by multiple service users.

We act in **supplier disputes** (which are sometimes associated with service user challenges) in order to deliver solutions which protect and preserve key services while resolving supplier issues.

Education law

In an increasingly challenging education landscape, it's more important than ever that you have expert support and guidance you can trust. Browne Jacobson's specialist education lawyers and HR consultants have deep understanding of the sector and will provide robust, cost-effective advice that to deliver practicable solutions to the challenges you face.

With over 70 dedicated education lawyers and HR consultants, we have one of the largest education teams in the country and supports the full range of education institutions, including schools of all types, academy trusts, further and higher education institutions. We can also draw in expertise from across our full-service law firm to assist you with your needs.

Our experience

We're retained by several **local authorities** to provide advice and support in relation to SEND tribunal proceedings and all aspects of SEND law. Support generally includes initially reviewing appeals and providing practical advice to best defend the local authority's decisions or settle where appropriate. We work closely with the local authority's SEND team to ensure appropriate evidence is gathered to respond robustly to the appeal and draft necessary documents in response to the appeal before continuing to provide support and representation at the final hearing.

We advised a **local authority** in relation to a threatened judicial review arising out of a proposal to amend the Education and Health Care Plan of a young person to name new provision contrary to the 2014 SEND Regulations. A resolution was reached without proceedings being issued, allowing the local authority sufficient flexibility to take necessary action to support the young person.

We advised a **local authority** on its power to intervene in a school causing concern following the lapse of a previous warning notice under the Education and Inspections Act 2006. We provided advice on communications with the school and advice to ensure the local authority had appropriate evidence to base its intervention decision upon.

We were commissioned by a **local authority** to prepare and deliver a comprehensive day-long training session for Independent Review Panel members who hear permanent exclusion review hearings.

We were commissioned by a **local authority** to prepare and deliver a training session for clerks and panel members on admission appeals and processes surrounding appeal hearings. The training met the requirements to allow attendees to sit as appeal panel members and undertake clerking duties, and covered admissions law and practice, appeals law, procedure and best practice, roles of panel members and clerk, natural justice and Equality Act and Human Rights Act considerations.

Food, rural and environmental affairs

Browne Jacobson has extensive experience advising public bodies on all aspects of environmental and regulatory matters, food and rural affairs.

Clients include Natural England, the Environment Agency, the Marine Management Organisation, the Joint Nature Conservation Committee, British Geological Survey, Natural Resources Wales and the Welsh Government.

Our food expertise extends beyond local authority enforcement to wider national food fraud investigations undertaken by the National Food Crime Unit and issues relating to complex food safety, labelling and supply chain issues (including those linked to the UK's departure from the EU).

Our experience

We successfully defended the **Welsh Government** in a judicial review challenge brought by a rival dairy processing company (to a £5m Welsh Government Food Business Investments Grant). The grant-funded strategic project is expected to bring jobs to the local area and once completed, will supply major supermarkets across Wales – reducing food miles, increasing supply chain efficiency, and supporting local farming and communities.

We successfully prosecuted a school catering company on behalf of **West Northamptonshire Council**. The case has involved procedural issues and legal arguments relating to procedure for commencement of proceedings, prosecution time limits, the Primary Authority scheme and abuse of process. Our dedicated team draw from both their regulatory and criminal practice background to guide the Council as a prosecuting authority.

We advised **Natural England** in a judicial review challenge by the Moorland Association in relation to their Uplands Position Statement. A negotiated a compromise to the litigation was achieved.

We acted for **Artemis Growth Partners** and the management team of the **Bridge Farm Group** in respect of the acquisition of the Bridge Farm Group from Canadian-based Sundial Growers. The Bridge Farm Group holds a DEFRA licence and will continue to produce CBD products as well as ornamental plants and herbs. The Group has invested over £45m on state-of-the-art glasshouses at its site at Clay Lake Bank in Spalding. At the time of the transaction, it was the largest mergers and acquisition deal of 2020 in Europe for the horticulture and farming industry.

Franchise law

Browne Jacobson regularly drafts, advises on and reviews franchise and concession models for its clients, also responding to disputes when they arise.

Browne Jacobson can provide you with strategic advice on issues that include brand protection and licensing; the use of databases (from an intellectual property and data protection perspective); sharing of data between the public and private sectors and competition law; setting up of joint ventures and similar model; procurement issues (both public procurement and group purchasing); compliance with the General Data Protection Regulation (GDPR) and Brexit and international issues in respect of franchise networks.

Our experience

We helped **Vision Express** put in place new franchise agreements that gave all stakeholders the clarity and certainty that was lacking in previous arrangements.

We drafted several franchise agreements for **Vets4Pets** (now Pets at Home). These were structured to include profit-sharing joint ventures, shared property ownership and licence arrangements.

We advised a **dairy co-operative** on the terms of a franchise agreement and associated manual relating to an ethical and sustainable on-farm vending machine that provides milk, dairy and produce to consumers on the farms where the milk is produced.

We've acted for **DPD** for many years, advising on the contractual documentation for, and implementation of, their Owner Driver Franchise delivery model.

We've advised **Boots UK Limited**, on its in-store concession agreements for its opticians and hearing businesses, when the company merged with Dollond & Aitchison.

We are advising **two Danish brands** in respect of operating franchises within the UK market.

Health and safety

Browne Jacobson's 12-strong health and safety team, which includes several criminal lawyers, regularly defend and prosecute a wide range of health and safety cases. Their expertise in this area, combined with significant experience advising public sector clients on health and safety legislation and the policies and procedures within their organisations, means that they are well equipped to support you, whatever your need.

We provide health and safety advisory services to clients, including reviewing health and safety clauses in contracts, leases, and other agreements. We also defend clients in corporate manslaughter and HSE investigations, providing advice on site and assisting them through the investigation process, including interviews under caution, appeals of improvement or prohibition notices, disclosure, inquests, and criminal proceedings. We have experience defending and representing local authorities and officers, advising on internal investigations, legal privilege, and reputation management. We regularly advise on all aspects of the criminal litigation process in health and safety cases.

Our experience

We were instructed to act for **Chesterfield Borough Council** in prosecuting a former director of restaurant business who was charged in respect of failing to take an unsafe machine out of use or to reinstate its guarding. The machine had previously been prohibited but put back in to use nonetheless. Despite the lack of any injury, he was convicted and sentenced in the Magistrates' Court to a lengthy 18-month Community Order with a requirement to complete 250 hours of unpaid work. We were successful in recovering prosecution costs.

We advised and represented the **Nottingham University Hospital Trust** during a coronial process, CQC investigation, and prosecution following a fatal incident in the maternity unit. We also helped the Trust respond to CQC disclosure requests and prepare their response to allegations under caution. We managed the prosecution process to minimize the impact on the family and represented the Trust at the final sentencing hearing.

Post-Grenfell, we have advised a **large local authority** on property-related health and safety risks arising from its portfolio of properties and in particular in respect of asbestos, legionella, fire, electricity and gas. Our advice covered duties, roles and responsibilities at premises and the relationship between the council, contractors and other third parties, including tenants and the systems and processes the council had in place to manage health and safety at its premises.

We regularly advise a range of **public bodies** on health and safety matters including RIDDOR, advice re legal health and safety requirements around specific processes and procedures and health and safety policies. This has included training to senior management and boards.

Health, healthcare and social care

Browne Jacobson's dedicated team of health law specialists deliver high-quality and pragmatic advice. Often responding to urgent situations of national significance, our understanding and empathy for how things work on the ground is unrivalled.

Experts, including a mental health tribunal judge, two part-time coroners and former paramedics, prosecutors and general counsels, advise on all areas of healthcare law including corporate, commercial, intellectual property, public, regulatory, data protection, employment and real estate law.

We're valued for our expertise in the Mental Health Act and the Mental Capacity Act, advising on the complex interaction between the two regimes. Our inquest team is also one of the largest in the country. We deal with more than 450 healthcare inquest cases annually, often appearing before coroners across England, on cases which attract extensive press coverage.

Our experts have given strategic advice on the formation of Integrated Care Systems to multiple partnerships country-wide. We have also supported many NHS trusts with service reconfigurations and mergers.

Our experience

We are advising **NHS England** on the service reconfiguration of Children and Young Person's cancer services in the South East and South London. Our work includes support and advice on meeting the statutory requirements of public consultation across the region, and engaging with campaign groups to ensure a considered decision making process.

We are currently advising on partnership and joint working projects between providers within Integrated Care Systems as well as broader collaborations for special projects and purposes. We continue to advise the **NHS** on commercialisation projects such as growing their revenue from private patients, international ventures and commercialising their Intellectual Property and products which they have developed.

We continue to support **commissioners and health care providers** nationally on governance matters and in the development of collaborative approaches to delivering health and social care services. This has included a recent full due diligence review of policies and systems operated by **NHS Cornwall and the Isles of Scilly ICB** to support its innovative approach to joint working and cross system assurance.

We've advised several failing **NHS and independent sector organisations**, providing an analysis of statutory options for intervention and support to ensure that they maintain safe patient care while commercial opportunities are considered.

Immigration

Browne Jacobson provides a personal and practical approach to immigration. Depending on your objectives, we will help you identify and implement the best option(s) for you to employ or continue to employ staff from overseas.

Our cost-effective and comprehensive range of immigration law services, practical tips, training and advice will help you navigate the myriad immigration rules that apply to your organisation.

Service includes sponsor licence applications, renewals and related compliance obligations; workforce planning advice on the recruitment and retention of non-UK workers including "right to work" requirements to prevent illegal working; seamless added-value advice on such HR matters as the termination of illegal workers, document checking and recruitment which require specialist employment and immigration law advice; in-country and overseas points-based visa applications and other immigration-related workroutines; bespoke compliance training for any staff responsible for immigration rules and regulations – including education and health specific compliance training for academies and NHS trusts; and independent HR reporting and record keeping system reviews to ensure adherence with UKVI requirements.

Our experience

We supported an **NHS Trust** in navigating a complex immigration and employment situation arising from when a key health and care worker had not renewed their visa before its expiry date. We helped manage risk from both an employment and immigration perspective and, with our guidance, they were able to reach a practical, fair and acceptable solution for both the Trust and their employee.

We advised a leading **Multi Academy Trust** provider on specific aspects of managing compliance with immigration laws across multiple linked entities.

We audited and reviewed the HR process of a **large UK Charity** assisting them to draft a robust procedure to monitor time-limited Right to Work.

We supported a leading **global consulting construction and engineering company** through the sponsor's license application process. With our advice and guidance, they met tight deadlines within the priority process and were subsequently granted a licence that legally enabled them to move a team of highly skilled, EU and non-EU engineers into the UK.

We have been advising a **city council** on the immigration law aspects of awarding contracts for homecare services, where a number of employees impacted by TUPE are overseas workers.

International trade, investment and regulation

Browne Jacobson is a national law firm, with international reach.

We advise on all aspects of international trading arrangements for the supply of goods and services as well as the regulation of cross border trade (for example the misuse of brands and on infringing sales), CE marking of goods, appointment of “appointed representatives”, delivery terms under both the International Chamber of Commerce incoterms and other internationally recognised standards and the enforcement of international arbitral awards.

Our experience

We’re advising a **UK motorbike manufacturer** on its international dealership network and trading terms which includes providing advice on the drafting, translation and local compliance of documents in 16 different jurisdictions. We’re also managing exclusivity issues under relevant international laws and providing guidance to the client so that, should they need to, they understand how they can enforce their rights in the local markets.

We’re advising a **food manufacturer** on its distribution arrangements and the appointment of an authorised representative.

Life sciences

Browne Jacobson’s clients are at the forefront of life science innovation, meeting medical needs and taking lifesaving or enhancing products to market worldwide.

From discovery companies to major international pharmaceutical organisations, we have extensive experience providing strategic legal advice on commercial opportunities – strategic acquisitions, cross-border restructuring, fundraising and divestments; intellectual property; the procurement and contracting of services such as managed equipment solutions; and regulatory obligations and overseas licensing (including post-Brexit).

In addition, Browne Jacobson can add capacity to your in-house teams when needed, through short and long-term secondments.

Our experience

We have advised a number of **NHS** providers on innovative tech-development contracts that include royalty returns, and in relation to their IP policies and strategies – enabling them to consider routes to exploit medical tech being developed with third parties.

We are supporting **University College London Hospitals NHS Foundation Trust** to develop a Framework Agreement with Health Navigator Limited for use of its “HN Predict” license, as part of an NHS England funded project looking at the use of AI to analyse and predict patient presentations in urgent and emergency care units.

We acted for our longstanding client **Care Fertility Group** on its acquisition of the Centre for Reproduction & Gynaecology Wales, furthering the provider’s commitment to delivering pioneering fertility treatment and advancing IVF science and clinical technology.

We have supported **Strolll** in delivering Augmented Reality glasses for use by patients with neurological disorders in clinical rehabilitation programmes. Through our novel GROW package for start-ups, we have developed software subscription agreements to supply the NHS and private clinics.

We’re drafting and negotiating for and advising **Sygnature Discovery** on master service and confidentiality agreements for their clients, suppliers and sub-contractors. We’re also providing advice on IP and licensing, data privacy and access to markets.

Media law

With an excellent track record of handling (for the complainant and the respondent) very high-profile Advertising Standards Authority complaints, Browne Jacobson offers a full reputation and media management service that includes brand protection, social media management and handling breaches of confidence.

We advise on all aspects of international trading. Trusted to protect world-leading brands such as Dior, Aston Martin, Lotus and The National Trust, our media legal specialists have significant experience of bringing and defending defamation actions through to trial for both public and private sector clients – many of whom are at the forefront of the digital revolution.

Our experience

We act as in-house counsel and advise **Iconic London** on its brand and commercial relationships. We recently advised on a product placement and sponsorship agreement with a US television production company.

We've helped **PZ Cussons** agree a number of high-profile influencer agreements. We also regularly draft licence and assignment agreements for them that enables them to use images taken by fans on its social media, in-store displays and advertising campaigns.

We advise **Camelot**, the supplier of the National Lottery on its IP issues and supported it on its bid for its fourth operating licence from the Gambling Commission.

We safeguarded an **education trust's** reputation in the portrayal of it in a BBC/Channel 5 documentary. We robustly but collaboratively worked with the editorial team to ensure a balanced piece, that was well received by our client's stakeholders.

We advise a **global sports brand** on sports marketing agreements, advertising, marketing advice, brand protection and procurement work. Our work assisting the in-house legal team with various commercial documents through both ad hoc and annual reviews ensures that all documents reflect updated UK case law and current best practice.

Projects

Delivering major, complex projects in an effective way requires specialist expertise across a number of areas such as procurement, competition, employment, pensions, construction, contract drafting, corporate, intellectual property and insurance.

Our team has wide experience of providing well-rounded, risk-aware advice for projects that require expertise in different specialisms. We have specific experience in Public Finance Initiative (and PFI-like) projects, standard form contracts, and advising on projects across various sectors such as defence, leisure, social infrastructure, environmental management, health, energy and renewables, street lighting and education. Our dedicated legal project management offering ensures that we can negotiate and draft contracts, work through disputes, and advise on variations, re-financings, and termination/hand-back arrangements.

Our experience

We advised **Manchester City Council** on all aspects of their ambitious city centre district heating project, which aims to supply heat and power to council buildings and private customers. Realised through a wholly-owned special purpose vehicle with multiple companies, we negotiated a project agreement with complex flow-down arrangements for the Council and the preferred bidder and provided advice on public procurement to various intragroup transactions.

We advise the **Department of Health** (through Ambulance Radio Programme) on a programme which provides NHS ambulance services in the UK with emergency mobile communications associated services. We advised on all procurement and legal issues, including drafting all of the procurement and contract documentation, and negotiating the project contracts with bidders.

We acted for **Cheshire East Council** on all stages of a town centre regeneration project. We advised on the entire procurement including pre-market engagement, competitive dialogue, site assembly, obtaining vacant possession, drafting and negotiating the development agreement and demolition agreement and state aid/subsidy control advice. We also played a leading role in providing strategic advice and, where required, worked alongside in-house legal colleagues to attend dialogue and contract finalisation meetings.

Mental health law

Browne Jacobson's mental health specialists have extensive knowledge and expertise in both the Mental Health and Mental Capacity Acts.

We advise on all aspects of mental health law including right to treatment; involuntary commitment and guardianship law, including deprivation of liberty; the treatment of professionals, including licensing law, confidentiality, informed consent and medical malpractice; admission of expert testimony or other psychiatric evidence in court and criminal law. We also advise in mental health cases related to employment, insurance, housing and education laws.

We are the go-to advisor on national guidance and strategy in public sector healthcare for example having advised on the NHS England on its Five Year Forward View for Mental health, and the Transforming Care.

Acting for a broad range of clients across the country, we are passionate about what we do, and we are known for making an impact across many of society's biggest issues and supporting and influencing positive change.

Our experience

We acted for **Devon Partnership NHS Trust** and **Derbyshire Healthcare NHS Trust** in two cases relating to the legality of remote Mental Health Act assessments/examinations throughout the COVID-19 pandemic and beyond.

We are representing **a mental health trust** in an independent inquiry into mental health deaths that occurred between 2000 and 2020.

We advised on mental health issues relating to the Nightingale hospitals and the management of the Mental Health and Mental Capacity Acts during the COVID-19 pandemic.

We advised **NHS England** on the mental health response in relation to the Manchester Arena bombing.

Outsourcing and insourcing

Browne Jacobson advises at all stages of outsourcing transactions enabling you to achieve your objectives. As a full-service law firm your integrated "deal" team, which will include public procurement, property, data and TUPE specialists as appropriate, will work both in collaboration with your technical and commercial teams and in accordance with all relevant guidance including procurement policy notes and the National Procurement Strategy.

We advise on strategy development (including reviewing and advising on outline, programme and full business cases), due diligence and contract drafting which helps you to scope and define services and set price and service expectations.

We provide support throughout the tender process and with bidder negotiations and advise on exit arrangements with incumbent suppliers and the transition to new service provider through to contract implementation.

Where appropriate, we'll draw on our experience of past deals across the ICT, financial services, print, security, facilities management, waste, and leisure sectors to provide you with tailored advice and support.

Our experience

We advised the **Ambulance Radio Programme** on an outsourcing contract for a "safety-of-life" critical communications system. This involved drafting, procuring, and advising on multiple service contracts that enabled the Emergency Services Network to communicate, collaborate and operate using digital equipment.

We are advising **Kent County Council** on the re-procurement of facility management services for their entire corporate estate. The "hard" facilities management services component, worth over an estimated £100m, is being outsourced under a 10-year contract to a single provider while the "soft" component with an aggregated £50m value is being split between several contractors.

We advised **Sheffield City Council** on the outsourcing of its homecare services to 16 providers. This includes drafting the contractual documents, advising on TUPE, and supporting with the management of the tender process including responding to clarification questions, and advising on evaluation.

We have advised **numerous councils** in relation to the outsourcing of their leisure and sports facilities, from single facility arrangements through to multi-site arrangements such as the tennis facilities across Sheffield City.

Planning

Our specialist planning unit includes chartered town planners and lawyers, supported by in-house barristers.

At Browne Jacobson our nationally-respected expertise in this field spans all areas associated with large projects, such as regeneration and urban extensions infrastructure including Development Consent Orders (DCO), planning strategy, planning obligations, applications for development, construction and change of use, compulsory purchase and section 106 agreements, contaminated land and free ports.

We also advise on appropriation, rights of way, habitats law, Environmental Investigation Agency, Strategic Environmental Assessments, planning enforcement (including injunctions and committal proceedings), representation at planning committee, waste, certificates of lawful use, affordable housing, use classes, planning/development inquiries and appeals, and judicial review.

Our experience

We're advising **Thurrock Council** in relation to the Lower Thames Crossing. We have analysed the DCO and sought comments from within the Council and from externally-appointed consultants. We are engaged with **National Highways** to address the Council's concerns and will represent the Council at examination, if a further DCO submission is made.

We represented the **Welsh Government Department for Climate Change** in relation to two applications for large solar farms (under the Developments of National Significance regime). The concern has been the impact on best and most versatile farmland. We have drafted the relevant submissions (including the statement of case) and provided representation at multiple days of Planning Hearings.

We're advising **Homes England** on proposals to build a 5,000 dwelling, mixed-use development southwest of Rugby. To unlock the site, new highway infrastructure in the form of a link road (with an estimated value of £25m) is required. We also advised on the redevelopment of a highly-contaminated former copper works in Walsall.

We're acting for **Folkestone and Hythe District Council** on all aspects of Otterpool Park, a flagship garden town project with an estimated gross development value of £2.8bn. The new town, set to be developed on a 770-hectare site adjacent to the M20, has the long-term potential to deliver up to 10,000 new homes plus employment space that could support up to 8,000 jobs.

We advised the **London Borough of Croydon** in relation to a judicial review of its decision to implement a Low Traffic Neighbourhood, following the creation of a temporary scheme that assisted with social distancing and facilitated exercise during the pandemic.

Public inquests and inquiries

With extensive experience representing government bodies at public inquiries, independent inquiries and inquests of national interest, Browne Jacobson has the in-house skill set and strength in depth to manage large-scale, long-running matters.

We represent organisations throughout the process, including in court, with the associated judicial reviews, applications relating to public interest immunity, restriction orders and funding issues.

Many of our team have the appropriate security clearance to advise government bodies participating in inquiries and inquests where the review of classified information is required.

Our services include acting for core participants and those called to give evidence at public inquiries; advising and representing those involved in non-statutory public inquiries; large scale disclosure review utilising data review software; preparing documents and statements for inquiries; interviewing witnesses; representation at hearings; and advising on all aspect of public inquiry powers.

Our experience

We're representing more than 70 serving and retired Metropolitan Police Officers in a complex undercover police inquiry by the **Mayor's Office for Policing and Crime**.

We're working in collaboration with the **Met's lawyers and counsel** in managing stakeholders. Developing and implementing protocols to ensure the work is undertaken on time, on budget and to the highest standards.

We're advising **Essex Partnership University NHS Foundation Trust** in relation to a Department of Health and Social Care ordered independent inquiry.

We're representing a **local authority's education, children and adult social care departments** and the interests of their safeguarding partnership board in a high-profile jury inquest relating to antisocial behaviours and public powers.

We're representing the **Welsh Government** in the COVID-19 inquiry, the outcome of which will have national implications.

We're representing **an organisation** that was involved in the refurbishment at Grenfell Tower in the Grenfell Tower Public Inquiry.

We are representing a **large public body** at the public inquiry into the crimes of Lucy Letby.

We are supporting an **NHS Trust** in relation to the Ockenden review into maternity services.

We represented a **large public body** at the public inquiry into the bombings at the Manchester arena.

Public international law

Browne Jacobson has significant experience advising on international conventions which the UK Government is a signatory to, and their application within UK law; aspects of the operation of public law in the UK or Europe that could form the basis of new legislation or legislative codes in other jurisdictions; and the application of public law principles by UK bodies overseas, where those principles overlap with or have similarities to our own.

We have particular experience of advising on environmentally focussed international conventions such as the Bern Convention, the Ramsar Convention, the Convention on Biological Diversity, the Aarhus Convention, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, the Convention for the Protection of the Marine Environment of the North East Atlantic (OSPAR) and the Convention on the Conservation of Migratory Species of Wild Animals.

We also advise on certain aspects of international marine/maritime conventions as they apply to the UK territorial waters.

Our experience

We advised the [Marine Management Organisation](#) and the [Joint Nature Conservation Committee](#) on the application of international conventions. We also advised on a range of international environmental and fishing conventions relied upon during judicial reviews and regulatory actions.

We advised a client on responding to EU regulatory requirements when a foreign body was found in a batch of their product. We advised on options and obligations which arose and provided a risk analysis dependent on the option pursued.

Restructuring and insolvency

Browne Jacobson's experienced and commercially minded lawyers prides themselves on responding quickly and commercially to complex situations involving financial distress, restructuring and insolvency.

We are adaptable and work with all stakeholders affected by insolvency from the first sign of financial distress through to resolution noting that they may require support in a transactional sense to enhance recoveries or to mitigate the wider impact of an insolvency and/or to manage more contentious issues.

We regularly advise pre-appointment (which may include options advice aimed at avoiding insolvency or mitigating its effect as well as contractual reviews to advise on termination triggers, continuity planning, retention of title issues and/or asset tracing) as well as on enforcement including via formal appointment of office holders, asset realisations and advising and responding to investigations including allegations of misfeasance, wrongful trading and antecedent claims.

When we are not acting for the office holders themselves, we can provide valuable insight to creditors and others affected by insolvency by advising on insolvency processes (including administrations, liquidation, voluntary arrangements, schemes of arrangement, Part 26A restructuring plans and bankruptcy) as well as on likely outcomes and options for creditors and contractual counterparties.

Our experience

We acted for a [Local Enterprise Partnership](#) following the decision that Government sponsorship and core funding of LEPs would cease and advised the LEP members on the options for transferring the LEP's core functions and distributing those responsibilities among multiple upper tier local authorities within the LEP's catchment area.

We acted for the trustees of [Nottingham Castle Trust](#) following the realisation of cashflow concerns to manage the closure of the Trust and the preservation of assets belonging to Nottingham City Council.

We acted for a [London Council](#) to enforce a significant debt owed by a tenant who had a long running dispute with the Council over the extent to which the Council's responsibility for regenerating the local area had impacted its ability to pay rent and its expectation that that debt would be waived in full under the COVID-19 arbitration scheme. Our actions ultimately led to the surrender of the property and the liquidation of the tenant.

Retained EU law and EU law

As a national law firm with international reach, Browne Jacobson are specialists in all aspects of EU law.

Our advice covers both contentious and non-contentious matters and spans competition law, procurement law, data protection, environmental law, state aid and subsidy control and immigration.

Routinely advising on the implementation and application of rights of EU and EEA EFTA citizens, our clients benefit from receiving advice physically from within the EU – via our new central Dublin office.

Our experience

We advised **UK Sport** on the lawfulness of its funding of an international sporting competition through National Lottery grant money in circumstances where a commercial organisation provided a split underwriting position, in return for a ticketing and hospitality profit share.

We are advising **Derby City Council** and **Derbyshire County Council** on new contracts for household waste recycling centres, waste transfer and disposal and on a project for the rectification of the new waste treatment facility.

We advised the **Independent Monitoring Authority** on the implementation of post-Brexit legislation, including the UK-EU Withdrawal Agreement – in relation to citizens' rights and specifically access to 30 hours' free childcare.

We're advising **Natural England, DEFRA and the Department for Transport** on EU biofuel crop regulations.

We're advising a globally active **online retailer** in relation to data privacy compliance, product labelling and packaging, product recall arrangements and supply chain management issues under EU law.

Tax

Browne Jacobson's team has been recognised for many years in the leading legal directories, and includes two Chartered Tax Advisers as part of its experienced tax legal team.

Our advice on tax for local authorities covers public-private joint ventures, establishing and use of corporate subsidiaries, real estate transactions, outsourcing, and employment taxes. We also have extensive experience advising other public sector bodies, including in the health and education sectors.

Our experience

We are advising **Homes England** on a range of direct and indirect tax issues (including corporation tax, SDLT and VAT) in relation to an ongoing major new housing development project for approx. 5000 new homes plus related infrastructure. As part of this project we successfully obtained a ruling from HMRC confirming a material SDLT saving for Homes England (but not using aggressive tax planning).

We advised an **NHS Clinical Commissioning Group** in relation to VAT issues on outsourcing of care services to private sector providers, considering the availability of relevant VAT exemptions, alongside any public policy issues for the CCG.

We advised the **Royal Borough of Windsor and Maidenhead** on VAT issues, as well as the tax aspects of the legal documents in relation to it bringing its provision of leisure services back "in-house" from an external, outsourced provider.

We advised **South Cambridgeshire District Council** on tax issues in relation to its acquisition of a site for future residential development. Part of the site was held in a company vehicle, requiring consideration of corporation tax issues on acquiring the company, as well as VAT and stamp taxes issues on the direct property acquisitions.

We advised **Milton Keynes Council and Milton Keynes Parks Trust** in relation to the real estate, procurement and tax aspects of a disposal of land and a significant development arrangement. We advised on SDLT (including reliefs) and VAT in relation to a complex structure involving lease surrenders, overages, building leases, options, long leases and subleases.

We advised a **London Borough** on VAT issues in relation to the transfer and/or secondment of staff from the Borough to its housing subsidiary company, being asked to give a second opinion on a tax counsel's opinion which the Borough had previously obtained, and further related advice.

Telecommunications

Browne Jacobson has considerable experience in telecommunications and the significant advantage of having worked in-house for some of the largest telecommunications providers in the UK.

This, in addition to having worked on significant public sector telecommunications procurement deals, means that we are ready for the sort of “tricks” that telecommunications providers can seek to use in large projects and in disputes.

Our experience includes procurement advice in respect of tenders and framework agreements; drafting data-sharing agreements and advising on data protection issues around the hosting and transfer of data outside the UK; advising on network, broadband agreements, unified communications, hosting agreements and bespoke cloud-based services; installation of infrastructure, rooftop structures and shared facilities; and Systems Integration (SIAM) and risk-sharing arrangements between suppliers.

Our experience

We advised **NHS England** on the procurement of the telephony infrastructure used to receive and route calls to the 111 number. We initially helped draft the tender documents and the business case for the Cabinet Office. Since the contract was awarded, we have advised on various aspects of the mobilisation.

When **Vodafone** were appointed to Public Sector Network framework, they instructed us to advise them on their approach to projects including the procurement process and contractual documentation. So far, we’ve advised on 30 large public and private sector telecommunications projects including the Ministry of Justice’s, tower-based “Future IT Strategy” procurement of ICT infrastructure and networks for its prisons, courts and probation services and the provision of a multi-supplier secure email network agreement for NHS Connecting for Health.

We’ve supported **Staffordshire County Council** and the **London Borough of Enfield** on the procurement of telephony infrastructure, cloud hosting and related projects.

Transport law

Browne Jacobson advises on all aspects of transportation and transport law.

The team has a wealth of experience in advising clients in this sector on a wide range of issues including commercial agreements, including domestic and international agency and distribution agreements; road and infrastructure projects; warehousing and logistics agreements; IT and outsourcing agreements; employment and HR issues in the logistics sector; contentious and non-contentious logistical matters; franchising; regulatory matters including health and safety expertise, regulatory (including criminal) investigation and enforcement; and licensing.

We assist clients in planning for and adapting to developing and future technologies, including the implications of electric and autonomous vehicles.

Our experience

We have advised long-standing client, **DPD** in relation to road traffic regulations and criminal matters. As a large company, with many franchises and drivers our advice includes, but is not limited to, minor traffic offences and police investigations.

We successfully represented a **local authority** before the Magistrates Court in an appeal lodged by a private hire driver whose licence had been revoked after allegations of assault were made.

We’re advising a **haulage contractor** after two members of staff were seriously injured during a chemical explosion at a vehicle repair depot. We’re also representing the company during the Health and Safety Executive investigation and court prosecution.

We’re advising on the **Working Time Regulations**, particularly in relation to maximum working hours, opt outs, night working and rest breaks and the calculation of holiday pay for workers working regular hours. We are also advising clients on the implications of the very recent *Harpur v Brazel* decision in the Supreme Court so far as holiday pay is concerned for those working irregular hours.

We have successfully represented a **horticultural transport haulier** in relation to a review of the business’ operator’s licence at a public inquiry by the Traffic Commissioner.

RM6240 Public Sector Legal Services

General Service Provision

(for England and Wales)

Lot 2

**Browne
Jacobson**

Crown
Commercial
Service
Supplier

Team structure (Lot 2)

Good legal advice isn't just about quality. It's about being inclusive. It's about being fair. It's about being down to earth, having principles and acting on them.

Our people are exceptional. We nurture talent at all levels from every background. We reward excellence. And we celebrate what makes people individuals. Our approach has been recognised by Investors in People.

Regardless of your needs and objectives, we'll put forward the team we think best suits your requirement – and we'll explain why. This may vary depending on their experience, the nature of the assignment and of course your budget. But rest assured, you'll have access to the very best Browne Jacobson can offer.

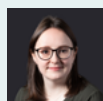


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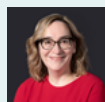
Your contact for Bid/tender opportunities

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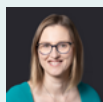
Key figures/roles relevant to the provision of services under RM6240 Lot 2a: General Service Provision (for England and Wales)



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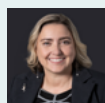
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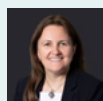
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RM6240 Public Sector Legal Services

Elected Specialisms

Lot 2



**Browne
Jacobson**

Crown
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Child law

Browne Jacobson advises on a wide range of children's services issues and is well known for its engagement at the cutting edge of developments in this area.

We work with clients and sector organisations to lead conversations on service transformation, leveraging integrated care systems and insights to improve delivery. Our services include inquests, serious case reviews, advice on **FGM and Forced Marriage, Modern Slavery, inquiries, redress and claims schemes**, judicial review, mental health, mental capacity, inheritance and trusts, deprivation of liberty, civil and criminal proceedings, advice on powers and duties, and delivery vehicles. Our teams are trained on inclusive and empathetic communication, and we advise on delivery options, including commissioning, supplier contracts and management, and use of children's trusts. We keep clients informed of developments in the review of children's social care and the implications of **Stable Homes Built on Love**.

Our experience

We act for the **care provider** that was working with Jonty Bravery, who attempted to murder a child at Tate Modern. We have provided guidance on media interest, internal and external investigation, information and disclosure, and liability in response to this incident.

We have advised and designed **Redress and Compensation Schemes** for a number of clients, and managed group actions.

We run advice and advocacy services for **a number of local authorities** which include regular training to enable their own lawyers and internal clients to skill up, thereby reducing overall legal spend per matter.

We advise in relation to safeguarding obligations and processes across a wide range of sectors (care, health, education, sport, charities) working with **public bodies** to understand their safeguarding duties, and to ensure opportunities to improve safeguarding are taken. This includes advice on use of and sharing of information.

We handle historical abuse claims under the **Municipal Insurance Scheme of Arrangement**, covering historical liabilities of local authorities and other public sector organisations. We worked with Municipal Mutual Insurance to develop their scheme-handling guidelines and processes to support efficient claims resolution.

We have successfully defended a claim in negligence against a local authority based on an alleged failure to remove him from the care of his parents. The **Supreme Court** judgement was delivered in our client's favour in December 2023. In the same year we also Defended an Appeal to the **Court of Appeal** based on alleged breaches of a child's human right in failing to protect him from alleged neglectful parenting.

We handle a number of claims arising out of the alleged vicarious liability of local authorities for the actions of children's relatives who are providing **connected person foster care**.

Court of Protection

Browne Jacobson provides timely, considered, and focussed advice on a range of highly emotive or contentious issues.

Often at the heart of policy making, our experts, who have extensive knowledge and understanding of the Mental Health and Mental Capacity Acts, are helping to shape the future of health and social care sector for the better.

With extensive experience of advising clients across the health and social care sector, our Court of Protection experts and in-house barristers are an integral part of our healthcare practice. We also work in collaboration with our social care and local government specialists to improve outcomes for every person, community, and organisation we serve.

Our expertise includes:

- The withdrawal and withholding of treatment – and related applications to the Court of Protection and High Court.
- The Mental Health and Mental Capacity Acts.
- Deprivation of liberty, including Liberty Protection Safeguards and Re X community cases.
- Children Act and safeguarding.
- Health and welfare related financial deputy applications and appointments.
- Lasting power of attorney, including the implementation of contracts of expectations for behaviour and communication.
- Staff training and development.

Our experience

In a landmark judgment, we helped **United Lincolnshire Hospitals NHS Trust** to obtain anticipatory and contingent declarations for the birth plan of a patient diagnosed with schizophrenia, in case they lost capacity.

We acted on behalf of an **NHS Trust** in one of the first reported cases relating to disputed COVID-19 extracorporeal membrane oxygenation treatment.

Following alleged abuse by a family member, we advised a **local authority** on their safeguarding obligations to an elderly resident. We made a successful application to the Court of Protection and represented the authority throughout.

Debt recovery

Browne Jacobson specialises in recovering high-value organisational debt. We are specialists in all aspects of commercial litigation and contentious insolvency and have successfully pursued recoveries on behalf of statutory bodies, local authorities, charitable organisations, education establishments, commercial insurers and healthcare providers.

Our services include pre-litigation debt recovery; commercial litigation and contentious insolvency, including multi-million-pound contractual disputes; misrepresentation claims; supplier and commercial disputes; breach of restrictive covenants; injunctions; insolvency litigation; recovery actions against third parties (to include following damage to property); and advising on formal routes to enforcement.

We adopt a firm but pragmatic approach to recovery actions. We will identify claims where the prospects of recovery are good and set an early strategy in order to drive them to conclusion, to include the most appropriate enforcement method. However, we will also establish at the earliest possible stage of a claim if the likelihood of recovery is low, whether due to liability prospects or the financial viability of the third party (where we are able to call upon our intelligence analyst to provide insight into the third party's financial position). Where the likelihood of recovery is low, we will identify fair, but creative solutions to meet your objectives, to include putting in place payment plans.

Our experience

We are acting on behalf of a **local authority** in recovering the costs of providing residential care. In one such claim, a full recovery was made by securing an order for sale on a property following enforcement.

We successfully handled a tranche of recovery actions for a **charity** relating to property damage brought about by the negligence of third parties.

We are acting for an **energy supplier** in pursuit of various high-value claims against some of its largest commercial customers. Many have involved disputes in relation to "express" and "deemed" contract terms, and the supplier's related compliance.

We are acting for an **international financial corporation** in recovering losses against suppliers of defective goods and services.

We are acting for a number of **local authorities** in pursuing recoveries from abusers following claims brought for sexual abuse. We have recovered in excess of £1m, in addition to successfully establishing a number of ongoing payment plans and charging orders on properties.

Education law

With over 70 dedicated education lawyers and HR consultants, Browne Jacobson has one of the largest education teams in the country and supports the full range of education institutions, including schools of all types, academy trusts, further and higher education institutions.

We can also draw in expertise from across our full-service law firm to assist with your needs. We have a wealth of knowledge and experience of advising on school reorganisation and governance, responses to inspection and regulatory interventions, safeguarding and student welfare issues, special educational needs and disability, exclusions, admissions and appeals, management of complaints and student related litigation.

Our experience

We're retained by several **local authorities** to provide advice and support in relation to SEND tribunal proceedings and all aspects of SEND law. Support generally includes initially reviewing appeals and providing practical advice to best defend the local authority's decisions or settle where appropriate. We work closely with the local authority's SEND team to ensure appropriate evidence is gathered to respond robustly to the appeal and draft necessary documents in response to the appeal before continuing to provide support and representation at the final hearing.

We advised a **local authority** in relation to a threatened judicial review arising out of a proposal to amend the Education and Health Care Plan of a young person to name new provision contrary to the 2014 SEND Regulations. A resolution was reached without proceedings being issued, allowing the local authority sufficient flexibility to take necessary action to support the young person.

We advised a **local authority** on its power to intervene in a school causing concern following the lapse of a previous warning notice under the Education and Inspections Act 2006. We provided advice on communications with the school and advice to ensure the local authority had appropriate evidence to base its intervention decision upon.

We were commissioned by a **local authority** to prepare and deliver a comprehensive day-long training session for Independent Review Panel members who hear permanent exclusion review hearings.

We were commissioned by a **local authority** to prepare and deliver a training session for clerks and panel members on admission appeals and processes surrounding appeal hearings. The training met the requirements to allow attendees to sit as appeal panel members and undertake clerking duties, and covered admissions law and practice, appeals law, procedure and best practice, roles of panel members and clerk, natural justice and Equality Act and Human Rights Act considerations.

Employment

Browne Jacobson's experienced employment lawyers and HR consultants understand the challenges faced by public sector organisations.

We deliver expert advice and strategic support that enables you to focus on your objectives.

Working in partnership with your HR and management teams we will help you reduce the likelihood of employment disputes and risk – and manage your obligations as a public sector employer.

Our expertise includes advising on: contracts and contractual disputes, including pay disputes; policy drafting and amendments; managing performance and short-term/intermittent and long term ill-health issues; disciplinary issues, grievance and whistle-blowing; managing and making the most of hybrid working, secondments and flexible working requests; maternity, paternity and other leave rights; restructures, changes to terms and conditions and redundancy exercises; TUPE and the outsourcing or bringing services back in-house; immigration and licences to sponsor; settlement agreements and the approval and audit process; and trade unions, collective issues including interpretation of collective/recognition/partnership agreements and industrial action.

Our experience

We have supported several **local authority** Chief Executives with managing their relationship with the Monitoring Officer and Section 151 Officer, in most circumstances avoiding an irretrievable breakdown in trust and confidence – a critical ingredient in the “golden triangle”. Recently, we advised on the suspension of these statutory chief officers (who were then the subject of a disciplinary process under the JNC Model Disciplinary Process).

We advised a **regulator** on a serious whistleblowing allegation, raised by staff who had been outsourced. With our advice, their in-house legal team and senior executives vigorously and promptly dealt with the issue, avoiding any reputational damage should the allegations been made public.

We advised an **arm's length body** on its relocation under the Government's levelling-up policy.

We continue to advise a **non-departmental public body** on a move to a true hybrid working model.

We advised a **Parliamentary Standards Body** on how to manage cross-grievances raised by, and against two senior people, one of whom was appointed by a third party. We devised a grievance process that led to the discreet and claim-free departure of one of the individuals.

Working in conjunction with our public procurement team, we advised a **local authority** on the implications of TUPE during a retendering of homecare services exercise – minimising and avoiding liabilities as much as possible.

Healthcare

Browne Jacobson's dedicated team of health law specialists deliver high-quality and pragmatic advice.

Often responding to urgent situations of national significance our understanding and empathy for how things work on the ground is unrivalled.

Experts, including a mental health tribunal judge, two part-time coroners and former paramedics, prosecutors and general counsels advise on all areas of healthcare law including corporate, commercial, intellectual property, public, regulatory, data protection, employment and real estate law.

We're highly regarded for our expertise in the Mental Health Act and the Mental Capacity Act, advising on the complex interaction between the two regimes. Our inquest team is also one of the largest in the country. We deal with more than 450 healthcare inquest cases annually, often appearing before coroners across England, on cases which attract extensive press coverage.

Browne Jacobson is renowned for its advice on the creation of Integrated Care Systems and viewed as the leading expert on service reconfiguration and NHS mergers.

Our experience

We are advising **NHS England** on the service reconfiguration of Children and Young Person's cancer services in the South East and South London. Our work includes support and advice on meeting the statutory requirements of public consultation across the region, and engaging with campaign groups to ensure a considered decision making process.

We are currently advising on partnership and joint working projects between providers within Integrated Care Systems as well as broader collaborations for special projects and purposes. We continue to advise the **NHS** on commercialisation projects such as growing their revenue from private patients, international ventures and commercialising their Intellectual Property and products which they have developed.

We continue to support **commissioners and health care providers** nationally on governance matters and in the development of collaborative approaches to delivering health and social care services. This has included a recent full due diligence review of policies and systems operated by **NHS Cornwall and the Isles of Scilly ICB** to support its innovative approach to joint working and cross system assurance.

We've advised several failing **NHS and independent sector organisations**, providing an analysis of statutory options for intervention and support to ensure that they maintain safe patient care while commercial opportunities are considered.

Intellectual property

Browne Jacobson's award-winning Intellectual Property (IP) team helps to protect, enforce and commercialise some of the world's leading brands and technologies.

Non-contentious experience ranges from research and development agreements for the development of an entirely new model of electric car to significant IP licences for household names.

With an excellent track record, specifically in high-stakes disputes Browne Jacobson has run many of the UK's leading cases. We have shaped trade mark law with reported cases for brands as diverse as Veuve Clicquot, Wolverhampton Wanderers, the London Electric Vehicle Company and Slimming World in the High Court and EU court.

We have helped clients with complex and cutting-edge patent litigation in technologies as diverse as mobile phones, pharmaceuticals, x-ray and agrochemicals.

Our experience

We undertook a full review of the IP and IT licensing arrangements relating to the **Medicines and Healthcare Products Regulatory Agency** core database. Our gap analysis was followed by subsequent amendments to the framework agreement through a change note mechanism, which has given the MHRA the comfort it needs that there is no risk to its business continuity whilst it puts in place a new framework agreement with the future supplier.

We've advised the **Money and Pensions Service** on numerous IP schemes, including the rebranding and launch of its "Money Helper" service.

We have advised **Clean Power Hydrogen Group Limited** on a number of international licence deals to commercialise its core membrane-free electrolyser technology in the production of highly-pure hydrogen.

We assisted online dating giant, **Match** to win at trial and in the Court of Appeal in its trade mark infringement action against competitor Muzmatch, which had taken unfair advantage of Match's famous brands. Muzmatch have rebranded to Muzz.

Litigation and dispute resolution

Browne Jacobson has significant experience in litigation, arbitration and mediation – covering the entire risk portfolio.

Our legal, cost and counter-fraud specialists work in partnership with in-house advocates, and criminal defence teams to meet your objectives and manage your reputational, financial and commercial interests. Proactive, strategic risk management advice is our forte.

Our expertise includes commercial disputes; construction claims; debt recovery; discrimination and defamation claims; employment issues; environmental litigation; health and safety matters; insolvency disputes; intellectual property disputes; judicial reviews; personal injury claims; property litigation and regulatory issues.

As a founder member of the Centre for Dispute Resolution, we've an excellent track-record for providing cost-and-time-effective solutions to our clients. Deploying the early and effective use of alternative dispute resolution, including domestic and international arbitration, in all its forms.

When appropriate, we conduct cases in the small claims, fast-and-multi-track, County and High Courts, mercantile, technology and construction and commercial courts.

Our experience

We acted for several **NHS Trusts** who entered, and subsequently decided to terminate contracts with an IT provider for the supply of electronic advertising notice boards. All matters required urgent, without prejudice negotiation and, following a lawyer-led settlement meeting, compromises were reached in all matters without the need for a mediator.

We helped a **local authority** to reach a settlement in a dispute with its joint venture partner. Advice included contractual mechanisms for a default/deadlock and insolvency considerations. The settlement allowed the authority to move the £200m regeneration scheme in-house, in order to progress the development and avoid adverse financial, political and PR challenges.

We're advising **Natural Resources Wales** on potential civil liabilities arising from extensive flooding that took place in 2020. We're also supporting them in a related Section 19 (Flood and Water Management Act 2010) investigation and helping to manage claims that arose from the incident.

We're representing a **non-departmental public body** in an employer's liability claim following catastrophic injuries sustained whilst at work. We worked collaboratively with the Claimant's solicitors to engage rehabilitation support that dramatically improved their outlook. As a result, a very favourable settlement was reached.

Mental health law

Browne Jacobson's dedicated mental health specialists have significant knowledge and expertise in both the Mental Health and Mental Capacity Acts.

We advise on all aspects of mental health law including right to treatment; involuntary commitment and guardianship law, including the deprivation of liberty; the treatment of professionals, including licensing law, confidentiality, informed consent and medical malpractice; admission of expert testimony or other psychiatric evidence in court and criminal law. We also advise in mental health cases related to employment, insurance, housing and education laws.

We're also the go-to advisor on national guidance and strategy in public sector healthcare and have been advising NHS England on its Five Year Forward View for Mental health and the Transforming Care agenda.

Acting for a broad range of clients across the country, we are passionate about what we do, and we are known for being at the cutting edge of society's biggest issues and supporting and influencing positive change.

Our experience

We acted for the **Devon Partnership NHS Trust** in a case that related to the legality of remote Mental Health Act assessments throughout the COVID-19 pandemic.

We're representing a **mental health trust** in an independent inquiry into mental health deaths that occurred between 2000 and 2020.

We advised on mental health issues relating to the Nightingale hospitals and the management of the Mental Health and Mental Capacity Acts during the COVID-19 pandemic.

We're advising **NHS England** on the mental health response in relation to the Manchester Arena bombing.

Pensions

At Browne Jacobson our pensions team advises a wide range of public and private sector clients, including NHS England, hospital trusts, local authorities, fire and rescue services, multi-academy trusts, and employers and trustees of private sector occupational pension schemes.

Our expertise spans all areas of this dynamic and business-critical field, pensions litigation, regulatory compliance, trusteeship and employee benefits.

Our experience

We act for many **local and county councils** in relation to the pensions aspects of outsourcing services, reviewing documentation and negotiating funding arrangements in respect of the Local Government Pension Scheme (LGPS), including pass-through agreements and cap-and-collar arrangements. We advise the authorities on their obligations under the Best Value Authorities Staff Transfers (Pensions) Direction 2007; how they may participate in the Teachers' Pension Scheme; the LGPS and the NHS Pension Scheme; the possibility of removing eligibility for future entrants and current employees; the statutory obligations under the relevant public sector scheme; and how exposure to exit payments may be minimised.

We've advised a number of **NHS Trusts** on the statutory requirements of the NHS Pension Scheme, and eligibility to participate in other public sector pension arrangements, together with automatic enrolment requirements. Outsourcing issues are frequently addressed, including the requirements of Fair Deal and the financial implications of reinstating members of a broadly comparable scheme into the NHS Pension Scheme.

We advised **Bedfordshire Fire and Rescue Service** in relation to the over- and underpayment of pensions to firefighters. The issue centred around pensions not having been abated for those who were in receipt of disability benefits and also an ill-health award, as part of their pension. This had led to some significant overpayments over a number of decades. We advised on the legal ability to recover overpaid funds and strategy for doing so. This has led to the repayment of hundreds of thousands of pounds into the public purse.

Planning and environment

Browne Jacobson's specialist planning unit includes chartered town planners and lawyers, supported by in-house barristers.

Our nationally-respected expertise in this field spans all areas associated with large projects, such as regeneration and urban extensions infrastructure (including Development Consent Orders), planning strategy, planning obligations, applications for development, construction and change of use, compulsory purchase and Section 106 agreements, contaminated land and freports.

We also advise on appropriation, rights of way, habitats law, Environmental Investigation Agency, Strategic Environmental Assessments, planning enforcement (including injunctions and committal proceedings), representation at planning committee, waste, certificates of lawful use, affordable housing, use classes, planning/development inquiries and appeals, and judicial review.

Our experience

We represented the **Welsh Government Department for Climate Change** in relation to the creation of Regulating and Several Orders in respect of shellfish. We provided detailed advice on the Sea Fisheries (Shellfish Act 1967), reviewing the applications, reporting on the proposals, due diligence in connection with the applicants, and drafting instructions for proposed statutory instrument.

Following the designation of Bolton Fell Moss, an active peat field operated by William Sinclair, Natural England was asked by DEFRA to act as its agent in the buying-out of the peat interests using Compulsory Purchase Order powers and to restore the moss. We advised **Natural England** including providing advice on the main compensation settlement agreement, compensation, planning and general land acquisition.

We advised **Walsall MBC** in relation to the Stonegate Estate (a former gas works site). Following expert review it was concluded that the land should not be designated as contaminated land. We advised upon the legal implications of the removal of the designation.

We're acting for **Folkestone and Hythe District Council** on all aspects of Otterpool Park, a flagship garden town project with an estimated gross development value of £2.8bn.

We advised the **London Borough of Croydon** in relation to a judicial review of its decision to implement a Low Traffic Neighbourhood.

Primary care

The strength and depth of Browne Jacobson's healthcare team means that we can support you on the full range of primary care law matters, from responding to straightforward ad-hoc queries to major commissioning projects.

Our experience enables us to seamlessly connect clients, enabling them to work collaboratively.

We also provide clear and concise advice that is underpinned by years of experience working on and influencing projects of national significance.

Our primary care specialists advise on care home provisions, including fraud prevention and detection; continuing healthcare issues; corporate acquisitions and disposals; individual patient funding matters; inquiries; prison health services; structuring care arrangements in respect of funding; the "responsible commissioner"; the establishment of Integrated Care Boards and local authority and Care Quality Commission aspects of their primary care matters; and urgent closures to social care facilities and related issues, including the protection of patients.

Our experience

We acted for **NHS England** in respect of a judicial review challenge brought by SSP Health Ltd to a decision concerning a dispute involving 22 alternative provider medical service contracts.

We advised the **Welsh Government's Primary Care Health Division** on their reform of the provision of primary care health services in Wales.

Our prison health care specialists acted for a **prison** in an Equality Act and Human Rights Act proceedings brought by a Muslim prisoner with a heroin addiction, regarding the provision of methadone during Ramadan.

Social housing

At Browne Jacobson social and environmental impact are at the top of the business agenda and therefore social housing is in our DNA.

Having advised the sector since the mid-90s, our longstanding clients include registered providers, local and national public bodies, private landlords, developers and private equity firms. We represent 20% of all Homes England's current "strategic partner" Registered Providers.

While property development, sales and planning work is the bedrock of our practice, our wider services include housing management, antisocial behaviour, insurance litigation and regulatory matters.

Our in-house specialist disrepair litigation team also represent some of the largest housing associations in the country, including Home Group.

Our experience

We advised **Platform** on property, planning and construction aspects of its largest ever place-making deal – the regeneration of part of the original Boots HQ into 316 affordable homes in partnership with Keepmoat; incorporating innovative solar electricity tech and air-source heat pumps.

We've led on the property aspects of **Local Space's** £61m private placement agreement with international pension fund MetLife Investment. The finance supports Local Space's strategy to move homeless families or those in temporary accommodation into permanent homes.

We led on the re-designation of security of over 2,000 properties for a **major housing association** under their Euro Medium Term Note as part of its £350m bond issue.

As part of our work on the Otterpool Garden Village project, we're working with **Folkestone and Hythe Council** to deliver 10,000 new homes, many of which will be affordable.

For over a decade, we've acted for **Homes England** on all aspects of its previous role as Europe's largest regeneration body and, more recently, in its role as the Government's housing accelerator. During that time, we've advised on hundreds of transactions nationally involving the provision of affordable housing, either as part of mixed tenure schemes on public and/or privately held land and the releasing of land for development. We have also supported them with their strategic partnerships with for-profit registered providers and developers to enable the delivery of affordable housing across the country.

Property and construction

At Browne Jacobson we are embedded in the everyday handling of strategic, high-profile and often long-term property, real estate and construction projects for the public and third sector organisations and private sector companies that transact with the public sector

Our multi-discipline teams can assist you throughout every stage of your project: acquisition and disposals (and projects for the same) of freehold and leasehold sites for crown or commercial land; large-estate management for departments or authorities with sizeable real estate estates, including landlord and tenant disputes; site assembly and regeneration projects for urban environments, including the necessary construction advice to support delivery; drafting and amending bespoke and standard form construction contracts, major framework agreements and PFI/PPP contracts, and the operational management of them and potential related disputes; private and social housing delivery, large strategic land delivery and infrastructure projects, including garden communities and associated joint ventures and land value capture; compulsory purchase orders advice and acting on development sites affected by strategic planning; investments in real estate and sale and lease-backs; strategic and estate real estate litigation advice, support on dilapidations and lease renewals and rights of light on new development projects; mixed use development projects between private and public sector bodies; and property tax advice – from day-to-day structuring and transactional advice (e.g. freehold disposals, leases, lease renewals etc), to bespoke advice in relation to VAT and Stamp Duty Land Tax issues, public-private joint ventures, and on local authorities establishing corporate vehicles for outsourced service provision and "mutuals".

Our experience

We're acting for **Homes England** in collaboration with Walsall Council to deliver the regeneration of a 44-acre site – derelict for more than 20 years. The project includes innovative solutions to deliver an "unviable" development, including prudential borrowing against future business rates within a designated Enterprise Zone.

We acted for **Cheshire East Council** on all stages of the regeneration of a former royal arcade retail area, that was replaced with a modern cinema-anchored mixed-use leisure and retail scheme, new bus station and car park. We advised throughout the competitive procurement process and on the site assembly, drafting a development agreement and short-and-long-term leases and advising on demolition, contracts, collateral warranties and state aid. We also guided the in-house team through the process of appropriation, to deal with development constraints at the site.

We advised **Buckinghamshire Council** on the acquisition of a shopping centre in Aylesbury. Over 18 Browne Jacobson lawyers worked in partnership with the in-house team to manage real estate, planning, environmental, tax, construction and insolvency related aspects of the project – ensuring that cabinet members were provided with clear and commercial advice at all times.

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