

# How exactly can we help your school?

Please see the table below for an overview of the type of legal advice we can give to schools and academies, either under the retainer or on a bespoke basis.

Area	Explanation	Examples of advice
<b>Admissions and appeals</b>	Maintained schools and academies are required to ensure that their admissions arrangements are compliant with the Admissions Code and relevant legislation and failure to do so can lead to scrutiny from the Office of the Schools Adjudicator, local authorities and appeals being upheld by an Independent Appeals Panel. Our team regularly review admissions arrangements for all types of school and can advise on general admissions queries which may arise from time to time.	<ul style="list-style-type: none"> <li>• Reviews of admissions arrangements</li> <li>• Admissions arrangements for schools with a religious designation</li> <li>• Advice on the Admissions Code</li> <li>• Responding to objections to the Office of the Schools Adjudicator</li> <li>• In-year admissions</li> <li>• Variations to determined admissions arrangements including a reducing the published admissions number</li> <li>• Fair access protocols</li> <li>• Withdrawal of places following an intentionally misleading application</li> <li>• Admissions appeals</li> </ul>
<b>Exclusions and behaviour and discipline</b>	Often when schools are dealing with serious breaches of the behaviour policy, difficult decisions have to be made quickly and under pressure so it is often helpful for senior leaders to speak to our team about such cases to ensure that decisions are compliant with the law and guidance. Our team can advise your school on behaviour management and fixed term and permanent exclusions to ensure that your team feel supported every step of the way.	<ul style="list-style-type: none"> <li>• Reviews of behaviour policies</li> <li>• Complaints about sanctions</li> <li>• Reviews of exclusion letters</li> <li>• Advice on fixed term and permanent exclusions including governor reviews and Independent Review Panels</li> </ul>
<b>SEND and Disability Discrimination</b>	Many schools pride themselves on providing an inclusive environment but there can be occasions when a school feels that it is simply not the right environment to meet a particular pupil's needs when a local authority is proposing to name the school in an EHCP. Complaints may even arise if there is a disagreement about what appropriate adjustments are to be made. Our team can talk you through the process of how to respond to a local authority consultation and support you with other areas relating to EHCP / SEND including responding to claims lodged with the SEND tribunal.	<ul style="list-style-type: none"> <li>• Challenging being named in an EHCP</li> <li>• Dealing with concerns relating to an EHCP / annual reviews</li> <li>• SEND Tribunal Claims</li> </ul>

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<p><b>Employment and HR</b></p>	<p>We have specialist employment lawyers who sit within our education team and who have over 30 years' experience between them. They are dedicated to advising schools and academies and will therefore be able to provide focused employment advice which is relevant in a school context.</p> <p>We understand that your school or trust will want quick, pragmatic and outcome-focused advice to fast moving issues. Our lawyers won't 'sit on the fence' when it comes to giving advice on HR problems.</p> <p>Staffing will be your biggest cost so it will be vital that your HR operations are cost effective and enable you to safeguard education and drive up standards. Our approach to developing robust disciplinary and capability policies is to emphasise "Improve or Remove". Children only get one chance at a good education and a school cannot afford to employ staff who are not meeting the expectations of them. Our disciplinary process is streamlined to remove delays when dealing with poor performance and will provide best value for the school by ensuring that weak teachers are removed fairly and quickly. Our approach to grievances is to move away from identifying who is to blame for a situation and take action to resolve cases swiftly, including identifying any opportunities for mediation. This allows you to spend time and costs on positive, remedial action rather than sanctions.</p> <p>We can advise on any contentious or non-contentious employment issues including Employment Tribunal claims (including claims relating to fraud, exam malpractice and discrimination), complex disciplinaries and grievances, restructuring exercises, trade union disputes and industrial action, TUPE and settlement agreements.</p> <p>We can draft and review employment contracts, HR policies, staff handbooks and provide strategic employment advice to your team and the board of governors / trustees.</p>	<ul style="list-style-type: none"> <li>• Grievances</li> <li>• Disciplinaries</li> <li>• Settlement agreements</li> <li>• Restructuring / redundancies</li> <li>• Discrimination claims</li> <li>• TUPE implications arising from academy conversions / service provision changes</li> <li>• Drafting employment contracts</li> <li>• Drafting employment policies</li> <li>• Workplace investigations</li> <li>• Ad hoc employment questions</li> </ul>
<p><b>Parent complaints</b></p>	<p>Parent complaints can have a disproportionate impact on management time and resources and can be very stressful for staff to deal with so it is vital that they are managed appropriately from the outset. Our team can support your staff and governors with managing and responding to parent complaints and relieve some of the pressure from the school.</p> <p>We have developed resources and approaches for handling excessive and vexatious complaints and can advise on when actions amount to defamation and/or harassment.</p>	<ul style="list-style-type: none"> <li>• Managing and responding to parent complaints</li> <li>• Drafting responses to letters from parents</li> <li>• Reviews of complaints policies</li> <li>• Advice to senior leaders and governors on dealing with a complaint</li> <li>• Dealing with comments on social media</li> </ul>

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<p><b>Safeguarding</b></p>	<p>Great strides have been made in recent years to put safeguarding at the top of the agenda and the growth of online threats and radicalisation shows that schools must continue to evolve in order to keep children safe. Our team can advise you on all aspects of safeguarding to help you to discharge your legal responsibilities.</p>	<ul style="list-style-type: none"> <li>• Application of the 'Keeping Children Safe in Education' and 'Working Together to Safeguard Children' guidance</li> <li>• Sexual abuse committed by pupils</li> <li>• LADO investigations</li> <li>• MASH referrals</li> <li>• Prevent duty</li> <li>• Safeguarding investigations involving members of staff</li> <li>• Referrals to the Teaching Regulation Agency</li> </ul>
<p><b>Land and buildings</b></p>	<p>We have a dedicated property team within our Education department which means that we have specialists who are not only experts in the technical aspects of the law but also understand the sector-specific issues and regulations affecting schools.</p> <p>As many of property issues are transactional in nature, we can project manage them on your behalf and help you to keep track of various matters by producing a specific property report for your team which we would send to you on a regular basis.</p> <p>Our experience is that schools are increasingly looking to generate income by exploiting their assets through third party lettings, entering into leasehold arrangements and, in some cases, selling off land. Our property team have practical experience of advising on all of these issues and have template documents with guidance that we can provide where appropriate, for example, in relation to short term lettings.</p>	<ul style="list-style-type: none"> <li>• School lettings</li> <li>• Licences</li> <li>• Negotiating leases with third parties and dealing with any consent requirements</li> <li>• Selling school land</li> <li>• Assured Shorthold Tenancies</li> <li>• School accommodation / caretaker's houses</li> <li>• Estate management and prioritising 'Standard Capital Allocations'</li> </ul>
<p><b>Capital projects</b></p>	<p>Our team regularly advise on all aspects of capital projects including building contracts, professional appointments and development agreements. We take a tough but fair approach to negotiating documents in order to get the job done, especially as our experience is that these projects are often time critical.</p> <p>Often the biggest challenge facing schools undertaking capital projects is securing funding and obtaining consents. We have particular experience of working with the ESFA and Sport England.</p>	<ul style="list-style-type: none"> <li>• Procurement</li> <li>• Development agreements</li> <li>• Building contracts and warranties</li> <li>• Advice on funding and grant agreements</li> <li>• ESFA requirements</li> </ul>
<p><b>Dispute resolution / litigation</b></p>	<p>We seek to resolve disputes where possible but where this is not possible, we can support you by giving strategic, tactical and procedural advice. In the event that you are dealing with complex litigation, we have a specialist dispute resolution team within the firm can support and advise you.</p>	<ul style="list-style-type: none"> <li>• Advice on contentious matters</li> <li>• Responding to claims</li> <li>• Negotiating settlements</li> </ul>

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<p><b>Procurement and Contracts</b></p>	<p>There are big opportunities for schools working together to harness their buying power and achieve economies of scale. We can provide procurement support to schools, whether your preference is for ad hoc input from us or you require a more supported approach to a procurement exercise. We can produce tender documents and contracts for you to ensure that you maximise the opportunity to obtain best value in relation to price and contract terms.</p> <p>We can also advise on the management and termination of existing contracts. Increasingly we are finding schools looking at school to school services and we can advise on when activities amount to trading and on the implications of setting up a trading subsidiary.</p>	<ul style="list-style-type: none"> <li>• Advice on procurement law</li> <li>• OJEU notices</li> <li>• Project management of the procurement process</li> <li>• Letters to bidders</li> <li>• Drafting the invitation to tender</li> <li>• Setting up procurement frameworks</li> <li>• Contract drafting and contract reviews</li> <li>• Drafting an SLA</li> <li>• Advising on remedies for breach of contract</li> </ul>
<p><b>GDPR</b></p>	<p>Although the GDPR has been a high profile and significant change in the law, our Education team have been advising schools on data protection for many years. This means that the Data Protection advice we can provide to you will be based on our practical and sector-specific experience. Normally if a data protection issue arises in a school it is part of a wider issue such as a parent complaint, exclusion or HR matter. Our team will therefore take a holistic approach to advising on data protection issues and ensure that the underlying issue is also addressed.</p> <p>The GDPR represents a significant change in risk for schools so it is right and appropriate for you to review your policies and practices and carry out a gap analysis. Our team can help you to do that.</p> <p>We can also correspond with the ICO on your behalf and we have worked on a number of cases where we have achieved successful outcomes for our school clients when an issue has been referred to the regulator.</p>	<ul style="list-style-type: none"> <li>• Subject access requests</li> <li>• Data security breaches</li> <li>• Application of the exemptions</li> <li>• Redacting information</li> <li>• Responding to ICO investigations</li> <li>• Strategic management of complicated requests</li> </ul>
<p><b>Freedom of Information</b></p>	<p>We can advise on all aspects of freedom of information and we know that requests can be very disruptive and can have a disproportionate impact on management time and resources which is diverted away from education and learning. Our team can support you with these issues, for example, depending on the circumstances and your instructions, we can provide 'light-touch' support with a FOIA request or project manage the response on your behalf to ensure that the requester's expectations are properly managed and the response is provided within the statutory timescales.</p>	<ul style="list-style-type: none"> <li>• Responding to requests for information</li> <li>• Application of the exemptions</li> <li>• Strategic management of complicated requests</li> <li>• Responding to ICO investigations</li> </ul>

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<p><b>Governance</b></p>	<p>The DfE and Ofsted have rightly placed emphasis on the need for good governance and accountability and we have significant experience of advising schools on all aspects of governance.</p>	<ul style="list-style-type: none"> <li>• Constitution of governing bodies in maintained schools</li> <li>• Company law</li> <li>• Charity law</li> <li>• Trustee / governor responsibilities</li> <li>• Schemes of delegation</li> <li>• Compliance with the Academies Financial Handbook</li> <li>• Governance reviews</li> <li>• Appointment and removal of governors / trustees</li> <li>• Training</li> </ul>
<p><b>Crisis management</b></p>	<p>From time to time, issues can arise which require urgent attention and which can also raise significant reputational or legal risks to the school. Our team have significant experience of advising schools who are dealing with a crisis. We can assist with the liaison with other agencies, responses to regulators and managing press enquiries. We can also help you to source external investigators when required.</p>	<ul style="list-style-type: none"> <li>• Responding and project managing investigations e.g. exam malpractice, financial irregularity / fraud, safeguarding, financial notices to improve</li> <li>• Managing press / media interest</li> <li>• Liaising with third parties including the Department for Education, local authorities, Teaching Regulation Agency, Regional Schools Commissioner</li> <li>• Communications strategy with stakeholders</li> </ul>
<p><b>Equality Act 2010</b></p>	<p>The Equality Act 2010 is pervasive in a school environment and our team often advise schools on the application of the Equality Act 2010 in all contexts - whether from a staffing perspective, pupils or parents, especially as failure to comply with the legislation can have financial and reputational consequences for a school.</p>	<ul style="list-style-type: none"> <li>• Advice on the application of equality law e.g. school uniforms, behaviour policy, school trips exclusions, admissions</li> <li>• Responding to disability discrimination claims</li> <li>• Public sector equality duty</li> </ul>
<p><b>Significant Changes to academies and Prescribed Alterations to maintained schools</b></p>	<p>It is important that any academy or school that wishes to make a significant change or prescribed alteration follows the correct process. Our team can advise you on the application of the guidance, prepare and update documentation and liaise with the LA and/or ESFA on your behalf.</p>	<ul style="list-style-type: none"> <li>• School expansion</li> <li>• Changes to the funding agreement e.g. age range, add or remove a sixth form or nursery</li> <li>• Updating documents from a single academy trust to a multi academy trust</li> <li>• Acquiring a foundation</li> <li>• Federations</li> </ul>

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<p><b>School organisation / school collaborations</b></p>	<p>Our team can assist with all aspects of school organisation including the legal process and drafting proposals and consultation documents.</p> <p>For schools wishing to collaborate, we are happy to discuss your requirements with you and offer creative and innovative solutions depending on your requirements. We can also draft and review documentation to capture your school collaboration proposals, including establishing legally separate vehicles to provide a focus for collaborative working.</p>	<ul style="list-style-type: none"> <li>• Changes to school category</li> <li>• Creating a federation</li> <li>• Opening a new VA school</li> <li>• Drafting a Memorandum of Understanding</li> <li>• Establishing Umbrella Trusts</li> <li>• Setting up teaching schools</li> <li>• Strategic Learning Partnerships</li> </ul>
<p><b>Regulation and compliance</b></p>	<p>Schools are subject to a significant amount of regulation which can change on a regular basis. Our team can support you with all regulatory and compliance issues which may arise in school to keep you on track.</p>	<ul style="list-style-type: none"> <li>• Complaints about Ofsted inspections</li> <li>• Requirements for school websites</li> <li>• Education (Independent School Standards) Regulations 2014 (for academies and independent schools)</li> <li>• Exam malpractice / JCQ guidance</li> </ul>
<p><b>Religious schools</b></p>	<p>Our Education team have supported faith schools and religious bodies for decades and it remains a core part of our practice. Our experience means we have an expert understanding of how being a religious school impacts on areas including ethos, admissions, compliance with the Equality Act 2010, employment, governance and land. We act for 13 Catholic Dioceses, 5 Church of England Diocesan Boards of Education, the Association of Muslim Schools as well as Hindu and Jewish organisations.</p> <p>We provide them with strategic support, advice and training and guide them through a fast-changing education landscape – whether it’s navigating a complex admissions issue or developing a policy response to the academy conversion programme.</p> <p>We act for hundreds of faith schools and multi academy trusts who come to us in the knowledge that we understand the religious and legal framework they operate in and that we will balance their needs with the needs of their diocese/religious body. We can support faith schools with the academy conversion process, setting up religious multi academy trusts, capital projects and general legal issues.</p>	<ul style="list-style-type: none"> <li>• Interaction with Catholic and Church of England Dioceses / other religious authorities</li> <li>• Advice on legal requirements affecting religious schools relating to land, employment, admissions and governance</li> </ul>
<p><b>Independent Schools</b></p>	<p>Our Education team act for a number of independent schools who turn to us when they need legal support. Independent schools have a unique set of challenges and our team have the experience to provide swift and practical advice which is commercial but also sympathetic to your charitable status.</p>	<ul style="list-style-type: none"> <li>• Review of terms and conditions</li> <li>• Debt claims</li> <li>• Property and employment advice</li> <li>• Parent complaints</li> <li>• Sponsorship</li> </ul>