

School Support Service

The table below provides some illustrative examples of when advice is likely to be covered under the Gold retainer and when a matter may turn into a bespoke instruction which will incur a separate charge.

If an instruction is bespoke, we will always let you know and provide a fee estimate in writing for your approval before we undertake any work.

Area of law	Advice typically covered under the Gold retainer	Advice which is typically bespoke and out of the scope of the retainer
Admissions and appeals	<ul style="list-style-type: none"> High level review of admissions arrangements to assess compliance with the Admissions Code Ad hoc responses to enquiries about the Admissions Code or the Admissions Appeals Code including: <ul style="list-style-type: none"> Increasing or reducing PAN Fair access protocol Varying determined admissions arrangements 	<ul style="list-style-type: none"> Detailed reviews and amendments to admissions arrangements Ongoing support and drafting communications in response to an objection to the Office of the Schools Adjudicator Support with arranging an independent appeal panel hearing or preparing a detailed argument ahead of an appeal hearing Representing a school at an independent appeal panel hearing Ongoing advice and support with consultations or applications to vary admission arrangements
Behaviour and exclusions	<ul style="list-style-type: none"> High level reviews of behaviour policies Ad hoc responses to enquiries about behaviour and exclusions including: <ul style="list-style-type: none"> Complaints about sanctions General advice for the Headteacher before issuing an exclusion e.g. on the risks / points to consider Review of Headteacher's letter issuing a fixed term or permanent exclusion Review of the Governors' decision letter following a review of an exclusion (if no previous advice has been given concerning the same exclusion). 	<ul style="list-style-type: none"> Detailed reviews and amendments to behaviour policies, for example, where a significant number of amendments are required. Ongoing advice and support in connection with an exclusion where some advice has already been provided under the retainer, for example, advice on the governors' review meeting, an Independent Review Panel meeting and / or a governors' reconsideration.
SEND and Equality	<ul style="list-style-type: none"> High level review of SEND and equality policies General responses to enquiries relating to SEND and equality including: <ul style="list-style-type: none"> General guidance on responding to a Local Authority consultation Handling annual reviews Concerns about managing a pupil's needs / behaviour Parental concerns or complaints about SEND Application of equality law e.g. school uniforms, behaviour policy, school trips exclusions, admissions Public sector equality duty 	<ul style="list-style-type: none"> Detailed reviews and amendments to SEND and equality policies Drafting or reviewing a response to an EHCP consultation on a specific case Advising on disability discrimination or other Equality Act claims Ongoing advice and support regarding cases and complaints relating to SEND and Equality Advising on legal challenges relating to SEND funding

Area of law

Advice typically covered under the Gold retainer

Advice which is typically bespoke and out of the scope of the retainer

Parent complaints

- High level reviews of complaints policies
- Ad hoc responses to enquiries about complaints including:
 - Managing and responding to parent complaints
 - Reviewing draft responses to letters from parents (unless a complaint is particularly complex and requires us to consider a lot of information in order to advise on a response)
 - Dealing with comments on social media
 - Advice on the process for banning parents from the school premises
 - General advice on implementing communication protocols

- Detailed reviews and amendments to complaints policies
- Ongoing advice or support regarding complaints, for example, where initial advice has been provided under the retainer and the complaint is continuing to the next stage.
- Drafting a response to a complaint on behalf of the school
- Drafting a bespoke communications protocol for a parent
- Drafting a 'section 5' notice to a website operator regarding defamatory comments
- Advising on an external investigation e.g. drafting terms of reference, advising on comms etc.

Safeguarding

- High level reviews of safeguarding policies
- Ad hoc responses to enquiries about safeguarding including:
 - Application of the 'Keeping Children Safe in Education' and 'Working Together to Safeguard Children' guidance
 - Sexual abuse committed by pupils
 - LADO investigations
 - MASH referrals
 - Prevent duty
 - Dealing with family issues when parents have separated
 - Safeguarding investigations involving members of staff
 - Referrals to the Teaching Regulation Agency

- Detailed reviews and amendments to safeguarding policies
- Ongoing advice or support regarding safeguarding issues or investigations

Significant Changes and Prescribed Alterations

- General advice on when a change amounts to a significant change to an academy or a prescribed alteration to a maintained school and what consents are required
- High level advice on developing a business case and on consultation

- Drafting deeds of variation for funding agreements
- Acquiring or losing a foundation
- Federation
- Academy Conversion and MAT growth
- Opening a new school
- Acquiring trust status
- Amalgamation
- Leading on consultation and reporting on the outcomes of consultation
- Acquiring a foundation
- Changes to school category – community to foundation
- Opening a new VA school
- Drafting a Memorandum of Understanding
- Advice on teaching school hubs and work with delivery partners
- Strategic Learning Partnerships/Schools Companies
- Transfers of wraparound care provision
- Third party provision agreements

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<p>Land and buildings</p>	<ul style="list-style-type: none"> • Advice on when a lease or licence may be appropriate • Template Lettings Agreement • Reviews of short licences / lettings agreements • Initial advice on property instructions, for example, the process for entering into a lease and what consents are required • Putting in place a temporary licence agreement • Advice on the terms of any 125 year lease which has been put in place • Assistance with the Land & Buildings Collection Tool • Putting in place a simple service occupancy agreement of caretaker accommodation • Advice on co-location and other uses such as adjoining nurseries and children's centres • Advising on rights of way 	<ul style="list-style-type: none"> • Negotiating and drafting leases with third parties and dealing with any consent requirements • Selling school land and playing fields • Acquiring land, including leases of premises to be used for operational centres • Assured Shorthold Tenancies • Complications arising from school accommodation / caretaker's houses, including sale and securing possession • Estate management and prioritising 'Standard Capital Allocations' • Property disputes / rights of third parties • Granting easements (typically to support development) • Shared Use Agreements • Community Use Agreements • Free School leases • PFI Agreements • Sports Centre management contracts • Statutory Transfers • Telecoms leases/licences • Sale of non-publicly funded land by trustees • Obtaining ESFA / DfE consent for land transactions
<p>Capital projects</p>	<ul style="list-style-type: none"> • General advice on construction projects, including general guidance on procurement rules • Ad hoc advice on dealing with significant change requirements (expansion and annex sites) • Advice on what consents are required and the ownership of land • General advice on planning permission and s106 Agreements • Simple licence for works • Initial advice on solar panel agreements • Analysis of occupational lease compared to finance lease to fund capital expenditure 	<ul style="list-style-type: none"> • Support with the procurement process • Development agreements • Section 106 agreements • Section 278 agreements • Building contracts and warranties • Advice on funding and grant agreements, including Big Lottery and Football Foundation grants • Providing advice and support on ESFA requirements and drafting deeds of variation for funding agreements • Relocation and opening new schools

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<p>Dispute resolution / litigation</p>	<ul style="list-style-type: none"> Initial advice on next steps relating to straightforward disputes or debt claims, including disputes to be resolved via arbitration Advice on strategic steps to take to pursue a building defect claim, including advice on limitation and preparing for an action to be taken 	<ul style="list-style-type: none"> Advising on court proceedings Drafting or responding to a letter before action Negotiating settlements
<p>Procurement and contracts</p>	<ul style="list-style-type: none"> Ad hoc responses to enquiries relating to contracts and procurement including: <ul style="list-style-type: none"> General principles of procurement law High level reviews of short contracts to advise whether the contract is safe to enter into Reviewing standard terms and conditions Advising on remedies for breach of contract Advising on termination and consequences of termination (e.g. TUPE) 	<ul style="list-style-type: none"> Ongoing support or advice on procurement and contracts including: <ul style="list-style-type: none"> Letters to bidders Drafting the invitation to tender Setting up procurement frameworks Negotiating contracts with third parties Drafting contracts or service level agreements Reviews of core contracts including cleaning, catering and ICT Detailed reviews of or reports on contracts or terms and conditions Drafting complex agreements including service level agreement, terms and conditions, partnering agreement, school improvement Advising on outsourcing and service provision changes
<p>GDPR</p>	<ul style="list-style-type: none"> Technical support for the DPO High level reviews of GDPR policies and privacy notices Ad hoc responses to enquiries relating to GDPR including: <ul style="list-style-type: none"> Subject access requests and the general application of the exemptions Data security breaches Reviewing draft responses to subject access requests and correspondence regarding complaints about personal data / GDPR 	<ul style="list-style-type: none"> Detailed reviews and amendments to GDPR policies and privacy notices Ongoing support or advice on GDPR including: <ul style="list-style-type: none"> Drafting responses to a subject access request Considering documentation to advise on redaction and the specific application of exemptions Advice on responding to ICO investigations Support with investigating personal data breaches and communications to stakeholders
<p>Freedom of Information</p>	<ul style="list-style-type: none"> Ad hoc responses to enquiries relating to Freedom of Information including: <ul style="list-style-type: none"> General advice on responding to a request for information and the application of exemptions Reviewing straightforward responses to requests for information 	<ul style="list-style-type: none"> Detailed reviews and amendments to FOIA policies Ongoing support or advice on FOIA including: <ul style="list-style-type: none"> Drafting responses to requests for information Considering documentation to advise on the specific application of exemptions Advice on responding to ICO investigations and communications

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<p>Governance</p>	<ul style="list-style-type: none"> • Technical support for the Trust's/School's "governance professional"/ company secretary or clerk • Guidance on the maintenance of the Trust's "company books" • Advice on "person's with significant control" • Advice on role of Members • Ad hoc responses to enquiries relating to governance including: <ul style="list-style-type: none"> • Constitution of governing bodies in maintained schools • Company law • Charity law • Trustee / governor responsibilities • Compliance with the Academies Handbook • Appointment and removal of governors / trustees 	<ul style="list-style-type: none"> • Ongoing support or advice on complex governance challenges • Governance reviews • Academy expansion / re-brokering • Drafting Articles of Association and Schemes of Delegation • Governance crises • ESFA investigations • Governance Training • School expansion • Changes to the funding agreement e.g. age range, add or remove a sixth form or nursery • Updating documents from a single academy trust to a multi academy trust • Putting in place an IEB • Setting up trading subsidiaries • Amending or drafting articles of association • Ongoing advice on governance disputes or the contentious removal of governors.
<p>Crisis management</p>	<ul style="list-style-type: none"> • Initial / urgent advice and support in response to a crisis – immediate next steps • Advice on implementing an immediate response strategy, including liaising with other agencies and communication teams 	<ul style="list-style-type: none"> • Responding and project managing investigations e.g. exam malpractice, financial irregularity / fraud, safeguarding, financial notices to improve • Managing press / media interest • Liaising with third parties including the Department for Education, local authorities, Teaching Regulation Agency, Regional Schools Commissioner • Communications strategy with stakeholders • Challenging industrial action • Advising on an investigation including the appointment of an external investigator
<p>Regulation and compliance</p>	<ul style="list-style-type: none"> • Ad hoc responses to enquiries relating to governance including: <ul style="list-style-type: none"> • Initial advice on complaints about Ofsted inspections • Requirements for school websites • Education (Independent School Standards) Regulations 2014 (for academies and independent schools) 	<ul style="list-style-type: none"> • Ongoing support and advice with regulation and compliance • Drafting complaints to Ofsted