

Legal services for independent schools

Capability Statement



When testing legal issues emerge...

Independent schools stand or fall on their reputations. As do we. We are proud to have retained our standing as national leaders in the provision of legal advice to the education sector. Our clients include many independent schools, The University of Oxford, Oxford colleges, Oxford Brookes University, Imperial College, national research councils and academic research associations such as JANET (UK) and DANTE.

Our education experts all have in-depth experience of working with independent schools. We understand the importance of legal advice that is grounded in an understanding of the commercial and cultural factors. Our team works together to ensure that our legal advice is supported by wider understanding of the issues this sector faces.

What we can do for you

We have a cross-disciplinary team which specialises in advising the independent schools' sector, comprising members of the corporate, commercial, IP, employment, dispute resolution, private client and commercial property departments.

Property advice: we act for independent schools on their property investments and development strategies. Our work includes sale of estate land, the acquisition of sites or completed developments for accommodation, acquiring leases, land title consolidation and completing section 106 agreements for the proposed development of sites for residential (both student and private) accommodation.

Property litigation: we advise on a wide range of property disputes and on the management of property portfolios. This has included advising on occupation of school properties by teaching and non-teaching staff, particularly following termination of employment.

Commercial, IP and corporate: our commercial advice covers the acquisition and outsourcing of goods and services, especially IT contracts and commercial joint ventures. We advise schools about their terms and conditions and on arrangements for the sale or loan of their assets. We also handle the protection and commercialisation of all intellectual property rights, including trade mark, copyright and licensing issues.

Employment law: schools are now regulated in all areas of recruitment, management and dismissal of staff. We advise on all aspects of employment law, relating to both teaching and non-teaching staff. We also provide strategic employment law advice in connection with reorganisations and TUPE.

Governance and constitutional advice: we advise schools on their investment powers, as well as the treatment of overseas bequests and trusts, including the winding-up of defunct trusts.

Disciplinary issues: we regularly advise on disciplinary procedures and complaints involving students, parents and staff.

Commercial disputes: as well as handling a range of general commercial claims, we undertake a great deal of risk management.

Regulatory: we specialise in regulatory matters such as health and safety (including fire safety, remote working, smoking in public places and driving whilst at work), issues relating to the Houses in Multiple Occupation legislation, disability discrimination, licensing (alcohol and entertainment), asbestos and environmental matters. We advise clients on matters of legal compliance and best practice, as well as handling investigations and prosecutions, litigation and publicity management and attending court.

Charity law: our private client team advises on the requirements of the Charities Act 2006 and, in particular, the implications of the 'public benefit' test for independent schools.

... you can rely on our knowledge and experience

Why use Manches for legal advice?

- Manches is a leading UK law firm offering comprehensive legal services to the education sector.
- The firm has a distinguished reputation for delivering an outstanding service and clear, unequivocal advice, with access to over 170 lawyers in two key locations in the Thames Valley and London.
- Our existing clients benefit from strong, lasting relationships based on understanding and trust, a friendly approach, responsiveness to the task and the quality and delivery of results.
- Our lawyers work as a team, matching the right skills to the right task. In each practice area there are specialists who are leaders in their fields as recognised by the legal media.

What others say

"This practice acts primarily for educational institutions in an increasingly varied spread of cases. Employment specialist Daff Richardson has a strong following in the Thames Valley."

Chambers & Partners UK

"Manches listen with calm and patience and will subsequently offer dependable and balanced advice to overcome any complexity and identify a resolution to the problem. Crucially advice given now and in the years ahead is highly likely to be offered by the same group of individuals, such is the allegiance, commitment and dedication of their staff."

Linacre College

"This 'experienced, hands-on' group is best known for representing a number of Oxford colleges, although it also acts for several universities and independent schools. Clients 'receive a highly focused service and are confident that matters will be fully resolved, to the highest standard and to our time-scales'. Daff Richardson heads up the team. 'She's tremendous - so hard-working, and if I was in trouble I'd want her to represent me as she's so dedicated'."

Chambers & Partners UK

Some examples of our work

Property

We advised an independent school defending multiple adjudications by its building contractor in relation to an extension and refurbishment of its facilities.

We have also drafted construction contracts, appointments, bonds and guarantees for independent schools.

Property litigation

We acted for an independent school in relation to the construction of a new boarding house. Shortly after construction had begun, the school was contacted by a local resident who claimed the benefit of a restrictive covenant and threatened to seek an injunction restraining further work. We investigated the history of development of the land affected by the covenant and advised the school on the likely outcome of litigation. We also advised on other remedies the school might consider to modify or discharge the covenant. Following correspondence pointing out that the covenant was obsolete, the local resident elected not to commence proceedings.

Commercial and corporate

We advised a leading independent preparatory school on its contract with parents, in particular ensuring that the contract complied with recent consumer protection legislation; and advised on contractual liability and authority of individual parents in the light of laws on parental responsibility.

We advised an established tutorial college on the terms of engagement of its self-employed tutors. This involved advice on contract formation over the Internet and incorporation of terms and on the requirements of the regulations relating to the checking of criminal records.

We also advised a school on the implementation of its catering services contract with an external provider.

Employment law

We advised an independent school about a serious disciplinary matter relating to a non-teaching member of staff. The employee alleged that they had been dismissed for raising health and safety issues in relation to an incident several months before the act of misconduct. We guided the school through the disciplinary and appeal process rebutting the allegations made by the former staff

member and demonstrating that the genuine reason for dismissal was misconduct.

We advised an independent school about flexible working requests from several members of the same department. The school could not accommodate all requests in full and we guided the school through the request process and assisted them in demonstrating sound objective reasons for their refusal of the requests.

We have advised a number of education clients about the changes to the retirement regime, guiding them through the transitional provisions.

Governance and constitutional advice

We have given advice to independent schools with regard to the treatment of overseas bequests and trusts including the winding up of defunct trusts. We have also helped create charitable trusts and advised on constitutional issues.

Complaints

We were instructed by an independent school which had received a lengthy and detailed complaint, making numerous allegations of misconduct against staff members, by the parents of a former pupil. We helped the school comply with its internal procedures, including the hearing of the complaint and an appeal to the governors. We gave the school practical and legal advice about harassment and the school's duty of care to its staff in light

of abusive messages being sent to staff members by the parents and we handled all subsequent correspondence with the parents.

Student issues

We advised a preparatory school where allegations of sexual assault were made by one student against another. We gave practical and legal advice about senior staff members' dealings with the police and social services. Once the police determined that no offence had occurred, we advised the school with regard to its obligations to both students involved and their parents, and in relation to their dealings with concerned parents of students in the same year.

Regulatory

We advised a number of independent schools regarding implementation of the Licensing Act 2003 advising on the need for practical arrangements in respect of alcohol and entertainment licensing. We continue to advise on variations, events and community relations.

We advised a consortium of universities and colleges on the introduction of Energy Performance and Display Energy Certificates. This involved detailed examination of the legislation to establish its specific application in this context, which even the Government admitted was far from clear. We then negotiated a number of exemptions from national and local government, together with a protocol for staged implementation (the cost and physical logistics of implementing the Regulations on a single date proved impossible).

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The Thames Valley Education team is led by Daff Richardson.

For further information please contact her on 01865 813647 or by email: daff.richardson@manches.com.

Manches is a leading law firm with around 170 lawyers in Oxford, Reading and London. We advise clients on all areas of business law, including property, corporate, commercial litigation and dispute resolution, employment, intellectual property and technology law.

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