

# *Legal Services for Oxford Colleges*

Capability Statement



## When testing legal issues emerge...

Academic institutions 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 Oxford Colleges. Our education clients also include The University of Oxford, Oxford Brookes University, Imperial College, independent schools, national research councils and academic research associations such as JANET (UK) and DANTE.

### What we can do for you

We have a cross-disciplinary team which specialises in advising Oxford Colleges, comprising members of the corporate, commercial, IP, employment, dispute resolution, private client and commercial property departments. All team members have in-depth experience of working with Colleges and understand the commercial and cultural issues faced by them.

**Property advice:** we act for many College clients on their property investments and development strategies. Our work includes sale of agricultural land, the acquisition of sites or completed developments for student 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 handle a range of property disputes, including landlord and tenant matters involving commercial tenants and students, disputed rights of way and residential tenancy matters. We regularly deal with the acceptance of or challenging the right of tenants to acquire the freehold of their properties under the Leasehold Reform legislation.

**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 Colleges about their terms and conditions for conferences and on arrangements for the sale or loan of College assets. We also handle the protection and commercialisation of all intellectual property rights, including trade mark, copyright and licensing issues.

**Employment law:** we advise Colleges on all aspects of employment law, relating to both academic and non-academic staff. We understand the structure of Colleges, their objectives and the ethos that prevails. Fixed term contracts and the relationship between the holding of academic office and general employment rights continue to be of importance. We also provide strategic employment law advice in connection with reorganisations and TUPE.

**Governance and constitutional advice:** we advise Colleges on their investment powers, such as their ability to spend income growth, as well as the treatment of overseas bequests and trusts, including the winding-up of defunct trusts. We also advise on the operation and content of College by-laws and Statutes and have revised College student disciplinary regulations.

**Disciplinary issues:** we regularly advise Colleges on academic and student disciplinary procedures and complaints involving students and staff. Recent advice has covered cases of plagiarism, underperformance and allegations made between students.

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

**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, asbestos and environmental matters. We advise Colleges on matters of legal compliance and best practice, as well as handling investigations and prosecutions, litigation and publicity management, and attending court.

**Private client:** we have built a successful referral scheme with a number of Oxford Colleges offering tax and trust advice for their alumni and staff. We have been appointed to the University of Oxford's alumni scheme to provide private client work to their members internationally.

## ... you can rely on our knowledge and experience

### 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 2010

*"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,' reported one interviewee."*

Chambers & Partners UK 2009

*"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

*"Manches provides a quick and expert response to the difficulties that are thrown up in student disciplinary matters. Speed is of the essence as student life changes so quickly."*

Merton College

### Examples of our work

#### Property

We acted on the sale of a combined commercial and student accommodation block in the centre of town for an Oxford College to a student accommodation services provider for several million pounds including ongoing student management requirements (to cover the students' occupation to the end of the academic year).

We handled the sale and leaseback of the main Ruskin College building and grounds in the centre of Oxford which enabled the bespoke redevelopment of premises elsewhere to facilitate the College relocating. This transaction involved complex arrangements in relation to stage payments and short and long term occupancy arrangements for the College whilst their redevelopment takes place.

#### Property litigation

We regularly advise a number of Colleges on property disputes, including landlord and tenant matters involving commercial tenants and students. We have recently successfully concluded litigation on behalf of a College opposing a long leaseholder's attempt to acquire the freehold of one of its residential properties.

#### Commercial and corporate

We drafted the terms and conditions relating to the sale/provision of student places on Teaching English as a Foreign Language ("TEFL") programmes hosted and administered by a College. We also drafted an agency agreement appointing local agents (primarily in South East Asia) to market and promote the College's TEFL programmes to local institutions and organisations.

We negotiated and drafted a sole license of a College's Japanese trade marks to a third party licensee, entitling the licensee to promote, distribute and sell certain goods (primarily fashion goods) in Japan under the College's registered Japanese trade marks.

We advised The University of Oxford in relation to the operations of the Said Business School Venture Fund and its investments.

### Employment law

We guided a College through the restructure of one of their administrative teams, including the introduction of several new posts and the re-grading of others. We have also recently helped a College avoid a claim by a non-stipendiary lecturer for redundancy pay and unfair dismissal.

We advised a College about the structure of one of its academic teams, including considering the terms of career development fellowships.

Other recent employment advice for Colleges relates to the maternity rights of junior research fellows who are subject to fixed-term contracts of employment; advice in connection with discrimination and harassment allegations brought by employees and advice in respect of potential age discrimination issues with regard to applications for academic posts.

### Governance and constitutional advice

We helped create a new charitable trust, intended to run as a Recognised Independent Centre of the University of Oxford. We also advised an Oxford College on a constitutional issue relating to misuse of trust funds.

### Disciplinary and student issues

We advised a College about a student disciplinary matter, where the student was accused of serious disciplinary offences. He also suffered from a serious medical condition. The College wished to address the misconduct but was mindful of its duties to the student under the Disability Discrimination Act. We guided the College through the disciplinary process.

### Regulatory

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).

## MANCHES

Our work for Oxford Colleges is led by Daff Richardson, Head of Education. For further information please contact her on 01865 813647 or by email: [daff.richardson@manches.com](mailto:daff.richardson@manches.com).

Manches is a leading law firm with around 160 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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