



A high degree of knowledge

Comprehensive, tailored and affordable legal support for independent schools

How we can help

Eversheds Sutherland has the right experience to provide independent schools with a comprehensive one stop shop for all of their legal needs, whether it be in relation to projects, governance, charity, HR, student, commercial, regulatory, real estate or litigation work.

All of our lawyers take a proactive and commercial approach to their work based on a risk management principles. We are always mindful of the need to secure outcomes which preserve the reputation of an educational institution and the fact that institutions are subject to high levels of public scrutiny by their many stakeholders.

We pride ourselves on being accountable and straightforward. All of the Education team believe in building long-term relationships with clients. We see it as part of our job to transfer knowledge, helping members of your team to gain confidence and skills from the experiences that we share together.

What we do for clients

International matters

We have significant experience in setting up Education branch campuses around the world,

particularly in the Gulf and Asia where we work with dedicated Education teams in our local offices. As well as working with schools we also work with many UK universities. Examples of our work include advising:

- HMC school in setting up a campus in China
- Repton International on their operations including in Dubai, Jordan and most recently in Bangalore under a franchise plus model
- BPP on the sale of the schools company MPW
- on the sale of Cambridge Education Group to Bridgepoint including its schools division
- CEG on buying various schools in the UK
- GEMS on certain of its school operations in the UK and Saudi Arabia
- ACS on its schools operations in the UK and Abu Dhabi
- Qatar Foundation (the Sovereign Wealth fund of Qatar) on schools work around the world

Our team includes immigration lawyers.

Charity law

Our team have strong relationships with the Charity Commission and work with trusts and companies of all sorts, advising on charity governance matters including: proposed changes to governing documents and Charity Commission consent for regulated changes; constitutional change (including incorporation projects); public benefit issues; fundraising and campaigns; land disposals, and issues relating to permanent endowment. We also advise on issues related to permanent endowment and linked charities.

Commercial contracts

We advise schools on all types of commercial contracts, from terms and conditions and the parent contract through to service, supply and purchasing agreements for the provision of services such as catering or cleaning. We also advise schools on procurement processes and obtaining best value, IT, IP and data protection and privacy. Our Banking lawyers often assist schools in managing their relationships with lenders.

Student and parental issues

We advise on all aspects of schools' relationships with students, parents and guardians including: drafting and advising on the parental contract (including from a consumer law perspective); on policies and procedures; admissions; conduct and discipline; suspensions and exclusions; equality law and discrimination; special educational needs and disability; safeguarding; data protection and confidentiality; and social media and reputational issues. We also advise on internal and external complaints (including to governors and the Independent Schools Inspectorate) and threatened and actual legal proceedings, providing timely and practical advice focused on dispute resolution and avoiding escalation.

Safeguarding

We support schools in discharging their safeguarding obligations. Our work includes drafting and advising on safeguarding policies and procedures; advising on schools' statutory obligations and duties under sector guidance and codes of practice; recruitment checks (including DBS checks) on staff, volunteers and governors; referrals to, and liaison with, the LADO, police, DBS and other regulatory and professional bodies; managing safeguarding issues (including suspensions, investigations and disciplinary action); support regarding compliance with the Prevent Duty and delivering training on safeguarding awareness and duties.

HR support

We advise schools on all aspects of the employment relationship covering contract and policy reviews, employment case work, managing discipline, performance and grievances and appeals, reorganisations settlement agreements, equality and diversity and representation in employment tribunal proceedings. We also regularly provide training to staff and governors on HR matters.

Pensions

Our award winning pensions team advise schools on participation in public sector schemes (TPS and LGPS) as well as other defined benefit and defined contribution schemes. We are regularly asked to assist schools with auto-enrolment requirements, funding issues and pensions risk.

Litigation and dispute resolution

We frequently advise schools on the termination of unfavourable contracts with suppliers, to minimise the risk of liability arising from those terminations. Where disputes have already arisen, we work with schools to achieve effective resolutions, whether through strategic advice without court proceedings, or by managing the litigation process to an appropriate outcome.

We also have a wealth of experience in the protection of staff and/or students from unlawful harassment, whether online, in person, or both, including the obtaining of injunctive relief from the courts where necessary.

Reputation management

Whether it is managing national press coverage of a major incident, or identifying an anonymous blogger maliciously seeking to undermine your achievements, we can work with you and/or your PR consultants, to shape media coverage and protect the hard won and valuable reputation of your school.

Data protection

Our education sector privacy and information lawyers work with schools on a daily basis to manage their data sharing, information governance and other privacy compliance risks. The team are dealing with an increase in subject access requests. We have significant experience in dealing with requests, appeals, complaints to the ICO and appeals of ICO decisions to the First Tier Tribunal: Information Rights. We are also able to advise schools on how best they can prepare for the changes in European data protection laws under the General Data Protection Regulation (and the impact of Brexit on those obligations).

School projects and mergers

We advise on all types of mergers as well as collaboration short of merger within the school and wider education sector. We can advise holistically, from due diligence and consultation at the inception of the project, through to advice on TUPE and staffing arrangements, to the drafting of the legal documentation to affect the changes. We have also acted for independent schools converting to become a free school. Our nationally recognised Academy practice has strong links within the Department for Education.

Intellectual property protection

Our IP team advise on the protection and exploitation of intellectual property (IP) rights, IP registration and enforcement and defending IP claims. Brand protection is also a key element of the support we provide to schools. Beyond that, our team assist schools with the management and licensing of learning content and resources and the drafting and negotiation of technology contracts.

Health and safety

Our team works closely with school clients, focusing on the strategic importance of good health and safety governance as well as compliance through clear workplace strategies, the successful management of critical risks and a demanding regulatory framework helping them deliver the safest environment for staff, students and other stakeholders. We also provide 24/7 crisis support in response to major incidents to help governors and senior

managers bring an emerging situation under control, investigate the cause, provide advice and support during investigations by the authorities and help to manage communications both internally and externally.

Estates management

Charity land dealings are often complex. Our dedicated team support schools with all aspects of estate management. Key areas of advice include acquisition of leases or additional freehold land when more space and facilities are required; drafting and negotiating shared use agreements with public and private sector bodies; planning; construction contracts; tenancies; joint equity schemes and, managing land disputes.

Taxation

Our Tax team has extensive experience of working with the education and charity sectors. This allows us to provide high quality commercial advice covering school and charity taxation; reliefs on gifts; cross-border matters; exemptions from income and corporation tax; business rates relief and VAT.

Recovering unpaid fees

Our dedicated Debt Recovery team undertakes both consumer and business debt collection in the education sector. The team is ranked tier 1 by the Legal 500 for debt collection. We are particularly alert to the sensitivities of debt collection in relation to current pupils and the need to work closely with bursars to manage those effectively. In summary we offer a cradle to grave service which combines the efficiency, automation and volume capacity of a debt collection agency with the flexibility, litigation capability and risk management of experienced education sector solicitors.

Recent work in the sector

- international collaboration arrangements
- trust incorporation
- mergers
- advice on banking and relationships with lenders
- conversion to free school/joining a MAT
- establishment of new independent school
- advising on governance issues
- advising on the transfer of an independent school and DfE regulatory requirements

Approach to fees

For all instructions that you give us we will always provide an up-front fixed or capped fee that will not be departed from unless your instructions change.

What leading trade publications say

"Eversheds Sutherland offers substantial expertise in education law, including matters relating to pensions, admissions, data protection and freedom of information. The team counsels a range of education clients.... It is steeped in all facets of governance and regulatory compliance, as well as the full spectrum of contentious matters."

"They're smart lawyers who understood the commercial aspects of any issue we raised."

"I am always confident in Eversheds' knowledge of our sector. We seek advice on a wide range of issues and there is always an expert available to give advice."

"Eversheds always respond in a timely manner and meet tight deadlines driven by our needs."

Chambers & Partners Directory

"The Education: Schools practice at Eversheds Sutherland is experienced, competent and responsive, with a broad base of knowledge in academisation, assets transfers, new building projects and DfE interaction."

"The people are intelligent, demonstrate high levels of moral integrity and humanity. They are also very emotional intelligent and able to deal effectively to a wide range of different, and often complex situations."

Legal 500

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