

A group of children in white t-shirts and black shorts are running an obstacle course on a paved area. They are jumping over yellow cones. A female teacher in a blue jacket is running alongside them, holding a stopwatch. The background shows a row of stone houses.

Legal services for academies

A PASSION FOR EDUCATION

hcr

harrison clark
rickerbys solicitors



Emma Swann
Partner
Head of Academies

Harrison Clark Rickerbys is a leading specialist in Education law with a strong track record of providing support to academies and maintained schools for over 50 years.

For more information, please contact our expert team on 03301 075 973 or visit our website at www.hcrlaw.com

Welcome...

It's easy to see why our legal services for schools are award-winning. We are nationally recognised education law experts and have a strong track record. Prompt, practical and great value for money, we support academies up and down the country. With hundreds of academy conversions under our belt, our knowledge and experience is second-to-none, and we'll be with you throughout your journey whenever you need us.

We work with schools, frequently assisting them in their aim to create or join multi-academy trusts in order to build a strong network of schools. We have considerable experience establishing hundreds of academies as charitable companies, including acting for Church of England Dioceses on some of the earliest academy conversions, 20 years ago.

We can advise on every step of formation and growth including the most appropriate governance structures, compliance with charity and company law, and negotiating with the Department for Education and local authority. We'll continue as your trusted advisor as your academy thrives, including supporting academies making significant changes.



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I continue to be very impressed with the legal services that our Church of England Trust receives from HCR. We are a growing MAT and our trustees appoint HCR as our choice of solicitors. I am very grateful for the expertise, clarification and reassurances that are given on a regular basis during the process of a school joining our trust. All legal services are completed with professionalism. Communication is outstanding and all tasks are met within the agreed time scales. Even during the pandemic, the standard of work was excellent and there was no delay when our recent school joined our trust during this period of time. Without hesitation, I highly recommend the legal services provided by HCR. Their hard work, knowledge and genuine interest in Fioretti Trust is what makes them stand out and that's why we continue to use the Education team.

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CEO, Fioretti Trust



| Getting the most from your people

Dealing with matters involving people can be incredibly time consuming, but getting your contracts and policies, and day-to-day people management right pays dividends.

We are trusted to support academies on the full ambit of employment law issues from recruitment, contracts of employment, grievances and disciplinaries, trade union matters, pay and performance to complex restructures and insourcing and outsourcing. We are also able to help with key sector issues such as holiday pay.

We understand the additional regulatory framework within which schools operate and are able to tailor our advice accordingly. We also understand the importance of funding in the sector and the impact this can have on schools. We run regular training and update sessions for schools on employment law as well.

We are experienced in assisting schools with all the legal aspects of academy conversion and the creation of MATs, including the employment aspects, and can provide support in ensuring that schools are compliant with the requirements of the TUPE regulations. We can also provide access to Eagle HR, who have HR professionals dedicated to working with schools.

We hope that issues involving teaching and support staff don't reach court but if they do, our employment solicitors are able to defend you in tribunals. In fact we've achieved a successful outcome in 98% of the employment claims we've handled for clients.



| Protecting your pupils

We can assist with a wide range of pastoral issues including: bullying, searches, use of reasonable force, special educational needs, discrimination, and safeguarding. We have years of experience handling the most sensitive issues for schools and are able to advise on protecting your reputation should matters reach the media.

We are experts in advising on claims to the First-tier SEN Tribunal and in defending and settling discrimination claims.

It's critical that your academy trust has appropriate admission statutory policies in place and we can support you with drafting and updating these policies. We can advise on the use of over-subscription criteria, handling admission appeals and supporting challenges to the Schools Adjudicator. Should it come to exclusions, we can support you to prepare for independent review panels.

We have seen an increase in vexatious parental complaints in recent years. A robust complaints policy is crucial – we can provide draft documentation and support you with handling complaints including those referred to the Education and Skills Funding Agency. We also have experience of guiding academies through mediation with parents.

“ HCR’s management of the conversion of three schools in one year has been flawless and without error. The education team drive the process at pace with a range of stakeholders and especially with stakeholders who are challenging to work with! ”

CEO, The Circle Trust

| Health and safety

Health and safety is about understanding and managing risk: protection and prevention. With increasing focus on compliance, the consequences of poor risk management can have significant reputational and financial outcomes. Our expert health and safety advisers have developed a total risk proposition to support you in meeting these challenges.

They will make it their business to understand your priorities, analyse your risk profile, identify, assess, and prioritise threats, develop mitigation strategies, monitor, and review. This is important and will help you keep your day-to-day running smoothly, with their assessment tailored to each academy trust's own circumstances.

The experiences and insights our team have gained from defending many claims and incidents arising from: employers' and public liability claims; abuse, bullying, harassment and stress; failure to educate; HSE and other regulatory investigations, prosecutions, and inquests, makes us an important partner for you.

Our specialist health and safety services include:

- Health and safety audit
- Insurance due diligence
- Crisis management
- Claims defensibility
- Disclosure
- Legal professional privilege.

“ HCR's strength and depth within the education sector is very impressive. They are proactive and always on top of the detail specific to our industry. They have the range of services and departments that you would expect in a top tier law firm but match this with a very high level of responsive and personal service. ”

Legal 500



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Picking your way through the complexities of law relating to academies is always time consuming and problematic. We worked with HCR on our original academisation and then more recently on significant changes to our academy – increasing the age range and capacity. Emma Swann was on hand at every stage to guide and support the work we had to do and cajole the necessary authorities to ensure that our project was always moving forward. We had a very tight time schedule for this project and it has only been realised because of the support from Emma and her team.

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Executive Headteacher, St Catherine's Catholic Primary School & St Mary's Catholic Primary School, Swindon



| Getting it right

In a heavily regulated sector being compliant is critical. To help you 'get it right' our legal services cover everything you'd expect including:

- Advising on governance issues, including charity and company law obligations
- Auditing, reviewing and re-drafting policies such as attendance, behaviour, charging, complaints, educational visits, medical support, exclusions, special educational needs and safeguarding
- Auditing, reviewing, and drafting your commercial contracts, such as hire facilities agreements, cleaning contracts, and school transport contracts
- Ensuring compliance with the GDPR and Data Protection Act 2018 through a package of support including data audit, privacy notices and drafting policies on data protection and taking and using images of children
- Advising on Freedom of Information requests and supporting schools facing enforcement action by the Information Commissioner's Office
- Advising on compliance with and updating your Articles of Association and Funding Agreement, and ensuring compliance with the Academy Trust Handbook, anti-bribery and corruption laws
- Handling investigations and defending people facing formal regulatory investigations and prosecutions by, for example, the Health and Safety Executive
- Applying for licences for school events

- Acquiring or selling land including school playing fields and dealing with rights of way and boundary disputes
- Dispute resolution, including helping academies navigate their way through potential claims
- Provision of company secretarial services, giving you clear guidance and practical support to ensure you meet your statutory reporting and record keeping obligations.

“ The team at HCR has acted for us for many years on matters of governance, policy development and dealing with complaints. Their work and advice is always thorough, supportive and considered. We have come to regard the education team at HCR as part of our team, they are approachable and patient, prepared to spend time in helping us to negotiate complex issues. Their input, particularly in dealing with difficult situations such as admissions complaints, has saved us many hours of work and brought clarity to our ability to respond. It is good to know that we have access to such a rich source of expertise, and we would thoroughly recommend HCR to any school that is seeking legal support. ”

Business Manager, Chadwell Heath Academy



| Commercially minded

As you will be aware, it is critical to become more commercially aware in the running of expanding MATs. We can work with you to establish trading subsidiaries for the delivery of non-core activities that generate income whilst minimising risks. We can also support you with negotiating and agreeing commercial contracts, including terms and conditions for the purchase or supply of goods and services. Having a robust Hire Facilities Agreement in place is important as more events are now taking place.

We can help you navigate your way through the system of rules and regulations governing procurement, minimising the risk of challenge and potential claims. We can help resolve disputes or enforce contractual terms if things go wrong. We can also help you protect your intellectual property rights, including registering domain names.



| Helping you grow

Whether the growth of your academy is on UK soil or involves an international element, we're here to advise and connect you to the people and organisations that can help.

Our dedicated real estate solicitors can help with planning applications, construction and development. We have experience of working on property projects large and small, ranging from thousands of pounds to an £80million new school build.

If you are considering making a significant change to your academy such as expanding your age-range or opening a satellite school we can support you through the consultation and application process and put in place the correct legal documentation to reflect the changes.



| Collaborative thinking

In a connected world there is no doubt that our schools are becoming increasingly international and if your academy has aspirations for cross-border growth, we can help. We've advised leading state schools on establishing collaborative arrangements abroad including ventures that will lead to the creation of a new international school. Our team only connects you to people we know and trust across our global network of people we've personally known for decades.



| A passion for education

We are leading specialists in education law in the UK.

If you're looking for a legal partner that has been advising schools since the inception of the academy programme, talk to us. We've worked with Church of England Diocesan Boards of Education and Diocesan multi-academy trusts, in addition to leading grammar schools and helped to increase new mixed faith MATs. Our advice is pragmatic, proactive and considers the challenges and opportunities currently facing the education sector today and in the future.

Our open dialogue about fees, our client care programme and added value briefing notes and seminars for schools is all part of what we do because of our genuine passion for education.

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HCR has continued to provide invaluable support to us this year. We were delighted that Emma Swann took the time to lead a careers session for us, with a particular focus on getting more women in law. We look forward to continuing that relationship in the future.

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CEO, The Forest of Dean Trust

| Approved ISBL Partner

HCR is an Approved Partner for the Institute of School Business Leadership (ISBL). Being confirmed as an Approved Partner demonstrates our team's technical legal expertise when working with academies and maintained schools – both as a trusted advisor and as a leader in the sector.

As an Approved Partner, we are able to provide thought leadership pieces and training to governors, headteachers and business managers on the complex issues their schools may face day-to-day. We work collaboratively with ISBL in providing school business leaders with trusted legal advice.

With over 50 years' experience in the education sector we are able to deal with the complex and strategic challenges that schools and trusts face. It is a challenging time for the sector at the moment and through our partnership with ISBL we are perfectly placed to help advise schools through the range of issues they will encounter.

For more information on ISBL and the Approved Partner programme please visit www.isbl.org.uk

Here for you when you need us

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