

Legal Services for Independent Schools

hcr

harrison clark
rickerbys solicitors



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

For more information, please contact our expert team on 03301 075 961 or visit our website at www.hcrlaw.com

Welcome...

Our education team has a real passion and enthusiasm for the sector. We have developed a deep understanding of the issues which affect independent schools.

“ **Clients note that they are experts in education and are proactive in ensuring they are ahead of the curve when advising clients.** ”

Chambers and Partners,
A Client's Guide to the Legal Profession.



Education Services to Independent Schools

We are nationally recognised by the leading legal directories for the work we do in the education sector. We have over 50 years of experience in providing support to independent schools on all the issues which may affect you.

How we can help you?

Charities and Governance

We advise on governance issues such as governors' legal obligations and structures (including the more unusual models, notably Royal Charter or Act of Parliament). We also regularly advise schools on amendments to their articles of association in order to reflect modern business practice and to protect the interests of various stakeholders in the management of the school.

Commercial Contracts

We advise on a full range of commercial contracts, including hire facility agreements, catering, security and transport agreements. We can also prepare Fees in Advance agreements. We advised schools in the context of the COVID-19 pandemic particularly on the CMA's guidance on consumer contracts. We have recently supported a school with a substantial Donation Agreement for a new theatre and advise on collaborative agreements with other schools.

Construction, Planning and Environment

Our experience ranges from dealing with large capital project support to drafting and advising on procurement routes, tenders, letters of intent, construction contracts, collateral warranties, letters of reliance and consultants' appointments. This includes bringing claims for defective work, financing options and liaising with funders for due diligence purposes. We can also provide cost effective solutions to construction disputes through adjudication, arbitration, litigation and, where possible, mediation.

Our team can also advise on any Planning, Highways or Environmental issues you may have including challenging planning decisions, advising on permitted development rights and certificates of lawfulness, drafting legal agreements and advising on heritage or habitats issues.

Data Protection

We advise on all aspects of data protection within a range of contexts including commercial agreements, handling complex information requests, outsourcing of processing to third parties and trans border transfers of pupil data, marketing and websites. We also advise and assist with the handling of Subject Access Requests, the processing of pupil biometrics and sharing of pupil data. We can also assist with the provision of data protection policies. We are experienced in helping schools handle data breaches or those facing intervention or enforcement action from the Information Commissioners Office.



Debt Recovery

We pursue fee debts on behalf of schools; our fee recovery rate is exceptional. We offer a “Pay As You Go” service or two levels of subscription service to suit your budget and expected usage.

Dispute Resolution

We help schools navigate their way through potential problems such as with photocopier contracts, waste collection arrangements and cleaning or catering service contracts.

Employment

We support schools on all types of employment issues from recruitment, contracts of employment and settlement issues including vast experience in employment tribunal matters. We also advise on disciplinary and performance management processes along with safeguarding issues and liaison with appropriate authorities. We are also able to help with sector issues such as holiday pay for VMT’s.

Immigration

We advise on applications for entry clearance or leave to remain for overseas students under Tier 4 (General) and Tier 4 (Child), Tier 4 visa appeals including an assessment of the merits of the appeal and likelihood of success and Administrative Reviews. We also advise on sponsorship duties for Highly Trusted Sponsors and compliance ahead of a Home Office Inspection. We can also assist with staff work-based visa applications; extensions or variations to their visa; and applications for permanent residency and British Citizenship for eligible staff.

Intellectual Property

We register trade marks and manage trade mark portfolios on behalf of schools. We advise on trade mark infringement, issues relating to copyright and rights in data. We can assist with rights clearances for live performances, recordings, and publications. We also regularly draft contracts relating to intellectual property, from licence agreements to publishing contracts.

IT and E-commerce

We advise schools on hardware and software contracts, domain name disputes, email and internet usage policies and website development agreements.

Licensing and Regulatory

We assist with Licensing Act 2003 applications for school events (involving the supply of alcohol or where school facilities are hired for third party events or activities). We handle internal investigations and crisis response situations and defend those facing formal regulatory investigations and prosecutions by, for example, Trading Standards and the Health and Safety Executive. We also advise on an extensive range of compliance issues such as anti-bribery and corruption compliance.

Mergers and Acquisitions

Our dedicated Corporate Education team are focused solely on education transactions and advise schools, proprietors and investors on strategic sales, acquisitions, mergers and collaborations. Our approach is innovative and not formulaic. We often attend board meetings, helping schools to evaluate their options and future strategy. The merger, sale or purchase of a school involves a number of specialist issues and a variety of stakeholders, including staff, parents and pupils, so it is both sensitive and pressurised work. We recognise the importance of confidentiality and communication as part of these transactions. As well as top-level corporate skills and international expertise, our clients benefit from the extensive list of contacts and relationships we have within the sector that we are able to use when helping to structure and complete a deal.

Pastoral, Pupil and Parent Issues

We provide a template parent contract and associated documentation tailored to you. We also advise on the full range of policies and procedures schools need to meet regulatory requirements. We frequently assist schools with pupil discipline and parental complaints, safeguarding and child protection matters, including allegations of non-recent and peer-to-peer abuse, equality obligations, SEN and learning needs and have years of experience of handling the most sensitive issues in schools.

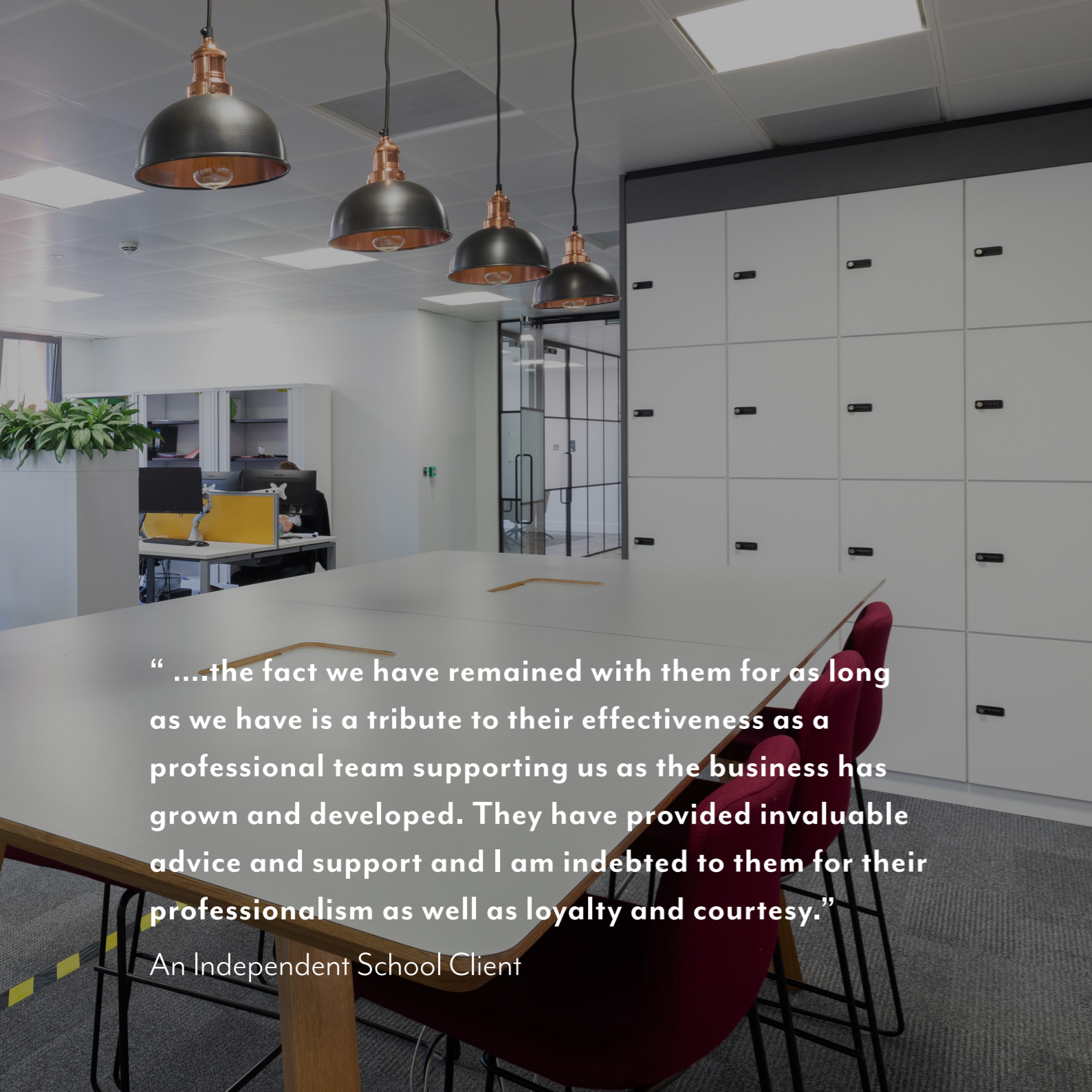
Property

We can assist schools with their property portfolios and provide advice on a range of associated topics such as boundary and covenant issues, title registration, rights of way and staff accommodation. We can carry out pre-development title checks on land on which building work is proposed, to check for rights which may conflict with your plans. In addition we advise on the sale and purchase of freehold and leasehold land on both a conditional and unconditional basis, including the imposition of overage provisions. Where applicable we will provide guidance on complying with Charities Act requirement.

Reputation Management

We can assist where errant pupils or disgruntled parents have taken to social media in an unproductive way and be part of your crisis response team ensuring your School's reputation is protected.





“ ...the fact we have remained with them for as long as we have is a tribute to their effectiveness as a professional team supporting us as the business has grown and developed. They have provided invaluable advice and support and I am indebted to them for their professionalism as well as loyalty and courtesy.”

An Independent School Client

Additional Services

Training and update sessions

We run regular training and update sessions designed to help Bursars, COO's, Heads and Governors keep up to date with legal developments affecting the independent sector. We also run bespoke training on relevant legal issues.

Pre-inspection Services

We help schools comply with the inspection requirements. We will check that all your policies and procedures which are required under statutory obligations are in place and compliant. We can help with preparing for an inspection and with any subsequent findings.


Spot on for Schools

We publish a regular newsletter for independent schools, Spot on for Schools.

International

Our international investment group brings together specialist experts from across the firm. We help school leaders engage with foreign investors using a variety of models: outright acquisition of the school, purchase of a stake in the school, joint ventures involving a new school or schools set up by both parties in the UK, cooperation agreements involving branding and consulting by the UK school for new schools overseas, and licensing of naming rights. We have very deep experience in China, as well experience in other countries in the Americas, the Middle East, Southeast Asia, and Eastern Europe.

The members of our international team have a strong record, going back to 2005 with one of the first joint universities in China. More recently, in the last five years we have worked on dozens of overseas franchise projects. We believe the potential for UK education overseas is only just beginning to be recognised.



“ [The Education team] are very responsive, they understand the market that we operate in ... the billing is easily identifiable to the quantity and value of work provided.”

An Independent School Client.

“I would like to thank you for an excellent Safeguarding Training Session. The Governors found this interactive training exceptionally useful in understanding their legal responsibilities for Safeguarding. It is clear that we could not have wished for a better explanation of the changes to the recent Keeping Children Safe in Education regulations. We have a very experienced set of Governors and they all commented that this was the best training session that they had received on the subject.”

Bursar, Headington School.

Case Studies

Case Study 1

We established a new independent school including registration with the Department for Education; registration with the Charity Commission, ensuring the Articles of Association comply with Charity Commission requirements, advising trustees of their duties and responsibilities of the newly formed entity and the school's ongoing obligations as a result of registration with the Department for Education.

Case Study 2

We advised an independent school on a pupil discipline and parental complaint and the implementation of the Behaviour Policy and Complaints Procedure. We supported the governors through the complaints process and panel hearing and advised on the contractual issues which arose as a result.

Case Study 3

We advised an independent school on the restructure of its language department, partly due to parental demand for a wider curriculum. We advised the school on the process, consultation and ensured the restructure was carried out successfully without any adverse effects or tribunal claims and in accordance with the school's timetable for reform.

Case Study 4

Our team assisted an independent school with finance arrangements and final account dispute in respect of a new boarding house. There had been significant positioning between the school and the contractor over snagging, defects and the final certificate. We helped the school with tactical and procedural advice.

Case Study 5

HCR were instructed in July 2021 to assist with a school franchise project in Vietnam. Our international team led by Nicolas Groffman is familiar with Vietnam and has good contacts there. We were able to launch straight into the project, review due diligence materials and spot issues, which took around



“The heads of department training session was delivered with confidence, clarity and common sense. I don't quite know how you could turn Employment Law and the pitfalls into an exciting experience, but it was very informative! A significant number have commented on the excellent delivery of the presentation and your obvious experience and expertise in what can be a daunting section of law.”

Blundell's School

one month. We drafted a cooperation agreement from scratch that covered IP licence, franchise and curriculum/teaching cooperation terms. This was negotiated with the Vietnamese counterparty mostly by email with two all-party Zoom meetings. Differences were ironed out and the final documents were signed in early November 2021 after a little more than four months legal work. This is relatively fast for a far-eastern school franchise deal. The efficiency and speed of the project was partly due to the sophistication and flexibility of the school project leader, partly the flexibility of the Vietnamese side, but also due to HCR's experience in that region of the world. We know what issues to watch out for, what issues need to be fought hard for and what should be allowed to go. We are also familiar with enforceability methods in Vietnam, and have good contacts both in the UK government and in Vietnam who can help protect our rights.

Talk to us

If you would like to know more about our services please call us for an informal, no-obligation chat.

Kristine Scott

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London

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F: 0207 681 1261

Milton Keynes

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