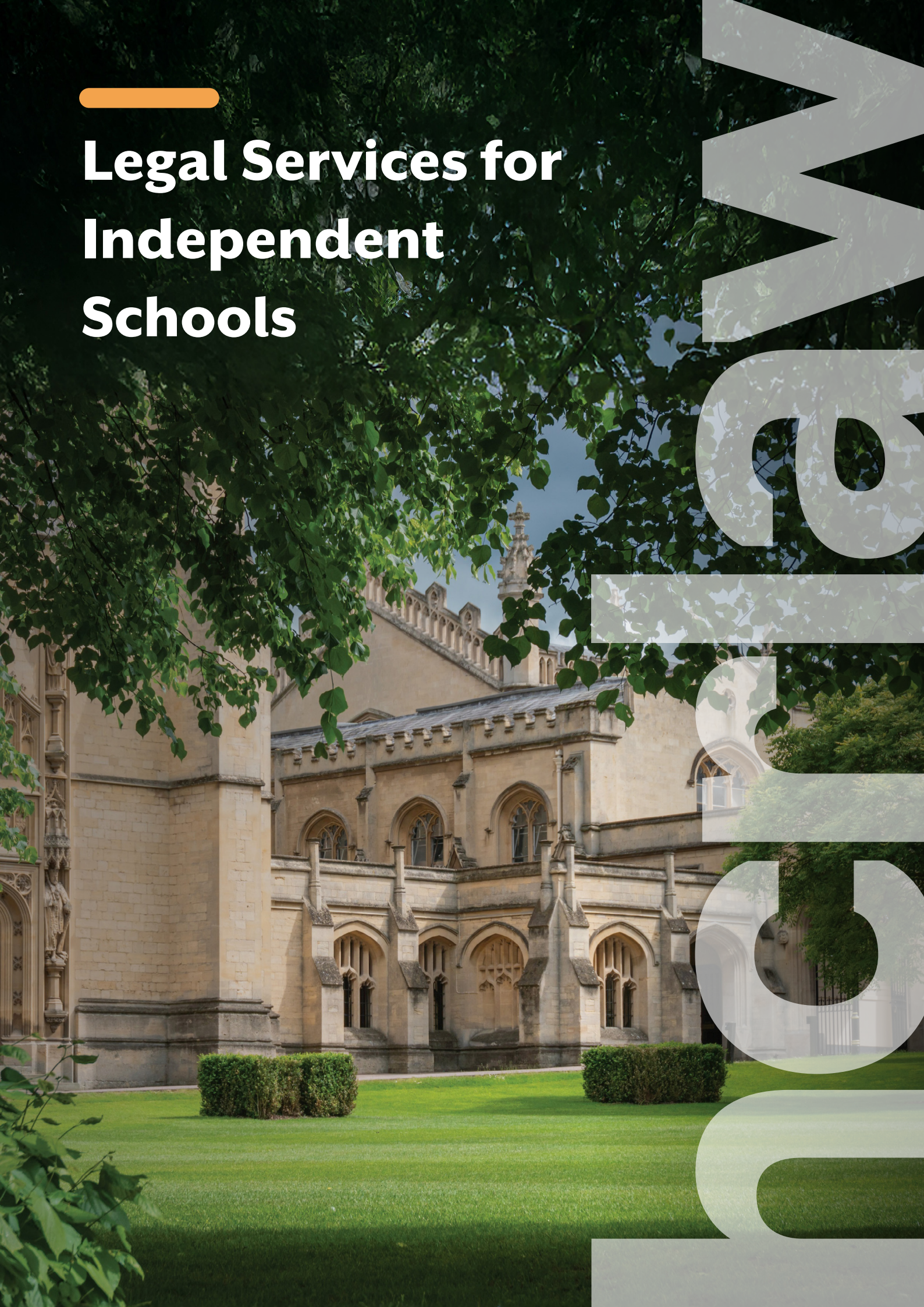




# Legal Services for Independent Schools



# THE LAW FIRM WITH A PASSION FOR PEOPLE

## Welcome

Our Education team has a real passion and enthusiasm for the sector. We've developed a deep understanding of the issues which affect independent schools and there's rarely a challenge we're not familiar with and able to successfully advise schools on.

The team brings together specialist expertise in corporate education, including sales, mergers, acquisitions and charitable collaborations, as well as data protection and safeguarding issues, staffing challenges in schools, and plenty more besides.

## Who are we

HCR Law is a Top 50 law firm, with 13 offices throughout the UK. We're nationally recognised for our work across the Education sector, providing the full range of legal advice to schools, as well as for our safeguarding expertise both in the UK and internationally.

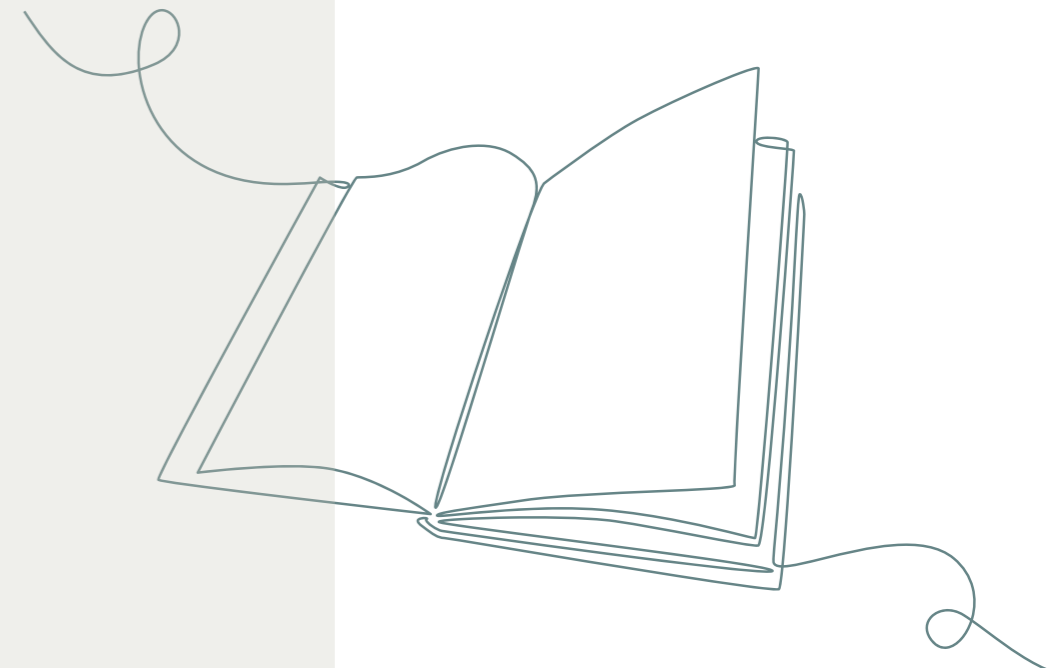
We've been trusted advisers to independent schools for over 50 years, working closely with leading institutions including the Independent Schools' Bursars Association (ISBA) to help schools navigate challenges and opportunities in an ever-changing landscape.

“ HCR are fantastic at understanding how independent schools work and the challenges we face. ”  
Legal 500 2026



## Kristine Scott

Partner, Head of Education





## Education services to independent schools

**We're nationally recognised by leading legal directories and sector institutions for the work we do for the education sector. We have a proven track record of providing legal support to independent schools and our dedicated solicitors understand the unique challenges and opportunities that arise in this sector.**

## How can we help you?

### Mergers, acquisitions and charitable collaborations

Our dedicated Corporate Education team are focused solely on education transactions and advise schools, proprietors and investors on strategic sales, acquisitions, charitable mergers and collaborations. Our approach is innovative, not formulaic. We often attend board meetings, helping schools evaluate their options and inform their future strategy. The merger, sale or acquisition of a school involves numerous specialist legislative and regulatory issues and impacts a variety of stakeholders, including staff, parents and pupils, so this is sensitive and pressurised work. We recognise the importance of confidentiality and communication throughout these transactions. As well as top-level corporate skills and international expertise, our clients benefit from the strong relationships we have throughout the sector and our extensive list of contacts in structuring and progressing a deal to completion.

### Charities and governance

We advise schools on the full range of governance and charity law issues. This includes governance reviews, advising on legal structures (including Royal Charter and Act of Parliament models), drafting governance policies and procedures (including Codes of Governance, Conflicts of Interests policies and Schemes of Delegation) and advising on vires and powers (including in relation to mergers, disposals and securing finance). Our specialist team also support independent schools with governance training for boards and management teams, particularly in relation to duties and responsibilities.

### Pastoral, pupil and parent issues

Having developed and refined documentation for schools over the past five decades, we provide a template parent contract and associated documentation tailored to you. We also advise on the full range of policies and procedures independent schools need to follow to meet regulatory requirements. We frequently assist schools with pupil discipline, parental complaints, safeguarding and child protection matters, including allegations of non-recent and child-on-child abuse, equality obligations, SEN and learning needs. Our specialist solicitors have extensive experience in handling the most sensitive issues, including disability discrimination claims, for schools.





### **Child protection and safeguarding**

Our safeguarding and child protection policy and checklist has been adopted by schools across the country and we provide copies tailored to their unique needs. We have considerable experience assisting schools with allegations of staff and child-on-child abuse, including serious violence and online abuse. The team frequently advise on matters involving multiple local authorities and safeguarding partners, including the police. We are experts in international safeguarding and have recently conducted safeguarding due diligence on a significant scale for several global school groups.

### **Employment and staffing matters**

Our employment specialists work exclusively with schools to provide strategic and pragmatic advice that's appreciative of sector-specific staffing challenges. We support independent schools with the full range of employment issues, including safer recruitment, performance and absence management, disciplinary matters (including safeguarding allegations), TUPE, severance arrangements and Employment Tribunal cases. The team regularly advise on complex restructuring and redundancy processes as well as TPS consultations and trade union activity. We also draft and annually update the model contracts of employment and staff handbook for the sector, published by the ISBA and the Independent Association of Prep Schools.

### **Property**

We are often called on to 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. By carrying out pre-development title checks on land on which building work is proposed, we 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 requirements set out by the Charities Act.

### **Data protection**

We advise on all aspects of data protection across a range of contexts. This includes commercial agreements, handling complex information requests, outsourcing processing to third parties, and cross-border transfers of pupil data, marketing and websites. We assist with the provision of data protection policies and also advise on handling Subject Access Requests, processing pupil biometrics and sharing pupil data appropriately. Should an issue arise, our team are ready to help independent schools handling data breaches or facing intervention or enforcement action from the Information Commissioner's Office.



“ The team is truly specialist, with huge experience in looking after all forms of educational establishments and professionals. They have sufficient size and depth in order to provide a highly skilled and bespoke service. ”

Legal 500 2026

### **Dispute resolution and debt recovery**

We support schools to resolve disputes relating to anything from photocopier contracts to waste collection arrangements and cleaning and catering contracts. We also regularly advise independent schools on recovering outstanding fees and have an exceptional fee recovery rate.

### **Health and safety and insurance**

Our team provide specialist advice on education insurance, policy wordings and disputes. We also work closely with schools on resolving sensitive and complex claims (both pre and post litigation), incident investigations, the Health and Safety Executive regulatory investigations and inquests. The team has also developed and delivered business resilience initiatives tailored to schools to identify and mitigate risk.

### **Reputation management**

Reputation is invaluable to independent schools. Should errant pupils or disgruntled parents take to social media in an unproductive way, our specialist solicitors will be part of your crisis response team and ensure your school's reputation is protected.

### **Immigration**

Our specialist team support on all aspects of immigration for schools, including how to obtain a sponsor licence and sponsor overseas pupils and staff. We also advise on pupil visa applications and renewals for pupils coming to the UK to study under the Student and Child Student routes and on work-based visa applications for staff (including extensions or variations to such visas), as well as applications to settle in the UK permanently and for British Citizenship where eligible. If you hold a sponsor licence, whether under the Student or Worker routes, we make sure that you are aware of your duties as a licensed sponsor, including what happens to a sponsor licence in the event of a takeover, merger or other change of ownership. We also conduct compliance audits ahead of a suspected Home Office visit.

“ The firm’s commercial awareness is teamed with legal and pragmatic solutions. ”  
Legal 500 2026

### Commercial and contractual advice

We advise schools on the full range of commercial contracts they may enter into, including facility hire, catering, security and transport agreements. We also prepare Fees in Advance agreements. We regularly advise on collaborative agreements with other schools as well as substantial donations that may be made to schools.

### Intellectual Property, IT and commerce

Our intellectual property specialists regularly register trade marks and manage portfolios on behalf of schools, advising on any infringement or copyright issues. We also assist with rights clearances for live performances, recordings and publications. We regularly draft contracts relating to intellectual property, from licensing agreements to publishing contracts. We also advise schools on their IT and e-commerce agreements, including hardware and software contracts, domain name disputes, email and internet usage policies, and website development agreements.

### 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 provide cost effective solutions to construction disputes through adjudication, arbitration, litigation and, where possible, mediation. Our team also includes experts in planning, highways and environmental matters enabling us to support with any 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.

### Restructuring and insolvency

Our dedicated Restructuring and Insolvency team deals with a range of solvency issues for schools. The team’s remit extends from advising boards and stakeholders in distressed businesses to transactional insolvency appointments and contentious matters. We work seamlessly with our Corporate Education specialists to advise boards, directors and bursars regarding their obligations and duties when a school is in or approaching financial distress, including proactive cost reduction measures and policies. We regularly act with specialist firms of licenced insolvency practitioners and accountants to help schools understand their cashflow requirements and estimate outcomes from insolvency. We also advise on alternatives to formal insolvency, including non-exhaustively refinancing, accelerated sales of assets, and controlled closures.

### Banking and finance

We advise schools on the refinancing of schools’ existing loan and development finance facilities to support new construction projects. This includes reviewing and negotiating Loan Market Association agreements and supporting security taken over a school’s property and assets. We work closely with the Corporate Education team on the financial aspects of mergers and acquisitions, liaising with banks and documenting the release of security on the completion of such transactions. Finally, we support our debt recovery colleagues on the implementation of fee agreements with indebted parents and the taking of security for such debts over the freehold or leasehold property of parents.



## Additional services

### HCR Flex

Our flexible ongoing secondment service allows HCR to act as an extension of your team, working closely with you and your senior leadership team and board as required during times of challenge or change. Schools can flex the level of support they receive up or down as needs evolve, with full visibility of costs and commitment.

- We conduct a standalone review of contracting processes and documentation, where a school is engaging with suppliers and customers of school’s commercial activities (such as facility leasing) and make recommendations as to how these can be improved
- Supporting school staff in reviewing key contracts as they arise from time to time. We offer a pragmatic, cost effective contract review service where we provide a risk based (red, amber, green) assessment of key contracts against a pre-agreed set of material issues. This is designed to focus on the fundamental issues only (to keep costs and delays to a minimum) and to take some pressure off bursars/finance directors and other school staff who otherwise have this responsibility.

### 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 inspection requirements, checking that all policies and procedures required under statutory obligations are in place and compliant, helping with preparing for inspections as well as supporting with any subsequent findings.

### Spot on for Schools

Our monthly newsletter, Spot on for Schools, addresses key updates and developments across the Education sector. You can sign up to receive the newsletter through our website.



## International

Our international team 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 also assist with carrying out due diligence on relevant parties. We have extensive experience working across borders in the Education sector, particularly in China, the Americas, the Middle East, Southeast Asia, and Eastern Europe.

The team have a strong record, going back to 2005 when we advised on one of the first joint universities in China. In the last five years we have worked on dozens of overseas franchise projects including projects in Thailand, the Middle East and Cambodia. We believe the potential for UK education overseas is only just beginning to be recognised and we're dedicated to helping schools achieve their goals in this area.

### Case study

We were instructed to assist with a school franchise project in Vietnam, a jurisdiction we were already experienced in. The first step was to conduct a due diligence review and identify any issues, before drafting a cooperation agreement from scratch covering IP licence, franchise and curriculum / teaching cooperation terms. We negotiated successfully with the Vietnamese counterparty.

The final documents were signed after little more than four months of legal work – a fast turnaround for a school franchise deal in the Far East. This efficiency was thanks to the sophistication and flexibility of the project leader, flexibility from the Vietnamese party, and HCR's extensive experience. We know which issues to watch out for, which need to be fought for, and which we can let go.

“ The team are innovative and creative. ”

Legal 500 2026

“ Highly regarded for representing various independent schools in a wide range of matters, including Teachers' Pension Scheme withdrawal, sensitive safeguarding issues and the issue of national strike action. HCR Law's education department is adept in transactions, trustee advice, data protection, employment and specialist education sector legal and regulatory counsel. ”

Legal 500 2025



## Case studies

### Advising the ISBA

We've provided advice and guidance to the ISBA for over 15 years. Most recently, we've advised them on the significant issues currently facing the sector, including drafting guidance and letters for independent schools in relation to strike action by trade unions, providing advice and guidance on staff restructuring processes and advising on procedures to follow in relation to parental complaints to name just a few. We are the ISBA's preferred legal adviser and the guiding documents and policies we advise them on are distributed to their 1,300 member schools.

### Saving a school from closure through sale

We represented the charity that operated an independent school for pupils aged between 2 and 11. The Board of Governors selected us to act on their behalf in relation to a proposed sale to a well-known UK commercial school group. The school was in financial distress and urgent investment was required to avoid closure. After a proposed sale was aborted, their future was in serious doubt. However, by using our established and extensive contact list of potential investors, including well-known private and charitable school groups and international funders, we were able to find a buyer at very short notice. We also introduced a specialist chartered surveyor to provide a charity law compliant report for the school.

We guided the Board of Governors through their options and the accelerated sale process, whilst ensuring that they understood both their duties as trustees and directors of the charity.

The school was sold in December 2024, safeguarding not only the education of pupils, but also securing funding to improve the school's existing facilities.

### Advising on a property dispute

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. Thanks to our experience with this type of matters we were able to provide the school with tactical and procedural advice.

# Case studies

## Supporting on a sensitive safeguarding matter

A school contacted us regarding complex, sensitive safeguarding allegations made by former pupils against a current member of staff in relation to the statutory guidance, Keeping Children Safe in Education. We supported the school, liaising with the Local Authority Designated Officer, advising on whether suspension was required and the preparation of risk assessments, including assessing any immediate risk to current pupils. The investigations, disciplinary processes and decision-making took several months due to the complex nature of the allegations and investigation.

The investigation involved almost 20 witnesses, an external third-party professional regulator and their safeguarding team, as well as the Charity Commission. We also advised on complex data protection issues around the disclosure of witness statements, the investigation report itself and overall process. The matter led to a significant amount of correspondence from parents which needed careful handling due to the sensitive and confidential nature of the investigation, as well as the duty of care owed to the staff members involved.

Using our expertise in this niche area of law, we mitigated the risk of legal challenge and ensured compliance with the school's statutory obligations.

## Sensitivity and expertise to support a restructure

An independent school required support 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 studies

## Charitable collaboration between two schools

Our client was a charity that runs an independent day school for boys and girls aged from 0 to 13.

The transaction was a strategic charitable collaboration in which one school, as the larger corporate entity, became the sole corporate member of the second school.

This type of corporate work is not commonplace and requires niche expertise. The Board of Governors selected us to act on their behalf in the charitable collaboration because of our strong track record in this area.

We advised the Board of Governors on the change of control agreement and amending the governing document. Throughout the process, we ensured that the Board's duties as trustees and directors of the charity were considered at all times to ensure a smooth transition and compliance with charity law.

## Safeguarding due diligence for global education group

The Education team was instructed by a global private equity house as part of a potential investment to conduct a safeguarding due diligence review and report on a global education group that was seeking to raise capital. The review was broad in scope covering safeguarding as well as risk and identifying any red flags which may impact the decision to invest, particularly from a reputational perspective.

The schools group consisted of nearly 100 schools worldwide and more than 85,000 pupils across several continents. At group level we reviewed the management and reporting of safeguarding including oversight, reporting structures, compliance, safer recruitment and training. We focused on how safeguarding is governed across a worldwide group and worked closely with their management team to understand their approach to keeping children safe.

The work, which included liaising with other professional advisers and a final report for the investment committee, had to be completed in a very short timeframe of 3-4 weeks and involved various team members across disciplines within the education sector. This work is niche and requires specialist expertise in safeguarding worldwide.



## Meet the team

### Key contacts

#### **Kristine Scott, Partner, Head of Education**

**M:** 07725 242 991 | **E:** [kscott@hcrlaw.com](mailto:kscott@hcrlaw.com)

Krissy is a trusted adviser to independent schools and the wider Education sector and has developed her practice over 25 years. She has a deep understanding of the strategic challenges in the sector and has specialist knowledge of safeguarding, parental complaints, sensitive discrimination issues and pastoral matters.



**Rachel Parkin**  
Partner, Joint Head of Education and Charities

**M:** 07814 209 967  
**E:** [rparkin@hcrlaw.com](mailto:rparkin@hcrlaw.com)



**Oliver Daniels**  
Partner, Joint Head of Education and Charities

**M:** 07841 004 776  
**E:** [odaniels@hcrlaw.com](mailto:odaniels@hcrlaw.com)



**Rachel Gwynne**  
Partner, Head of Charities and Not-for-Profit

**M:** 07350 455 794  
**E:** [rgwynne@hcrlaw.com](mailto:rgwynne@hcrlaw.com)



**Morgan West**  
Partner, Real Estate

**M:** 07525 594 645  
**E:** [mwest@hcrlaw.com](mailto:mwest@hcrlaw.com)



**James Morgan**  
Partner, Corporate Education

**M:** 07791 894 955  
**E:** [jmorgan@hcrlaw.com](mailto:jmorgan@hcrlaw.com)

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