

# KCS Procurement Services Prospectus Guide June 2025

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## Introduction

“We are delighted to be appointed to the KCS Procurement Legal Services Framework. Our appointment further emphasizes the strength and depth of expertise we have to offer to the public sector.

We look forward to the opportunities that our appointment will bring and to working closely with the KCS Procurement Services members to help them deliver their goals over the coming months and years.”

David Richardson

Lead Partner and Joint Head of Public Sector  
KCS Procurement  
Relationship Manager



## Our expertise

### Bringing everything together

We have been a supplier to the public sector for more than 25 years, and every year we handle hundreds of instructions for our public sector clients. Our understanding of the demands on you, means that we can bring together our experience, skills, knowledge, and people to understand your problems and deliver solutions quickly – and so save you money.

Ashfords meets challenges head-on, and has an excellent track record of developing solutions for our clients in these demanding times. We are well aware of the political dimension of satisfying functions and the delivery of services and are experienced in operating in a public sector context.

### Meeting your needs

I am the lead relationship manager for the framework and have overall responsibility for the delivery of our services to you. However each instruction will be led by a specialist partner and a skilled project team. I am directly supported by James Falle, who as the KCS Procurement Services account manager is responsible for managing all instructions made through the framework.

We have a strong and vast team of public sector specialist lawyers with access to our wider firm for additional capacity. In this prospectus you will find further details of the services we can deliver, along with examples of our experience and key contacts.

## About us

Ashfords is a full-service legal and regulatory provider covering over 20 practice areas for clients across the UK. The majority of our services are nationally recognised in legal directory rankings such as Legal 500 and Chambers and Partners.



### David Richardson

Lead Partner

Relationship Manager

[d.richardson@ashfords.co.uk](mailto:d.richardson@ashfords.co.uk)

Direct +44 (0)1392 333745

Mobile +44 (0)7714 333443



### James Falle

Partner

Procurement Services Account Manager

[j.falle@ashfords.co.uk](mailto:j.falle@ashfords.co.uk)

Direct +44 (0)1392 333980

Mobile +44 (0)7849 642550

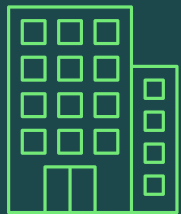
For bid/tender opportunities please contact:

[tenders@ashfords.co.uk](mailto:tenders@ashfords.co.uk)

# Ashfords at a glance

Lawyers you can count on to deliver because we care as much as you do about getting the right result.

## Ashfords in numbers



**4** offices

in the UK.

**500+**  
people



working flexibly as part of our 'Ways of Working' framework.



**+70** countries

worldwide where we can support clients with their legal needs.

## Recognition



Recognised in  
**Legal 500**

in **35 practice areas** with **10 Leading Associates**, and a **25% increase** in top tier rankings.



Recognised  
by **Chambers**

**7** band 1 practice areas  
**40** band 1 - 3 lawyers  
**7** Up and Coming & Associates to Watch

Advised on the completion of

**over 150 deals**

helping clients as they take their businesses to the next stage.



Recognised by

**World Trademark Review**

as a leading UK trademark practice for the fifth year.

Ranked by

**Experian MarketIQ**

as one of the most active legal advisers by volume - top five in the South West.



## Environmental & community impact



Raising over £55k for **St Mungo's**, **The Ocean Conservation Trust** and **Trussell** as part of our 'Power of Three' fundraising programme.



**490+**

volunteering hours recorded across a wide range of projects.

**238tCO2e**

Tracking our carbon emissions and making environmental investments to mitigate those emissions including with various tree planting initiatives.

**575kg**

Food donated to local foodbanks in the South West and London.



**£6k**

To support the next generation of ocean guardians studying at Plymouth University's globally recognised Marine Institute.



**20**

Students welcomed as part of our social mobility work experience programmes, designed to promote wider access to a legal career.

# Our environmental strategy

Our aim is “to minimise the impact of our business on the environment”.

Ashfords recognises that our environmental impact primarily relates to the operation of our offices, use of office materials and IT equipment and travel of our employees.

## Our Environmental Policy outlines the steps we have taken to:

- **Manage** – manage the impact our operations have on the environment, making environmentally conscious decisions in the operation of our business and promoting a firmwide 'green' culture.
- **Minimise** – reduce our consumption of materials and energy, minimise waste and pollution, and meaningfully reduce our carbon footprint.
- **Improve** – actively improve the environment in the areas in which we live and work with a focus on increasing biodiversity.

## How are we going to continue to improve?

- Creation of an Environmental Management System and look to gain formal accreditation ISO14001.
- Net Zero by 2040 - near term goal to reduce current reportable emissions (scope 2 and 3) and analyse complete scope 3 emissions to understand true carbon footprint and path to Net Zero by 2040, ahead of the UK 2050 target.
- Minimise consumption – Reduce, reuse and recycle.
- Improve the environment by working with environmental charities and making environmental investments.

## Recent highlights

- **0% of waste recycled to 63% waste recycled:** We changed our waste collection services to binit in May 2024. We now separate our waste at source and have a 63% recycling rate. Our previous 'zero waste to landfill' contractor incinerated our waste.
- **£10,000 donated to protect our oceans and marine habitats:** As part of our power of three charity initiative with the ocean conservation trust.
- **£6,000 donated to fund marine science:** Scholarships for marine-related postgraduate courses.

## Administrative & public law

We advise on:

- corporate structures and delivery models;
- judicial reviews and statutory challenges;
- vires and constitutional issues;
- legal and procedural advice to Cabinets, committees and panels;
- decision-making processes;
- complaints and disciplinary procedures regarding the conduct of officers and members; and
- providing support to monitoring officers.

### Spotlight experience

- We provide legal services to London Borough of Wandsworth and the London Borough of Richmond upon Thames (with which London Borough of Wandsworth have been sharing services since October 2016). We are the main legal provider for criminal and civil litigation services, housing management services, employment, planning and highways and contracts and procurement.

## Non-complex finance & investment

We advise on:

- advising on general banking matters (domestic and overseas, including loan agreements, guarantees and security arrangements), trade finance and financial litigation;
- asset finance;
- capital markets;
- acquisition finance;
- project finance;
- restructuring / insolvency; and
- loans / lending.

### Spotlight experience

- Ashfords provided finance advice to a local authority owned housing delivery vehicle. We advised the Company on the circa £38 million loans to be provided to it by the London Borough, and the associated security documentation. Their loans had to be carefully structured in a State aid compliant manner given that the lender is a public sector entity.



# Contracts

We advise on:

- advising on, drafting and negotiating agreements relating to commercial activities including supply of goods and services, outsourcing / contracting out of services, manufacturing, agency and distribution, concession contracts, shared service arrangements, joint ventures and grants;
- supporting relationships including advising on rights and obligations, changes, termination / exit and transition between suppliers and advising on commercial / contractual reorganisations and restructuring including novation, assignments and changes in ownership;
- advising on public infrastructure regulation such as UK/EU regulation relating to energy, water, transport and telecommunication industries necessary to support commercial transactions and/or arrangements; and
- advising on grant funding including UK replacement grant funding post-exit date; and
- advising on, drafting and negotiating grant documents.

## Spotlight experience

- We are advising Herefordshire Council and Gloucestershire County Council on the procurement, contractual suite, negotiation and contract management of the Counties superfast broadband programme. Advising on all procurement, contracts and variations over a period of 13 years. Advising on vires, state aid and subsidy control and regulatory elements as well as contractual negotiations.

# Competition law

We advise on:

- all aspects of subsidy control and legacy state aid;
- complex multi-funder projects and the application of procurement law;
- competition law;
- due diligence on supplier mergers with potential competition law implications; and
- competition considerations in responding to FOI requests, and the publication of supplier information.

## Spotlight experience

- We were instructed by the Council of the Isles of Scilly in relation to its organic thermal treatment and energy recovery project (the “OTTER Project”), which is a fundamental aspect of the Council’s “Smart Islands” programme with a capital cost of £1,930,000.

We provided a state aid report to the Council to evaluate the three primary sources of funding for the OTTER Project being the Council’s Local Enterprise Partnership, the Council itself and South West Water.



## Corporate law

We advise on:

- UK company law;
- NHS mergers and acquisitions;
- joint ventures, including public private partnerships and other forms of collaboration with the independent sector;
- use of companies limited by shares/guarantee, limited liability partnerships and other types of legal entity;
- public sector investment/stakes in private companies;
- disposals of assets by the public sector to the private sector;
- structuring private sector investment in public sector assets through corporate vehicles;
- National Security and Investment Act 2021;
- corporate governance;
- directors' duties; and
- company secretarial services.

### Spotlight experience

- Ashfords advised a local authority on its high profile potential purchase of the private sector shares in a waste collection company. The Ashfords team is advising on all aspects of the potential share purchase, including the share sale agreement, due diligence, potential pitfalls, asset transfer, pensions implications and consequences in respect of business continuity for the three services contracts.

## Data protection & information law

We advise on:

- the law surrounding the use and control of information by public and private sector bodies, including domestic and EU data protection legislation;
- international data transfers;
- data protection laws, data requests and complying with the principles of transparency; and
- freedom of information.

### Spotlight experience

- Providing ongoing GDPR compliance advice to a major public utility following its demerger. This has included amending template data protection provisions, reviewing employee communications and updating privacy policies, as well as assisting with the procurement of GDPR-related services.
- Representing a Council in successfully defending an appeal to the ICO for a freedom of information request for confidential planning documents.

# Employment

We advise on:

- the defence of employment tribunal claims of all types;
- TUPE/COSOP issues arising on a range of outsourcing projects;
- re-organisations, re-structures and redundancy programmes;
- pay structures;
- changes to terms and conditions of employment;
- disputes and negotiations with unions; and
- disciplinary and grievance procedures.

## Spotlight experience

- We helped a Unitary Authority to manage the exit of a senior manager in the most cost-effective way, with minimal damage to its reputation.
- We have advised several London Boroughs on the successful commercial resolution of complex and sensitive employment tribunal claims, in which we saved costs and management time, protected the reputation of the Authorities and avoided setting precedents for future claims.
- We worked with a London Borough in an equal pay issue in a way which avoided claims being made and saved significant amounts of money.
- We have prepared pragmatic and reasonable precedent TUPE drafting to a Local Authority for use in all outsourcing projects.

# Information technology

We advise on:

- information technology and telecoms procurement and contracting;
- design, development, maintenance and support contracts;
- restructuring of contracts and/or services;
- exit and migration/transition; and
- hardware purchasing, software licensing, managed services, e-commerce, cloud based services, convergent technologies and the internet.

## Spotlight experience

- Supporting a major public sector utility in the separation of software licences, and associated application and systems support, as part of its demerger.
- Advising Sensus UK Systems Limited on its successful joint venture bid with Arqiva for the then Department of Energy and Climate Change's nationwide Smart Meter Project.
- Advising the South West Grid for Learning Trust on its procurement of education cloud services for schools.

# Infrastructure

We advise on:

- the structure and financing of infrastructure projects and deals including PFI, PPP and non-profit distributing models;
- asset disposals;
- refinancing and reorganisation; and
- advice on regulation.

## Spotlight experience

- We advised a County Council on its Waste PPP project, which is the largest legacy waste PFI project.
- We supported a Council in negotiating changes to the project agreement to plug the funding gap when DEFRA withdrew the PFI credits. Our advice and support helped ensure that the Project was delivered on acceptable terms and re-tendering was not required.

# Intellectual property

We advise on:

- contentious and non-contentious support and advice relating to patents, copyright, trademarks, trade secrets and rights in confidential information, database rights, design rights, and other forms of intellectual property; and
- assignment and licensing of rights and commercialisation and exploitation of intellectual property.

## Spotlight experience

- We have assisted Brick by Brick (a property development company wholly owned by the London Borough of Croydon) with the registration of their trading name “COMMON GROUND ARCHITECTURE” as a UK trade mark.

We conducted a pre-filing trade mark clearance search and assessed whether there were any third parties with earlier rights who could object to their registration and/or use of the mark. We then filed and managed a UK trade mark application through to registration.

## Planning

We advise on:

- planning strategy;
- development projects and schemes;
- applications for development, construction and change of use;
- compulsory purchase orders and s106 agreements; and
- planning/development inquiries and appeals;
- judicial reviews and statutory challenges relating to planning decisions; and
- advice on the Community Infrastructure Levy.

### Spotlight experience

- Advising the London Borough of Brent in relation to Wembley Park which has 5,000 homes, has 20,000 sqm retail space, 85,000 sqm business space, car parks, and ancillary space.
- Providing the full range of planning law services to the London Borough of Wandsworth including negotiation of s106 agreements, defending judicial reviews and appeal inquiries, preparing and issuing enforcement notices, and advising on the prospects of the successful use of CPO powers.
- Undertaking all s106 agreements and highways agreements for Brick by Brick (Croydon) Limited.

## Partnerships

We advise on:

- contentious and non-contentious partnership matters.

### Spotlight experience

- Assisting a London Council in the mutualisation of its youth services, which is now part owned by staff and part owned by young people. The mutual organisation runs playgrounds, youth centres and commissioned activities and services.

## Pensions

We advise on:

- issues relating to the LGPS and NHS Pension Scheme;
- risk-sharing issues in procurement exercises, and related drafting;
- admission agreements and pension directions, and bonds / indemnities
- exit deficit and exit credit issues within the LGPS; and
- the preparation of admission body policies on the exercise of discretions.

### Spotlight experience

- Preparing all admission agreements and bonds for two London Boroughs and associated schools.
- Drafting and negotiating LGPS risk-sharing provisions for a Local Authority in various outsourcing exercises, with a view to ensuring a fair risk-sharing profile with the appointed service providers, to help retain a high number of bidders and secure overall best value of the Local Authority.

## Public procurement

We advise on:

- the application of domestic and EU public procurement law; and
- end-to-end support on procurement exercises, including drafting specifications, evaluation criteria, tender documentation and associated procurement and contractual documentation.

### Spotlight experience

- We advised CORMAC Solutions Limited (a Teckal company wholly owned by Cornwall Council) in its Highways Joint Venture with Nottinghamshire County Council.

We designed and helped implement a service delivery model for the JV which complied with the procurement rules. This involved advising on the 'Teckal' and 'Hamburg' exemptions including analysis of the scope of the 'reverse-Teckal' derogations. We also advised on general procurement, local government vires and governance, property, commercial and tax matters.

## Property real estate & construction

We advise on:

- crown, commercial and residential real estate Inc. investment;
- site and property re/development;
- acquisition and disposal (Inc. relevant tax advice);
- compulsory purchase;
- freehold, leasehold and licences;
- landlord and tenant matters;
- real estate litigation;
- construction contracts (standard forms such as JCT, NEC, IChemE and bespoke forms);
- building and engineering, repairs and maintenance, housing and regeneration contracts;
- consultants' appointments;
- development agreements;
- collateral warranties and letters of reliance;
- performance security: bonds and parent company guarantees; and
- construction disputes including proceeding by way of the pre-action protocol for construction and engineering disputes, adjudication, arbitration, litigation and mediation.

### Spotlight experience

- Advising a JV formed by a London Borough and an RP on a six year £130m regeneration scheme that developed 700 affordable homes, other mixed tenure houses, and private sale homes.

## Energy, natural resources & climate change

We advise on:

- all matters relating to renewable energy, energy from waste, natural resources, energy infrastructure and innovation projects;
- the structuring, financing, construction, development, regulation and operation of these projects;
- permitting, regulatory and environmental issues;
- solar, wind, hydro, battery, EfW, AD and biomass schemes;
- district heating;
- smart meter technology;
- energy efficiency measures Inc. EaaS projects;
- EV and alternative fuel infrastructure;
- waste collection, management and disposal contract procurement;
- PFI/PPP, JVs and partnership projects; and
- structural variations to finance documents, project agreements and sub-contracts.

### Spotlight experience

- Acting for a local authority on its solar project, under which the Council will design, install, own and operate a solar facility located on land owned by it, to supply electricity by private wire to the local hospital under an Energy Savings Agreement. Advising on the terms of the Energy Savings Agreement, vires and structuring, EPC contract and procurement

## Projects

We advise on:

- the structuring, financing, construction, development, regulation and operation of these projects;
- permitting, regulatory and environmental issues;
- solar, wind, hydro, battery, EfW, AD and biomass schemes;
- district heating;
- smart meter technology;
- energy efficiency measures Inc. EaaS projects;
- EV and alternative fuel infrastructure;
- waste collection, management and disposal contract procurement;
- PFI/PPP, JVs and partnership projects; and
- structural variations to finance documents, project agreements and sub-contracts.

### Spotlight experience

- Advised North Yorkshire County Council on the North Yorkshire Waste PPP, which is the largest legacy waste PFI project. We supported North Yorkshire in negotiating with a private sector partner to design, build, finance and operate a waste treatment facility involving energy from waste, mechanical treatment, anaerobic digestion and incinerator bottom ash. Total third party funding required for the Project was approximately £350 million.

## Restructuring & insolvency

We advise on:

- supplier, partner and supply-chain insolvencies and restructuring; and
- consequences (and mitigation) of insolvency of suppliers.

### Spotlight experience

- Advising a Registered Provider following the insolvency of its contractor on a complex development scheme. This included advice on contract and performance issues and advising on novation risk, contracting and bond issues.
- Advising a local authority as creditor and funder of a regeneration project when the developer entered administration prior to completion. Including advice on: obtaining possession of the property; status of payments made to the insolvent company, consideration of trust claims and options for recovery; liabilities owed to sub-contractors.



## Children & vulnerable adults

We advise on:

- adoption, social work, child-related and child protection issues;
- rights and obligations of public bodies, issues in relation to mental capacity, end of life care and funding, ageing population and costs of care issues; and
- commissioning of related services.

### Spotlight experience

- Acting for an incapacitated individual on the instruction of her independent mental capacity advocate in Court of Protection proceedings seeking to address various safeguarding concerns raised while the client was in the care of her family.

## Food, rural & environmental affairs

We advise on:

- water, air and land use, including emissions and pollution;
- water services and quality;
- flooding;
- waste and recycling;
- fisheries and marine;
- food and farming; and
- animal and plant health and animal welfare; and wildlife.

### Spotlight experience

- Advising on the marine planning and licensing issues for a £500m coastal regeneration project. Prosecutions on behalf of harbour authorities for environmental breaches.
- Successfully prosecuting an individual on behalf of a Consortium of Somerset Drainage Boards for tampering with sluice gates on the Somerset levels, and nearly flooding a village. Prosecutions on behalf of local authorities against businesses for dumping regulated waste.

## Franchise law

We advise on:

- the design and establishment of franchise arrangements; and
- advice on contentious and non-contentious aspects of franchise agreements.

### Spotlight experience

- Advising Subway on its property transactions with franchisees, including commercial lease transactions, and the sale and purchase of existing Subway stores. We have advised Subway for 18 years and handled over 1,000 leases and over 1,250 store transfers. Enforcement of restrictive covenants against rogue franchisees through injunction proceedings.
- Advising a Franchisee in the Adult Social Care Sector on a dispute with a Franchisor on the termination of the Franchise Agreement. The matter was the subject of an interim injunction in the High Court and involved the local authority client of the franchisee attending Court in a representative capacity in the interests of the services users impacted by the interim injunction.

## Health, healthcare & social care

We advise on:

- policy and legislation;
- commissioning; and
- all transactional, litigious and regulatory issues relating to Central Government and the NHS and to the regulation of health, mental health and social care services or settings.

### Spotlight experience

- Acting for the Trust in connection with the lease of a site including obsolete hospital buildings for conversion and redevelopment as a studio school offering 14 to 19 education specialising in a range of healthcare skills appropriate and relevant to the Trust.
- Advising on the sale of Research Instruments, specialising in cutting-edge technology, consumables and hardware in the field of in-vitro fertilisation and in micromanipulation technology, to Cooper Surgical for \$51m.

## Life science

We advise on:

- protection of intellectual property;
- licensing, acquisition and disposal of intellectual property;
- joint ventures, including public private partnerships and other forms of collaboration with the independent sector;
- use of companies limited by shares/guarantee, limited liability partnerships and other types of legal entity;
- regulatory issues relating to medical devices;
- data protection compliance;
- National Security and Investment Act 2021; and
- dispute resolution.

### Spotlight experience

- We support health and social care providers, digital health and life sciences companies, their investors and lenders, and property developers in the healthcare sector on all of their legal and regulatory requirements throughout the lifecycle of these businesses.
- Providing advice on the production and sale of medical devices and related regulatory requirements for complex and innovative products.

## Telecommunications

We advise on:

- contentious and non-contentious advice and support on commercial, regulatory, compliance, transactional and intellectual property matters concerning telecommunications.

### Spotlight experience

- We advised Herefordshire Council and Gloucestershire County Council on the Borders Broadband Project which was one of four national pilot projects for the provision of regional superfast broadband under a BDUK sponsored PPP arrangement. Our work included:
  - drafting a collaborative partnership agreement between the authorities;
  - advising on procurement strategy, compliance;
  - drafting and negotiating a bespoke contract for the project; and
  - regulatory and state aid advice.

## Charities law

We advise on:

- the establishment and governance of charitable trusts.

### Spotlight experience

- We acted for a charity which ran a care home for the elderly. The charity wanted to extend the use of the buildings as a hospice and to provide help for people in the local community.

The charity's constitution did not provide for these changes and the normal process was time consuming and expensive. We therefore advised the charity on how to set up a Community Interest Company to deliver these objectives, whilst mitigating the tax impacts. The CIC model gave the charity its desired outcome with less risk, delay, and expense than through the traditional route.

## Health & safety law

We advise on:

- contentious and non-contentious health and safety matters;
- regulatory and criminal investigations;
- public inquests;
- health and safety at work;
- food safety; and
- fire safety and associated issues.

### Spotlight experience

- Advising a large social housing charity in a prosecution by HSE following the death of a child using a disabled home lift.
- Carrying out health and safety and environmental due diligence for a waste and recycling company in the acquisition of recycling operator and for an NHS trust taking over the services of another provider.
- Securing the acquittal of a Company Director charged following a fatal fall from height with gross negligence manslaughter following a crown court trial.
- Providing ongoing support, food safety and health and safety advice for a leading supplier of fresh food brands.

## Licensing law

We advise on:

- licensing for sales of alcohol or regulated entertainment;
- taxi licensing;
- licences and permits for gambling; and
- licensing due diligence.

### Spotlight experience

- A licence removed from a nightclub that had irresponsible 'special offers' on drinks and a history of drug dealing.
- A restaurant in a residential area had its opening hours restricted due to crime and anti-social behaviour linked to the premises.
- Closure of a restaurant selling unsafe and mislabelled meat products.
- Removal of a taxi driver's licence following allegations.

## Transport law (excluding rail)

We advise on:

- road based projects and infrastructure;
- logistics (contentious and non-contentious);
- haulage; and
- road regulatory matters.

### Spotlight experience

- Advising the Department for Transport on its development agreement with HS2 Limited as the delivery body for HS2.
- Advising the West Midlands Transport Executive on procurements.
- Successfully defending a transport and logistics company in a Traffic Commissioner public inquiry following alleged breaches of driver safety regulations, the working time directive, and maintenance requirements.

# Tax

We advise on:

- the application of direct and indirect taxation.

## Spotlight experience

- Acting for a local authority setting up a DevCo and advising on SDLT liability and structuring to claim group relief.
- Advising a local authority on the VAT implications of restructuring its £60 million facilities management contract.
- Advising public sector bodies on the IR35 status tests, a risk assessment methodology for potential tax liabilities, and when/ how to conduct individual case assessments.

# Outsourcing / insourcing

We advise on:

- first and subsequent generation outsourcing and insourcing (including information technology outsourcing and business process outsourcing).

## Spotlight experience

- Ashfords advised a London Borough Council on its procurement of hard and soft facilities management services via the Crown Commercial Services' Facilities Management Marketplace framework, which included:
  - advising on the mechanics of the call-off process;
  - amending the template contract documentation to meet the London Borough Council's bespoke requirements particularly in respect of its performance and payment mechanism; and
  - advising on the procurement documentation including the evaluation methodology.

## Media law

We advise on:

- broadcasting licences and other agreements;
- defamation, libel and slander; and
- ASA compliance and related issues.

### Spotlight experience

- Advising The Roald Dahl Story Company in connection with the exploitation and licensing to/merchandising by third parties of various copyright and other IP rights created by or relating to Roald Dahl. Includes drafting and negotiating various contracts.

Also assisting the Estate in preventing unlawful exploitation of those rights by taking enforcement action against infringers. Advising on TV production contracts, including for a household name business in connection with a BBC TV documentary series.

## Immigration

We advise on all aspects of immigration law.

### Spotlight experience

- Advising a NHS Foundation Trust with over 8,000 employees on all employment related immigration issues, including terminating the employment of workers who had lost their permission to work in the UK and liaising with UK Visas and Immigration on their behalf.
- Advising a care home on recruiting workers from outside the EEA to fill a skills gap.



## Public inquest & inquiries

We advise on:

- providing legal advice, support and representations for high profile inquests. The team's experience includes dealing with jury inquests and cases where complex and sensitive issues have arisen, including whether there should be referrals back to CPS for reconsideration of manslaughter; and
- providing legal advice and support, for public inquiries (statutory and non-statutory) including carrying out the role of solicitor under the Inquiries Act 2005 and the Inquiry Rules 2006, and providing legal advice and support to Inquiry Chairs, witnesses and core participants.

### Spotlight experience

- Making submission on behalf of a leading UK charity on the issuing of Prevention of Future Deaths Report, receiving a positive outcome for the charity.

## Mental health law

We advise on:

- employment law;
- insurance law;
- housing law;
- education law;
- laws that provide a right to treatment;
- involuntary commitment and guardianship law;
- laws governing the treatment of professionals, including licensing law, confidentiality, informed consent and medical malpractice;
- law governing admission of expert testimony or other psychiatric evidence in court; and
- criminal law

### Spotlight experience

- Advising a provider of community support services to Children & Young people on its obligations under the Mental Capacity Act 2005 and a care home on its contractual terms relevant to the Mental Capacity Act 2005.

## Court of Protection

We advise on:

- issues relating to capacity and best interests;
- the safeguarding responsibilities and Care Act 2014 duties of local authorities towards vulnerable adults;
- authorisation and challenges to deprivation of liberty under the Mental Capacity Act 2005;
- appointment and removal of deputies;
- disputes regarding registration and removal of powers of attorney;
- medical treatment decisions; and
- interplay between Mental Capacity Act and Mental Health Act.

### Spotlight experience

- Ashfords assisted a vulnerable young man, via his independent advocate, in a complex discharge from hospital. This case in the High Court considered the interface between the Mental Capacity Act and the Mental Health Act (case of Max Collins-Smith – 395964.2).
- Ashfords acted for an incapacitated individual via her litigation friend the Official Solicitor in a transfer from one placement to another. Ashfords were able to ensure a successful transition, without the need for restraint or sedation (case of Madeline Callaghan – 398984.1).

## Education law

We advise on:

- school workforce;
- early years; higher and further education;
- pupil/student related litigation; admissions and exclusions;
- special educational needs; and equalities issues;
- governance and re-organisation issues;
- inspection and regulation;
- finance and funding issues; and student finance;
- education-focused charity; and
- contract and property law issues relevant to the educational sector.

### Spotlight experience

- Advising on a wide range of HR and employment law issues, including the management of staff relations, and sensitive disciplinary issues.
- Securing residency for a mother and a specific issue order allowing her child to move schools, after she initially faced a lengthy court battle without legal representation.

## Litigation & dispute resolution

We advise on:

- civil litigation against and on behalf of buyers;
- alternative dispute resolution, arbitration, mediation, contractual resolution procedures, advocacy and early advice on disputes; and
- personal injury litigation, including public liability and employer's liability.

### Spotlight experience

- We advised Devon County Council in respect of an £11.5m claim against design consultants and the contractor arising from the new build construction of a school which turned out to have major defects and had to be demolished and rebuilt.

Our role involved advising the Council on strategy, pursuing the claim, including obtaining expert evidence, instructing Counsel, issuing High Court proceedings, electronic disclosure, preparing and exchanging witness statements, preparation for trial, and representing the Council at mediation. The case was successfully settled following mediation.

## Primary care

We advise on:

- advising on the commissioning and purchase of care (including prison health services), and the relationships between public sector authorities and primary care providers;
- advising on the structure of care arrangements (including for terminal and palliative care), along with the management of related disputes and compliance with relevant legislation;
- advice relating to care homes and the Care Standards Act 2000; and
- advising on the prevention and providing legal representation in relation to the detection and response to primary care fraud.

### Spotlight experience

- Acting for a number of southwest based GP surgeries in connection with the construction of new surgeries or extensions, and ongoing lettings to complementary medical services and pharmacies.
- Acting for the UK's leading home care provider in relation to the expansion of UK office network to over 80 units and ongoing property management

# Social housing

We advise on:

- funding and finance;
- housing management;
- disputes; and
- planning and development.

## Spotlight experience

- Advising on development and planning for the Duchy of Cornwall's 4,000 unit 540 acre site at Nansledan.
- Advising a JV formed by a London Borough and an RP on a six year £130m regeneration scheme that developed 700 affordable homes, other mixed tenure houses and flats, and private sale homes.
- Advising Wandsworth Borough Council on a £250 million mixed use development of a large retail site.

# Key contacts



**David Richardson**

**Partner / Head of Planning**

David jointly leads the firm's Public Sector practice. He advises on all elements of planning and public law including planning obligations, CIL, planning appeals and judicial review, CPO and compensation.



**Duncan Moors**

**Legal Director, Planning**

Prior to joining Ashfords in 2016, Duncan worked in-house for Teignbridge District Council for over 17 years, latterly as Solicitor to the Council and Deputy Monitoring Officer.



**Gareth Pinwell**

**Partner, Planning**

Gareth assists clients with pre-application appraisal for major residential, retail and renewable projects; drafting and settling Section 106 Agreements; and enforcement issues as they arise.



**Robin de Wreede**

**Partner / Joint Head of Real Estate**

Robin jointly leads the firm's Public Sector practice. He advises on public and private sector large scale strategic regeneration and development projects, acquisition and disposal, and landlord and tenant matters.



**Andrew Worley**

**Partner, Real Estate**

Andrew has particular expertise in franchise work with a food and drink element and transactions for SIPP/SSAS schemes and advises clients in respect of units at all stages of development both new and old in respect of registered and unregistered land.



**Tanya Edmonds**

**Legal Director, Housing**

Tanya deals with all aspects of acquisitions and development projects for RP's, HA's and DevCo's with a particular focus on s106 acquisitions, affordable land and build transactions, and associated intra-company arrangements.



**Sian Gibbon**

**Partner, Property Litigation**

Sian deals with a wide range of property disputes, acting for registered providers of social housing and the wider public sector, including regional development agencies, the police and education establishments.



**Mark Manning**

**Partner, Construction**

Mark specialises in complex building and engineering contracts and ancillary contract documentation as well as construction and engineering disputes.



**Stephen Homer**

**Partner, Construction**

As an expert disputes lawyer Stephen leads the firms adjudication and arbitration practice. He specialises in construction procurement and contentious construction and engineering matters.



**Laura Reeve**

**Partner, Construction**

Laura specialises in non-contentious construction work. She advises on complex, high value projects across Local Government, commercial, residential, retail/leisure and science/tech.



# Key contacts



**Ian Manners**

**Partner / Head of Business Risk & Regulation**

Ian advises clients on regulatory compliance and defence representation, with a particular focus on health & safety and environmental risks.



**Rebecca Dury**

**Partner / Head of Banking & Finance**

Rebecca acts on a range of financing transactions, including financings, acquisition finance, property and development finance, restructurings and refinancings, asset finance and invoice discounting.



**Clare Brewer**

**Partner, Banking & Finance**

Clare is a banking and project finance specialist with skills that cover both banking documentation and commercial contracts in the context of project financings, PFIs and PPPs.



**James Falle**

**Partner, Procurement**

James, formerly Head of Procurement at Addleshaw Goddard, brings extensive experience advising local authorities on major procurement projects and helping manage the full procurement process.



**Andrew Perkins**

**Partner / Head of Commercial Disputes**

Andrew specialises in shareholder litigation and disputes relating to commercial contracts, statutory and fiduciary duties, professional negligence and injunction applications.



**Suzie Miles**

**Partner, Commercial & IP**

Suzie has a breadth of experience in drafting and negotiating commercial/IT contracts including for bespoke software development, support and maintenance and the provision of software and hardware.



**Hannah Pettit**

**Associate, Commercial & IP**

Hannah advises on data protection matters and commercial contracts including software subscription agreements, IT framework agreements, consumer facing terms and franchise agreements.



**Su Apps**

**Partner, Employment**

Su advises on all areas of employment law from recruitment to end of employment and beyond. She regularly supports on outsourcing projects, corporate transactions and restructuring.



**Kirsty Cooke**

**Partner, Employment**

Kirsty advises private and public sector employers on all aspects of employment law and HR, particularly specialising in immigration related employment issues.



**Emily Bowden**

**Associate, Employment**

Emily supports through all stages of an employment relationship. She also advises on LGPS risk-sharing issues in Local Government outsourcing projects.

## Key contacts



**Jocelyn Ormond**  
Partner, Corporate

Jocelyn advises private equity, venture capital and other funds and public and private companies on mergers and acquisitions, joint ventures, minority investments, equity fundraisings and other strategic corporate and commercial transactions.



**Lara Moore**  
Partner, Marine

Lara acts for a range of Ports, Harbours, Local Authorities and Developers. She regularly advises on multi-million pound developments across the whole of the UK and has been described by Maritime Journal as a pre-eminent marine licensing lawyer.



**Kerry Morgan-Gould**  
Partner / Head of Trusts & Estates

Kerry advises clients on all matters arising out of contentious wills, trusts and estates. In addition, she also advises in relation to contentious Court of Protection matters.



**John Toth**  
Partner, Trust & Estates

John is a member of the Society of Trust and Estate Practitioners and the STEP Charities Special Interest Group. He advises on the establishment and restructuring of charities, mutuals and CICs.



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## **Exeter**

Ashford House,  
Grenadier Road,  
Exeter EX1 3LH  
T: +44 (0)1392 337000

## **Bristol**

Tower Wharf,  
Cheese Lane,  
Bristol BS2 0JJ  
T: +44 (0)117 321 8000

## **London**

1 New Fetter Lane  
London EC4A 1AN  
T: +44 (0)20 7544 2424

## **Plymouth**

Princess Court,  
23 Princess Street,  
Plymouth PL1 2EX  
T: +44 (0)1752 526000

Ashfords LLP  
[ashfords.co.uk](https://www.ashfords.co.uk)