

Edition 2 – 2024

Legal support for public sector bodies

**Browne
Jacobson**





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We're Browne Jacobson.

The law firm for positive change across business and society.

Local authorities and the wider public sector are facing increasing challenges. Re-organisations and structural reform, financial pressures, community engagement and the need to remain dynamic and fair through political, social and economic change; all are complex tasks heightened by intense public scrutiny and media attention.

At Browne Jacobson, we are thought leaders providing world-class advice on current and complex matters of government. Our years of expertise in business and society give us a unique insight into both public and private bodies. This, coupled with our ability to forge strong relationships with governmental organisations, puts us at the centre of public sector modernisation; while our market-leading work in organisational change, the drive to carbon neutrality, digital transformation, regeneration and more, puts us at the forefront of society's biggest issues.

With extensive experience working across all council service areas and in-house, Browne Jacobson's legal experts act as an extension of your team. We'll support you in a collaborative, impactful way to make the complex simple and to deliver your ever-evolving roles and objectives.

As a testament to our commitment to the public sector, we're on all major public sector procurement frameworks – meaning that you can have instant access to our services, at a fair price and without the need for any additional due diligence.

Crown Commercial
Services RM6179
and Public Sector legal
services RM6240

East Midlands
Law Share

KCS (Kent County Council)
Legal Services

London Borough's
Legal Alliance

North West Legal
Consortium

Welsh Government
Commercial Delivery,
formerly the National
Procurement Service

Our legal expertise

Administrative and public law	Health and safety	Life sciences
Charity law	Health, healthcare and social care	Insourcing and outsourcing
Children and vulnerable adults	Highways and transport	Partnerships and corporate vehicles
Commercial contracts	Immigration	PFI, PPP and projects
Commercial law	Information law, including data protection	Planning
Competition law	Information technology (IT)	Procurement
Construction	Infrastructure	Public inquiries and inquests
Corporate law	Intellectual property	Real estate and property
Court of Protection	Leisure	Regeneration schemes
Devolution	Licensing	Regulatory advice and protection
Dispute resolution and litigation	Life sciences	Restructuring and insolvency
Education	Leisure	Retained EU and EU law
Employment and pensions	Media relations and brand management	Social housing
Energy and natural resources	Non-complex finance and investment	Subsidy control (state aid)
Food, rural and environmental	Partnerships and corporate vehicles	Tax
Franchising	Licensing	Telecommunications
Governance		Waste
Grant funding		

Legal project management

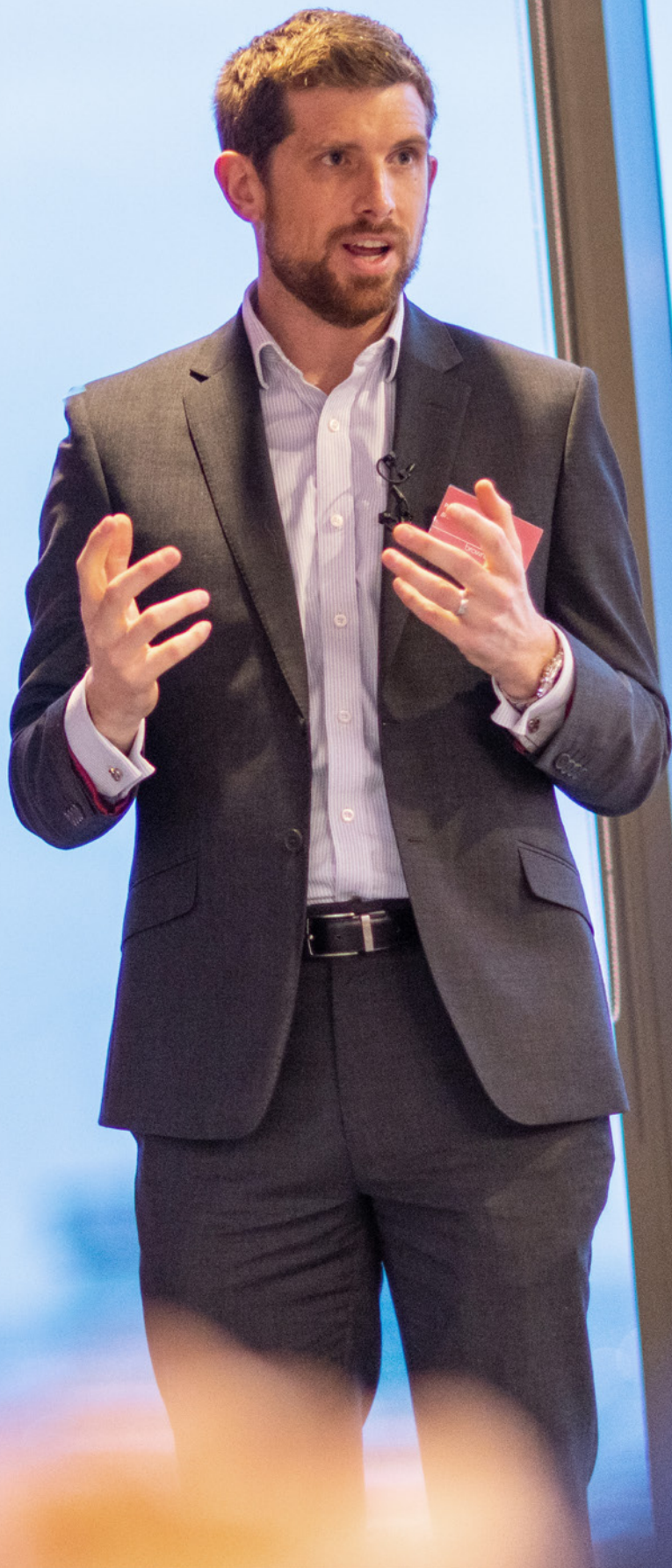
To increase efficiency, keep you informed and provide long-lasting peace of mind, we connect commercial and strategic experience with project management methodologies to transform your project or legal matter. Our Legal Project Management (LPM) specialists are market leaders in making

sure your project or legal matter is delivered on time, within scope and on budget.

Our LPM function forms an integral part of our core public sector facing legal teams, ensuring a focus on proactive stakeholder engagement, risk management and client reporting.

“The team are very solution-focused with a can-do attitude. They were available any time and willing to consider any ideas the client had.”

Chambers, 2022



Why choose Browne Jacobson solicitors?

- We're consistently trusted by a client base that includes 200+ local authorities, 50 NHS bodies, 10 central government departments and numerous fire, social care and social housing providers – but we do not come with preconceived notions. We seek to understand and build relationships that are tailored to your individual needs.
- We have offices or strong connections in all major economic regions of the UK, as well as a network of thoroughly and securely vetted partner firms in jurisdictions where we are not present. So, even if we don't have an office nearby, we can still meet your needs.
- We're recognised as 'a true heavyweight' in the public sector, with unparalleled experience. Many of our lawyers have previously worked in the public sector and so have an unrivalled understanding of the environment in which you operate.
- We look to add value where we can, supporting you, and your team with your growth and development. We go the extra mile at no additional cost, providing training, seminars and networking opportunities, as well as issuing regular newsletters providing guidance on technical and sector issues so you are always up to date on the law.

“The practice delivers on the promise of a well rounded team, mixing experience at different levels of tenure and over different specialties. They are able to bring to the team the scope to provide advice over significant project areas.”

Legal 500, 2022

How we're helping our clients

At a time when we are experiencing one of the most challenging and complex periods in living memory, we're here to improve the outcomes for every person, community and business we serve. Here's some recent examples of how we've helped our clients.

Children and vulnerable adults

We are advising the Welsh Government Additional Learning Needs Division of the Education Department on their implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018. This project has been ongoing for over 2 years and we have been instructed throughout that time, working directly with the policy and legal services teams to deliver the necessary consequential amendment legislative programme. The implementation of this Act makes provision for a new statutory framework for supporting children and young people with additional learning needs (ALN) and will form an integrated, collaborative process of assessment, planning and monitoring which facilitates early, timely and effective interventions to children with additional learning needs in Wales and creates a fair and transparent system for providing information and advice, and for resolving concerns and appeals.

Contracts

We acted on the agreement for the purchase of land at golden brick and related agreement for development of 60 dwellings in total, all affordable housing within a wider development, comprising single "peppercotted" houses and an entire apartment block including a commercial unit. This is important to keep up with the clients growing affordable housing needs.

We are also continuing to act as strategic advisor to Harlow District Council in relation to their relationship with and management of their wholly-owned companies, including delivering training, advising on decision-making and contract variation, for services worth over £17 million per annum.

Disputes and litigation

Advising the London Borough of Hackney in relation to decisions as to whether to provide assistance to overstayers pursuant to Section 17 of the Children Act 1989, and defending judicial review claims at all stages relating to decisions not to provide such assistance.

"The team are always available and provide support on urgent matters."

Chambers and Partners, 2023



Devolution

Our work in relation to the first Combined County Authority under what is now the Levelling Up and Regeneration Act 2023 has continued, with us advising a further two areas on the establishment of both Level 2 and Level 3 Combined County Authorities. We are also a leading firm for advising on the new subsidy control regime, advising numerous levelling up fund applications across the country. We are acting for a devolved administration in relation to a large wind farm (17 turbines) (which due to being a Development of National Significance requires ministerial approval). This includes providing the advocacy for the devolved administration during two days of hearings.

Employment and pensions

Our HR team were instructed to carry out a Due Diligence project to report to our client (a multi-academy trust) on the current employment arrangements within a trust of three schools which was to be transferred to them. The purpose of the exercise was to a) fully understand the term of employment for the transferring staff and b) to identify any HR matters of concern within it. We attended on site for two days to review processes, procedures and casework documentation, interviewing Senior Central executives as well as Headteachers across the schools in question. Further, we undertook an audit of personnel files and the single central record, preparing a report of ongoing matters, risks and areas of concern to consider.

Energy, natural resources and climate change

We continue to act on a range of matters for the Coal Authority including in respect of the significant application for coal mining licences at Whitehaven, and in relation to enforcement action in respect of unlicensed coal mining in a site in Wales. We have also been appointed to advise the Coal Authority on a new NSIP pipeline from Nottinghamshire to the coast to remove saline water from old mine workings.

We have provided strategic legal advice on the development of a new flood warning system for NRW, and the transfer of data from the current operator to NRW. This has involved detailed advice on the Civil Contingency Act 2004 and powers that can be exercised to obtain information from other Category 1 Responders, as well as the drafting of the required Notices pursuant to the Civil Contingencies Act 2004 (Contingency Planning) Regulations 2005 and variations to existing agreements.

Freeports and the levelling up agenda

Our devolution practice generally continues to develop with the wider levelling up agenda has seeing us advising on three of the eight Freeports in England and the Celtic Freeport in Wales.

As the East Midlands Combined County Authority will be the first CCA in the country, we have worked closely with Department for Levelling Up, Housing and Communities (DLUHC) on the form of the documents required at each stage of the creation of the EMCCA, the policy position and on the drafting of the various pieces of secondary legislation required (including the Establishment Order, the elections legislation and legislation relating to overview and audit).

Governance

When the recently incorporated East Midlands Development Corporation was established, we provided legal support to three of the five founding members, advising on the company's constitution, governance, membership, and funding arrangements. We also assisted with the negotiation and drafting of all documents to support the establishment of the vehicle.

Health, safety and regulatory matters

In the past 12 months we have acted for the Professional Standards Authority for Health and Social Care in connection with 23 statutory appeals brought in respect of various professional conduct decisions made by the regulators of healthcare professionals. Each of these appeals that has concluded during the last 12 months was successfully allowed (either by consent or following a hearing in the Administrative Court). This has included the following significant cases where it was found that the decision made by the regulator was insufficient for the protection of the public.



Information technology

We advised Croydon Council on the break-up of a large end-to-end IT services agreement and its replacement by five new service lines, tendered and awarded under a series of sequenced procurements and involving partial terminations of the incumbent contract.

Primary and integrated care

Working in collaboration with the Welsh Primary Care Reform team, our legal experts devised and mobilised a strategy that enabled the mass vaccination of over 1.2m 'at risk' individuals during the pandemic. For many years we have advised NHS England and regional NHS organisations in relation to legislative reform and on complex governance issues. We are now advising a large number of health and care organisations within Integrated Care Systems, on the close down of Clinical Commissioning Groups, and the establishment of Integrated Care Boards and Integrated Care Partnerships. For example, we supported seven clinical commissioning groups to merge into the NHS North East London Clinical Commissioning Group,

helping them to develop the wider governance arrangements for their integrated care system. We also advised Wakefield Metropolitan District Council in relation to the West Yorkshire ICS and the place-based relationships that were necessary to support the wider Integrated Care Partnership.

Planning and the environment

We have partnered with the Welsh Government since 2015 to deliver advice on the application of the Environmental Impact Assessment (Agriculture) (Wales) Regulations 2017. These Regulations provide the only level of protection for habitat land outside of protected sites from agricultural intensification. We operate an advisory helpline service, where we advise on whether stop notices and remediation notices should be served, and the form of these notices.

We also advise on appeal hearings in connection with stop notices and remediation notices. This involves providing representation, including advocacy where necessary.

This year we have advised on a remediation notice appeal for an

8ha site near Merthyr Tydfil. The site was determined to be of significant environmental importance due to the presence of great crested newts, common lizards, cuckoos, skylarks and brown hares. We advised on the contents of the remediation notice and drafted the statement of case which was submitted to the Inspector managing the case at PEDW (Planning and Environment Decisions Wales).

Procurement

We were instructed to act for Lewisham Council in connection with a legal challenge by Marston under the Public Contract Regulations 2015 to the decision to award a contract to APCOA for services relating to parking and CCTV. The contract is significant for the Council as it relates to a major revenue source.

The High Court granted our application to lift the automatic suspension, allowing our client to enter into the contract with the successful bidder.

Property and estates

We continue to be instructed by Otterpool Park LLP (the wholly owned development company of Folkstone & Hythe District Council) in relation to the s.106 and planning matters for the for the 8,500 home Otterpool Park Garden Town. This is one of the largest planned developments in the country and the Council has committed significant funding over a number of years to get the project off the ground. The town, of which at least half will include green spaces, will include schools, shops, medical facilities and all the other amenities a vibrant and sustainable, low-carbon community needs – both now and in the future.

Public inquiries

We are currently engaged as the Recognised Legal Representative for the Welsh Government in relation to the COVID-19 Public Inquiry. We work alongside the client's internal legal team and a team of barristers to prepare for and engage with the Inquiries work.

We have been instrumental in assisting the client with a disclosure protocol and procedure which ensures a proportionate and reasonable approach is taken to providing relevant material to the Inquiry team.

Regeneration

We are proud to have represented EMH Housing & Regeneration Limited (a Homes England strategic partner housing association) on securing a site – spread over three phases – at Standard Hill, Hugglescote, Leicestershire for the delivery of up to 259 new affordable homes. The transaction took the form of two deals with landowners (one of which is Jelson Limited) all conditional on obtaining satisfactory planning consent for residential development and ancillary infrastructure.

This deal represents a significant part of EMH's development pipeline in Northwest Leicestershire, with bespoke arrangements with the Forestry Commission (in light of the development adjoining the National Forest). We are also supporting EMH in relation to planning matters connected to this development and plots sales.

Subsidy Control (state aid)

We're advising an executive non-departmental public body on the subsidy control compliance of a national funding scheme that provided thousands of grant funding interventions in a sector traditionally perceived as high-risk from a subsidy/state aid perspective.

We are also advising the Midlands Net Zero Hub, hosted by Nottingham City Council, on the subsidy control implications of its distribution of funding under several national energy efficiency schemes.

Social housing

Browne Jacobson's real estate and construction lawyers advised longstanding client Platform Housing Group (Platform) on a strategically significant deal which will bring 319 new affordable homes to a flagship development in Nottingham. This deal, described by Keepmoat's chief executive as being "one of the most significant land deals of the last decade for the delivery of new homes in Nottingham", is Platform's biggest ever deal.

Waste

Advising the South London Waste Partnership in relation to a number of strategic issues, including variations to its underlying waste collection and management contract with Veolia.

Social value

Social and environmental impact are at the top of the business agenda. At Browne Jacobson, we've always worked across business and society, and this expertise sets us apart. Here, we champion fairness, make the complex simple and forge connections between clients to find creative solutions. This is how our lawyers improve outcomes for every person, community and business we serve.

Browne Jacobson continues to establish a national reputation for its commitment to promoting greater diversity and inclusion in the legal profession. We have again secured our position in the UK Social Mobility Employer Index as the highest-ranked law firm for the last three years and hold second place in the overall 2023 ranking. This ranking follows the firm being named as "National (British) Winners of the Equity Trailblazer" by the National British Chamber of Commerce Business Awards.

Faire for all

Recognising that law needs all voices to reflect the society it serves, we're working towards social mobility, diversity and inclusion in our firm – and our profession.

And we're focusing on well-being and individuality so that all our people can thrive too. Created by us and the student network, Young Professionals, our FAIRE (Fairer Access into Real Experience) initiative gives people from lower socio-economic and ethnic minority backgrounds work experience in the legal sector. Last year, our FAIRE programme reached over 3,000 people last year and helped us maintain our position as the top ranked law firm in the Social Mobility Employer index, testament to our commitment to creating an inclusive workforce.

The firm deepened its commitment to the social mobility agenda by recruiting a dedicated Social Mobility Inclusion team. The team's key purpose is to advance socioeconomic diversity within the

legal profession and, via partnerships with clients, extend its positive impact on social mobility to other industries.

Fighting climate change

Environmental impact is at the top of the business agenda. Our new Carbon Reduction Plan demonstrates to our employees and interested parties a commitment to decarbonising the firm through a net zero outcome by 2035. It provides examples of how we've reduced carbon to date and our intentions for the coming years.

We undertook our third annual sustainability assessment by EcoVadis, a globally recognised assessment platform that rates businesses' sustainability based on environmental impact, labour and human rights, ethics and sustainable procurement practices.



Equal opportunity

Diversity and inclusion continue to be one of our highest priorities, fundamental to our culture and embedded into our core values.

Our REACH (Race, Equality and Cultural Heritage) mentorship programme provides support, personal development and career opportunities to Black aspiring lawyers. The potential of the programme is clear: in year one, 54% of mentees secured employment with the firm with that figure increasing to 83% in year two – a truly outstanding outcome for both mentees and the firm.

The firm has also signed up to the Women in Law pledge and the Business in the Community Race at Work charter, demonstrating their commitment to gender and race equality across the legal profession.

Browne Jacobson has been awarded Level 2 for the Government Disability Confident Scheme in recognition of our work to recruit, retain and develop people with a disability.

This includes establishing and publishing a Reasonable Workplace Adjustment policy which is accessible to employees and prospective candidates and rolling out disability awareness training to both HR Advisory and Recruitment teams.

Wellbeing

Our wellbeing strategy is built on four pillars: physical, mental, financial and social wellbeing. In our office we have a Mental Health First Aid network (MHFA) that provides first aid help from trained colleagues and refers clients to professional experts who can provide exceptional guidance and support. In April 2022, we published our Menopause policy, to enhance our approach to wellbeing. We have an active online wellbeing network which presently has 233 members.

Pro Bono Programme

We launched in January 2024 our new Legal pro bono programme, which aims to create a more holistic approach to pro bono work across our firm and provide greater opportunities for our fee earners to get involved in great pro bono work for worthy causes. We've signed up to be a member of LawWork's Not-for-Profits Programme, which is expected to provide a regular stream of pro bono opportunities that align with both our values and our practice areas.

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*“Browne Jacobson is excellent.
It has really invested in the
team and they are really good.”*

Chambers and Partners, 2022



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