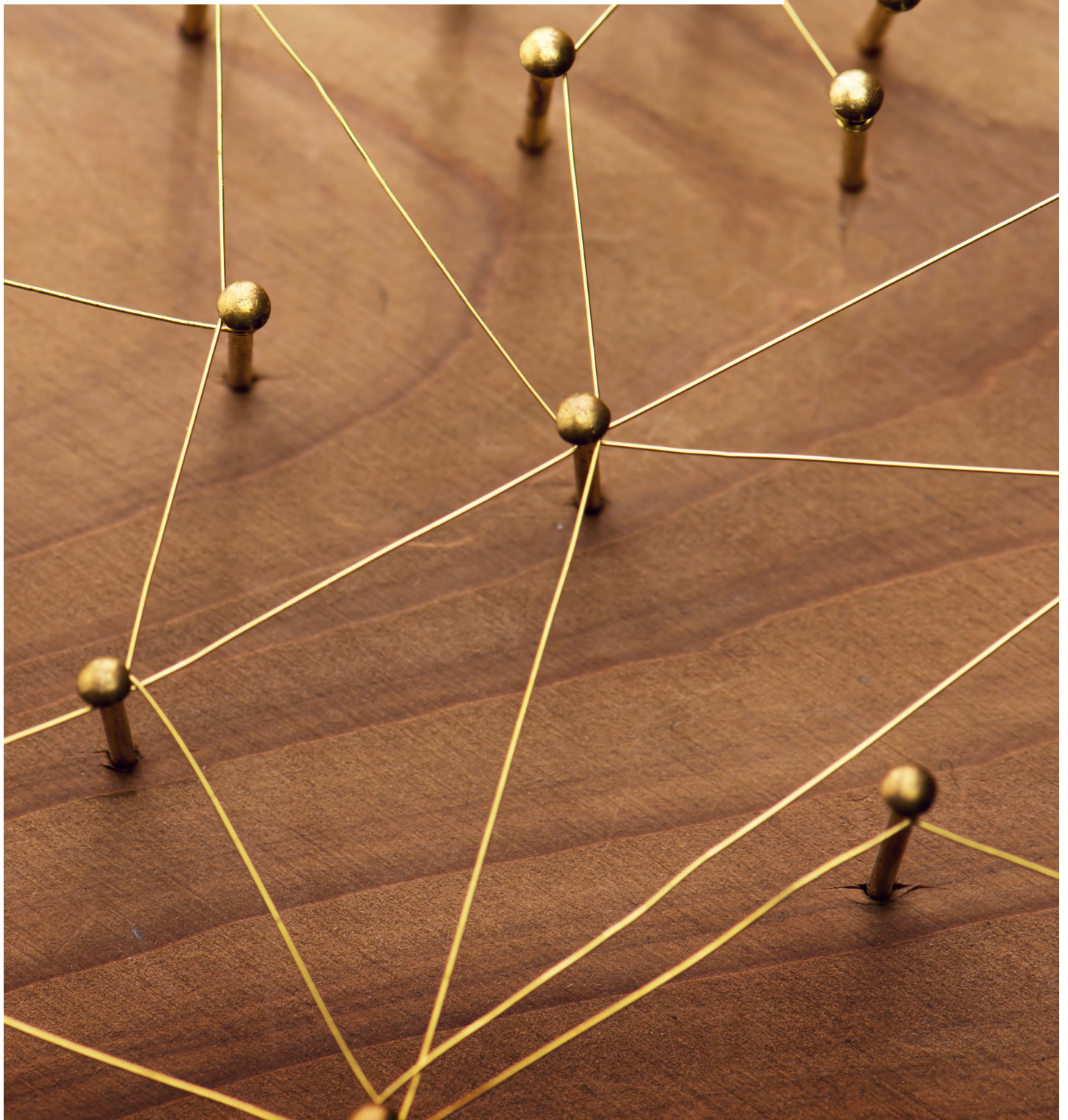




trowers & hamlin

Protecting rights and interests

Navigating risks and resolving
public sector disputes





About us

Disputes involving the public sector are at the heart of the work we do. With a wide ranging client base working with the public sector, we help our clients to successfully navigate risks and resolve disputes, in whatever form those may take.

We are well known for our work in the sector, and our market-leading reputation is consistently recognised by the Legal 500 and Chambers & Partners. Our team comprises of specialists who have an in depth understanding of the relevant legal issues, the statutory and regulatory regimes that apply, the governance and decision-making procedures to be followed and the pressures and challenges faced by those who work in or with the public sector.

We help public sector bodies and private sector organisations alike; it gives us an insight that few law firms can offer. We advise charities, schools, central and local government bodies, regulators, registered providers, contractors and private individuals on the full spectrum of disputes that involve the public sector in some way. With this unique insight, we provide our clients with advice that is commercial and practical, tailored and effective but also reflects the realities of the sector they are working in.

Our role is to provide clients with practical and pragmatic advice, not just on the letter of the law but how to navigate disputes, minimise risk, and balance legal considerations with commercial and policy objectives.

We have been involved in many high profile and reported cases, before the High Court and Court of Appeal, which have had important implications for our clients and the sector.

We regularly work closely with clients on projects, transactions and decision-making, to identify and manage risks proactively.

Our services

Risk management – We understand the importance of being proactive when it comes to identifying and managing risk. We regularly work with clients to provide advice on contract management, consultation, changes to policies and decision making. It is vital to be well prepared when considering difficult or unpopular decisions, including service closures or contract termination. We can work with you to help mitigate the risk of challenge, to create robust audit trails and avoid disputes arising.

We also provide regular support and advice to clients on other risk management issues relating to contentious procurement, fraud and investigations, cyber security, data protection, and anti-money laundering.

Contractual disputes – When a dispute arises, we are adept at navigating through complex contractual issues to provide pragmatic advice and commercially focussed solutions to the most difficult of problems. We have decades of experience of advising on a whole range of public sector contracts, whether for the provision of goods and services, complex outsourcing arrangements, or framework agreements. We regularly advise on contract termination, breach of warranty claims and non-payment of fees, including the issue of responsibilities between local authority and NHS commissioners, and care providers.

Procurement disputes – We advise bidders and contracting authorities on contentious procurement matters, providing strategic advice during the procurement process and on challenges, from the pre-action stage to representation in proceedings. Our recent work in procurement disputes has seen our team act in some of the most high profile and reported cases.



Selected experience

Judicial review – We regularly provide our clients with the benefit of our in depth knowledge of the Judicial Review process and strategic routes to resolving disputes and upholding rights. We understand the key issues involved in challenges and decision making, and have been involved in many complex and leading judicial review challenges, including significant infrastructure or planning matters.

Health and social care related disputes – We can assist with disputes and regulatory matters arising in the Health and Social Care sector, including mental capacity issues and contentious Court of Protection proceedings, CQC regulatory matters and challenges, adult safeguarding issues and inquests, along with funding disputes and questions over funding responsibilities.

Inquests and Inquiries – We can also help clients with advice and representation in inquests and statutory inquiries. Our recent experience includes advising clients in relation to the Independent Inquiry into Child Sex Abuse and the Grenfell Inquiry, as well as representing clients in a significant and lengthy multi-party inquest.

Litigation funding – We regularly advise clients on innovative ways to run and fund their cases, providing reassurance and protection against the uncertainties of litigation. This includes both After the Event (ATE) insurance and litigation funding.

We can help clients in both the public and private sector to secure litigation funding, from the initial stage of identifying potential providers to preparing the case details for assessment, securing the funding, and working with clients through the entire process.

Judicial review – Acting for the London Borough of Enfield in the High Court and Court of Appeal in a challenge concerning the failure of the Secretary of State to take into account a major regeneration project when determining the East Anglia rail franchise.

Planning – Acting for Wealden District Council in a challenge to the adoption by Lewes DC and South Downs National Park Authority of a joint core strategy on the grounds of breach of the Habitats Regulations.

Procurement – Acting for a number of firms in a multi-party and high profile challenge to the LAA's Duty Solicitor Crime Contracts procurement. The cases, identified in The Lawyer publication as one of the "Top 20 Cases of 2016", ultimately settled after the Lord Chancellor cancelled the procurement in light of the litigation.

Outsourcing – Representing Barnet London Borough Council in the High Court and Court of Appeal in a landmark case for commissioning councils, considering issues of consultation, equality considerations and fiduciary duties.

IT – Acting for a publicly funded body and leading provider of social housing in a dispute with a global technology company over an IT outsourcing contract

Education – Representing a student in judicial review applications brought against two awarding examination bodies in respect of decisions made of direct appeals, and a subsequent complaint to the Office of Qualifications and Examinations Regulation.

Regulatory – Representing a number of clients in relation to regulatory matters, involving Ofsted, the Care Quality Commission, the Equality and Human Rights Commission, the Civil Aviation Authority and the Regulator of Social Housing.

Practice in brief

- Over 150 partners with more than 1000 people located across the UK, Middle East and Far East providing a full-service integrated offering to clients with local knowledge and expertise at its core.
- Nine offices located in Abu Dhabi, Bahrain, Birmingham, Dubai, Exeter, London, Malaysia, Manchester, Oman and a dedicated Korea desk.
- Member of Interlaw, the 'Elite Global Law Firm network', with lawyers in more than 150 cities worldwide.

Our key contacts

Lucy James

Partner

t +44 (0)20 7423 8776

e ljames@trowers.com

Charlotte Clayson

Partner

t +44 (0)20 7423 8087

e cclayson@trowers.com

— trowers.com

Trowers & Hamblins LLP is a limited liability partnership registered in England and Wales with registered number OC337852 whose registered office is at 3 Bunhill Row, London EC1Y 8YZ. Trowers & Hamblins LLP is authorised and regulated by the Solicitors Regulation Authority. The word "partner" is used to refer to a member of Trowers & Hamblins LLP or an employee or consultant with equivalent standing and qualifications or an individual with equivalent status in one of Trowers & Hamblins LLP's affiliated undertakings. A list of the members of Trowers & Hamblins LLP together with those non-members who are designated as partners is open to inspection at the registered office.

Trowers & Hamblins LLP has taken all reasonable precautions to ensure that information contained in this document is accurate, but stresses that the content is not intended to be legally comprehensive. Trowers & Hamblins LLP recommends that no action be taken on matters covered in this document without taking full legal advice.

© Copyright Trowers & Hamblins LLP 2022 – All Rights Reserved. This document remains the property of Trowers & Hamblins LLP. No part of this document may be reproduced in any format without the express written consent of Trowers & Hamblins LLP. Image credits to Fotolia, iStock and Shutterstock.

