



School Support Service

LEGAL & HR ADVICE FOR SCHOOLS

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Introduction

Thank you for your interest in our School Support Service, our legal and HR retainer for schools and academy trusts.

Our mission is to deliver prompt, knowledgeable and accessible legal advice which supports and empowers those working in the education sector.

My team and I are passionate about working with schools. The team is made up of dedicated and experienced lawyers who deliver prompt, focused and quality legal advice to hundreds of schools and academies across the country. Our reputation is based on our involvement in the sector over many decades as education has long been an established part of our practice as a firm.

Our service is flexible, depending on your level of need, and you can choose between our Gold or Silver service.

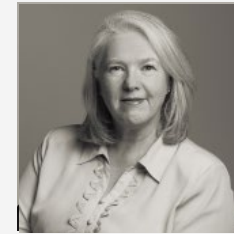
It is important that legal, regulatory and compliance issues are managed properly in order to minimise risks and disruption to schools – which ultimately impacts on teaching and learning. Our lawyers will ensure that you achieve this by providing you with a **reliable, proactive and client- focused service**. Our School Support team will take care of your general legal needs and we have a dedicated Schools HR team to support you with any employment law related enquiries.

Our team are here to support you with **all legal queries, no matter how big or small**. In our experience, addressing legal issues at an early stage can **help to save time and costs in the longer term**.

Running a school or academy trust is all about people. Our view is that the same applies to legal services; we place high importance on building **excellent relationships** with our clients so that we can gain a deeper understanding of your organisation and lay down the roots for a **long term partnership** with you.

We also understand that schools often have to deal with difficult and sensitive issues such as safeguarding, complex parent complaints and pupil exclusions, as well as staff and HR issues. In these circumstances our team will provide the right legal answer as well as general support, empathy and reassurance. Staff and governors who work in schools are extremely committed to what they are doing and our team recognise this **emotional investment** when we are delivering advice.

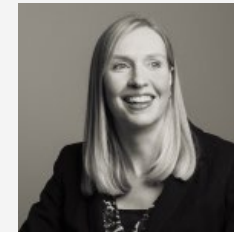
I hope this brochure provides a helpful overview about our service but if there is anything you wish to discuss, please do get in touch.



ANDREA SQUIRES

Head of Education

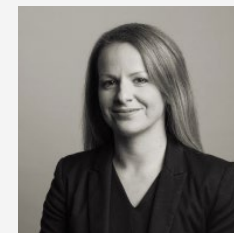
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“

I would always have Winckworth Sherwood, as the benefits outweigh what we pay.

Their strengths include their knowledge, approachability, and responsiveness. They have helped us immensely over the three years we have worked together.

We feel we are more **confident and comfortable** on things where we weren't before, knowing that **you can just pick up the phone and get advice when you need it.**

I would rate their value for money as 10 out of 10.

”

The School Support Service

A Complete Solution

Our School Support Service gives schools and academy trusts access to advice on any legal or HR issue which arises in a school, whether it's a staff disciplinary issue or a difficult pupil exclusion.

Common legal areas we advise on include the following:

Admissions and appeals	Contracts / commercial law	Governance
Pupil behaviour and exclusions	Dispute resolution / litigation	Crisis management and investigations
SEND	Procurement	Equality Act 2010
Parent complaints	Employment law	Significant changes and prescribed alterations
Safeguarding	Human Resources (HR)	School partnerships and collaborations
Land and buildings	Freedom of Information and GDPR	Ofsted Inspections
Capital projects		



HR Helpdesk

Staff are key assets for schools and we know that our clients appreciate the robust and commercial approach we take when advising on HR issues. We know that schools don't want their advisors to sit on the fence. We therefore have a dedicated HR helpdesk as part of our School Support Service which gives you **direct access** to specialist employment lawyers who can provide advice on a range of HR and employment law issues which arise in a school context.

Our Schools HR team are **experts in the regulatory framework that applies to schools**, for example, the STPCD for maintained schools, restrictions in the Academy Trust Handbook relating to settlement agreements and the requirements of the 'Keeping Children Safe in Education' statutory guidance relating to safer recruitment and other sources of regulation.

The employment and HR aspect of the service is designed to dovetail with any external HR support your school or Trust may have or to provide back-up to your in-house HR manager/team.



Our Approach to Supporting Schools

There are many challenges facing schools and these will vary between different organisations. Our lawyers will not only advise your school on the law but will also **share best practice and emerging opportunities (or threats)** to enable you to build this into your strategic plans for your school or academy trust. We work in partnership with our clients which means we take an active interest in your organisation instead of simply providing reactive legal advice. We **tailor our advice to your specific needs** and do not believe in a 'one fits all' approach.

We can provide strategic support, advice on complicated instructions or just be a sounding board if you need a second opinion.

Our friendly team are experts in the complex legal and regulatory framework that applies to schools and academy trusts which we believe is crucial for any law firm that is advising a school.

OUR CLIENTS ARE BASED NATIONWIDE AND INCLUDE:

- Community schools
- Voluntary Controlled schools
- Foundation schools
- Voluntary Aided schools
- Single academy trusts
- Free schools
- Large and small multi academy trusts
- Umbrella trusts
- Special schools
- Independent schools



We also work extensively with local authorities, strategic learning partnerships, dioceses, religious authorities and other consultants and professionals who work in the education sector, which means that we draw on this broader network to monitor developments in the sector and keep our clients informed about any changes on the horizon.

“ I have always found Winckworth Sherwood to be prompt in replying to any concerns. Their legal advice has been of the highest quality and I would recommend the firm to anyone who has a question or query, whether minor or major. ”

Case studies



Data protection/ safeguarding

We advised a maintained school on a complex parent complaint where a parent attempted to involve the Department for Education and Ofsted and the correspondence contained numerous requests under the Freedom of Information Act 2000 and the Data Protection Act.

One of the requests was for a safeguarding referral that the school had made to the local authority relating to the pupil. The parent complained to the Information Commissioner's Office ("ICO") about the school's refusal to disclose the referral form. We successfully argued to the ICO that the form should not be disclosed on the basis that it would undermine the school's ability to effectively carry out its safeguarding responsibilities in this particular case.



Exam malpractice

We advised on a complex investigation into allegations of exam malpractice at an academy. Our team also supported the school with the disciplinary process in relation to members of staff, referrals to the Teaching Regulation Agency and a communications strategy for dealing with press enquiries. We continued to support the academy following a claim being lodged at the Employment Tribunal.



Property

We assisted a foundation school in the sale of their former caretaker's house that was surplus to requirements to fund an extensive capital works programme. We advised on the implications of the School Standards and Framework Act 1998 and supported the school in developing its business case for the purpose of obtaining the necessary consents. We advised on the sale contract and liaised extensively with the buyer's solicitor to ensure the sale went through smoothly.



SEND

We advised a school on the merits of a claim lodged with the SEND Tribunal by one of its parents following a long running dispute between the school and the parent. We drafted the school's response and supported them in preparing witness statements, attending the preliminary hearings, and bringing in experienced Counsel to undertake the advocacy at the main Tribunal hearing. Whilst the proceedings were stressful for the school's leadership team, they were pleased with the Tribunal's findings that the school had acted properly and the claim was dismissed.



Settlement agreements

We advised an academy trust on a settlement agreement for a Headteacher. The academy had previously instructed a local firm of solicitors who were not experts in the education sector and therefore were not familiar with the restrictions and considerations relating to special severance payments.

We advised the academy trust on the risks of proceeding with the draft agreement which breached the provisions of the Handbook and which was likely to lead to sanctions from the ESFA who were involved in this case, for example if the academy is unable to show they have treated the payment correctly, the ESFA can reserve the right to claw back the payment.

We successfully re-negotiated the settlement agreement in compliance with the strict requirements of the Handbook.

School Support Service options for

Maintained Schools, Single Academy Trusts and Independent Schools

We offer a choice between a Gold and Silver Service, which gives you flexibility depending on your level of need. All advice is provided by qualified, experienced lawyers.

GOLD SERVICE

The Gold Service is designed for schools or academies who prefer a more **supported approach to legal advice** and tends to be a cost effective option for members who are likely to request **legal support on a regular basis**.

The Gold Service includes:

- Telephone and written advice in response to routine legal enquiries
- Advice on and reviews of routine documents or correspondence
- Access to supported documents and toolkits which are generally available for no additional charge unless otherwise indicated [here](#)
- Access to discounted hourly rates for non-contentious instructions that fall outside the scope of the service (see the 'Service Delivery' section below)
- An annual review meeting either online or at our offices to discuss any specific need or as a way of getting to know the team
- Access to our dedicated DPO Helpline

SILVER SERVICE

The Silver Service is designed for schools or academies who prefer a light-touch approach to legal advice and tends to be a cost effective option for members who are likely to request legal support on an **occasional basis**.

The Silver Service gives the school access to telephone advice for **quick questions** or for a **sense check** on a course of action. There are no artificial limits on the number of queries.

Where an instruction falls outside the scope of the Silver Service (for example, if you require written advice, reviews of documents or ongoing telephone support), we will provide a fee estimate for your approval based on our discounted hourly rates for non-contentious instructions.



Unsure which service is right for you?

If you are unsure about your level of legal need, we recommend signing up to the Silver Service initially and you can then consider whether you wish to upgrade to the Gold Service at a later stage, depending on how much you use the service. Alternatively, our team will be happy to discuss the options with you in more detail to help you to decide.

School Support Service options for Multi Academy Trusts

We offer a choice between a MAT Gold or a MAT Silver Service for Multi Academy Trusts, depending on your level of legal need. The service includes support for the trustees, local governors /committees, the executive team and your senior leaders to ensure that your trust receives consistent and holistic legal advice in line with your MAT policies.

We will also provide you with strategic support, whether your trust is undergoing a period of expansion or consolidation.

MAT GOLD SERVICE

Our MAT Gold Service includes the same Gold support outlined on the previous page.

Support can also be targeted to **provide backup for your central team and executive officers**, for example in the areas of:

- HR and employment law
- Estates/premises (particularly in terms of capital bids and large building projects)
- Chief Financial Officer (ensuring compliance with the Academy Trust Handbook, looking at cross trust procurement and contract management)
- Company Secretary (corporate compliance and governance generally, which can extend to clerks)
- DPO

MAT SILVER SERVICE

Alternatively, our MAT Silver Service provides **quick access to telephone advice** from our experts if you anticipate that your level of legal need will be light but you still want the peace of mind that you can contact us for support as and when you need to.

A significant part of the advice we provide to our multi academy trust clients is on risk management and strategies for the trustees to ensure that the governance structure enables them to identify risks and act quickly should an issue arise.

We can also provide the following

BESPOKE SERVICES

- Setting up multi academy trusts
- MAT expansion and mergers
- Re-brokering
- Crisis management
- Intervention & school improvement support
- MAT federations and partnerships
- MAT governance reviews



Response Times

Your school or trust can contact us either by calling our helpline (which rings through directly to our team) or our dedicated email address for School Support members.

A dedicated number and email address is available for our HR helpdesk. Our team will provide an acknowledgement within one day and substantive advice within 2 days of receipt of an enquiry, although we usually provide a full response on the same day where possible and will ensure that urgent enquiries are addressed promptly.

We are available during normal business hours, including during the school holidays.

You can end the service by giving us one term's notice, so why not join and see what you think?

Legal updates

We issue regular legal updates throughout the year on issues affecting schools and we will share with you briefings by other specialist teams in the firm that may be of interest to schools.

[VIEW OUR RECENT LEGAL UPDATES](#)

We also run a free seminar and webinar programme on a range of topics reflecting current issues facing schools or regulatory changes.

[VIEW OUR RECENT WEBINARS](#)

“

Winckworth Sherwood come across as very knowledgeable, accommodating and always meet the deadline. They are very responsive and we have never had to chase. It works well, they are flexible and fees are reasonable. They did a great piece of work on the reopening of schools in the Covid pandemic, providing a Toolkit and guidance on Centre Assessed Grades. Both were really useful and informative.

”



Service Delivery

How much advice is included in the retainer?

Our service is flexible so we don't place a specific cap on the number of times you can contact us or the amount of time we will spend dealing with enquiries under the retainer as we feel this is arbitrary and can place an unhelpful barrier to schools receiving advice. As a rule of thumb, we might spend up to 1 – 1.5 hours on an enquiry under the Gold retainer but this will depend on the specific matter. If an instruction falls outside the scope of the Gold or Silver School Support Service i.e. a complicated or transactional matter including ongoing projects or disputes, we will provide you with a separate fee estimate and scope of work in writing based on our discounted hourly rates for non-contentious instructions. Specialist rates will apply to bespoke instructions involving litigation / contentious work. Further information about when an enquiry under our Gold Service is likely to turn bespoke is available [here](#).

We will not undertake any bespoke work until we have your full understanding and agreement to our proposed fee and scope of work. Where possible and depending on your needs, we will provide a fixed fee.

We will monitor usage to ensure that you are obtaining value for money and we can send you a report summarising the enquiries received on request. Where the number of enquiries received indicates that your legal need is significantly more than the usage anticipated by our retainer fee, we may speak to you about agreeing a bespoke package for your school or Trust.

Our rates may change in accordance with our Standard Terms and Conditions and different rates may be charged by the specialist areas of the practice and we will advise you of these when an instruction is given. Our team can also act on claims which are insurance-backed or covered by the RPA.

We invoice for the School Support Service at the start of the academic year (or whenever you join the service) and agree with you the timing for invoicing any bespoke instructions that are agreed with you.

Additional Services

We offer the following range of bespoke legal services for our clients:



Training for schools

We know that schools like to keep up to date with legal developments and our team can provide bespoke training to school leaders, governors and trustees on legal areas to help you to understand the practical application of legal issues for your organisation for an additional fee. Areas we have provided training on in the past include the following:

- Complaints
- Exclusions and admissions
- GDPR
- Academy conversion
- Trustee and governor training
- HR and employment law

We can deliver the training at the school or our offices. We can also deliver training through live webinars that can be recorded, which can be useful if you struggle to get key individuals together on the same day.



Independent investigations

Circumstances can arise from time to time which call for an independent investigation, for example, allegations of financial irregularity, fraud, exam malpractice and bullying and harassment.

We have significant experience of conducting independent investigations and have a large team of external investigators we can call on to support with the process, with skills ranging from governance, financial irregularity, media management and criminal investigations.



Data Protection Officer helpline

Our DPO helpline is designed to give schools access to telephone advice so that internally-appointed DPOs can phone us for support or advice if you are dealing with a data security breach, subject access request or a general question about the GDPR. The fee is £1,250 for Silver Service members or £1,500 for non- members (Gold service members automatically have access to our DPO Helpline).

What it includes:

- up to 10 hours' telephone advice per academic year; and
- discounted hourly rates for written advice or reviews of contracts and policies.



Academy conversions

Our academy conversion team have advised over a 1000 schools on the academy conversion process and can support you with conversion whether you are a maintained school looking to become an academy, an existing academy seeking to set up or join a Multi Academy Trust, or a Multi Academy Trust looking to expand.

We offer a fixed fee for conversions and will project manage the process for you.

Please contact:
0345 070 4450
academyhotline@wslaw.co.uk



Governance reviews

The Department for Education expects schools and Academy Trusts to conduct regular governance reviews. We undertake governance reviews and can signpost you to partners who carry out skills audits.

Please contact Andrea Squires (asquires@wslaw.co.uk) for more information.

“ The education team helps us with policies, complaints, GDPR, and the commercial business aspects over and above being a school. They keep us informed and their service levels have been really consistent. To me, and to our CEO, they are our go-to and our sounding board and offer real value for money. I would describe them as a contract we really couldn't do without. ”

Next Steps

We hope that we have demonstrated our passion and commitment for working with schools and academy trusts. Our aim is to deliver advice that is:

1. Prompt
2. Easy to understand
3. Tailored and takes into account the context (sector and local circumstances)
4. Facilitates the smooth running of your school or trust
5. Friendly and empathetic

Become a member of the service

If you would like to join our service or if you have any questions, please contact our School Support Service team on:

☎ 0345 070 7437

✉ schoolsupport@wslaw.co.uk

The Team



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Head of Education



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Head of School
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HARRY BROWN
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RICHARD WRIGHT-PHILIPS
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