



**RM6240 Public Sector Legal Services**

**Lot 2a, General Service Provision**

**Forbes Solicitors LLP**

**Version 1, 30 September 2022**

**Crown  
Commercial  
Service**  
*Supplier*

## Contents Page

### Contents

<b>Forbes Solicitors summary</b>	<b>2</b>
<b>Social Value</b>	<b>3</b>
<b>Supplier Team Structure</b>	<b>4</b>
<b>Lot 2 – Elective Specialisms</b>	<b>5</b>

#### Disclaimer

All information provided within the document submission below; including case studies, key contact biographies and company information is not commercially sensitive and where it is not a matter of public record, appropriate permission has been sought for inclusion, in all instances.

## Forbes Solicitors summary

Forbes Solicitors established 200 years ago is a well-recognised full-service law firm advising both organisations and individuals. The Firm operates from its headquarters in Lancashire and utilises a further eight regional offices with some based in major UK cities including but not limited to Leeds, Manchester, and London. Our breadth and capability is evidenced by our ability to deliver a wide range of legal services. We currently hold contracts for clients across a variety of sectors, such as care, construction, education and housing. We utilise a qualified team who provide legal support in relation to:

- Care
- Corporate and Commercial
- Debt Recovery
- Education
- Employment
- Insurance
- Intellectual Property
- Litigation/ Dispute Resolution
- Property and Construction
- Social Housing

## What can you expect when working with Forbes?

Forbes boast significant experience working with public sector clients, local authorities, and other quasi-governmental bodies across a variety of different sectors. Our dedicated and experienced teams work collaboratively with clients from mobilisation ensuring open communication channels, working towards agreed service level agreements (SLA's) and key performance indicators (KPI's) to deliver a seamless service that exceeds customer expectations. Our approach is detailed below, clients can expect a service which includes but is not limited to:

- ✓ **Qualified and experienced teams** – we utilise recruitment, selection, induction, and training methods to ensure customers receive a quality of service in all instances. With over 200 legally qualified employees and over 100 supporting staff, Forbes are fully equipped to meet a diverse range of client requirements.
- ✓ **Technology and innovation** – 'Partner for Windows' (P4W), our Practice and Case management system supports our teams with accounting, billing, time recording, business intelligence, case, and document management capabilities, all of which integrate with each other allowing us to ensure all SLAs are achieved on time in full. We have an easily accessible client portal with a wealth of management information, added value and other benefits. Additionally, we offer support from our in-house IT and Software development team, who can tailor our software to support your needs, providing full system integration to drive efficiency and minimise costs.
- ✓ **100% compliance with agreed SLA's and KPI's** - we tailor KPIs to reflect your requirements, measuring against them at review meetings to ensure we are continuously achieving targets. Forbes appoint dedicated Service Area Leads (SAL's) to act as a first point of contact for specific needs according to lots. SAL's are responsible for ensuring all work commissions are completed effectively and to a high quality standard simultaneously providing continuity in service delivery.
- ✓ **Regular framework review meetings** - throughout contracts we organise regular review meetings chaired by our Client Relationship Partner (CRP) and including any staff that have live matters for you, quarterly or at another frequency that suits the client.
- ✓ **Seamless Management Information (MI) reporting** - we provide completed MI reports on a monthly and quarterly basis using an agreed pre-defined template. All reporting is integrated with our case management system, ensuring accurate and timely reporting bespoke to your requirements.
- ✓ **A wide range of free added value** such as training, webinars, seminars, e-newsletters and helplines.

## Why Forbes?

We ensure the highest levels of seniority available to meet your requirements: providing best-in-class support, whenever required. Working with us you will receive unrivalled due diligence and care in the handling of all matters, our methodology is solution driven proven by continual successful results and accreditations. In addition to the standard service we provide, we also offer a large range of added value benefits for clients including but not limited to; bespoke training sessions, access to up-to-date legislation changes, purpose-built client portals, webinars and events, free helplines and many more options available to utilise as required. Most importantly, we are real, down to earth people who you can rely on as an extension to your own teams.

## Social Value

Forbes are committed to delivering economic, social, and environmental well-being, under the Public Services Social Value Act (2012). We continually assess and enhance opportunities in delivering social benefit to our communities, the below details evidence of activities recently implemented, these include but are not limited to:

### Creating new businesses, new jobs and new skills:

- Providing a range of apprenticeship opportunities from open access to young people to the workplace. We have supported over 200 apprentices through our dedicated scheme.
- Free weekly clinics offering advice or guidance to the public on a range of issues promoting access to justice.
- Notifying clients of open job vacancies so clients can advertise the same vacancies through internal and external systems, meaning tenants can apply for paid employment within our firm. This assists in creating opportunities for employment within our clients' communities.
- Our bank of over 200 training courses is regularly delivered to clients as added value. Recent sessions that we have delivered as a firm to clients have included 'Charity Law Obligations' and Procurement Overview for below OJEU Threshold Contracts' which included consideration of social value and green objectives.

### Effective stewardship of the environment:

- Utilising our environmental policy and carbon reduction plan, we promote environmental stewardship through our environmental committee who meet monthly to discuss potential environmental improvements and continually review our environmental influence in the communities we work in.
- We have implemented our carbon reduction plan which details our strategy for becoming a net zero emissions business. Copies of our policies and plans are available on request.

### Tackling workplace inequality:

- Participating in school, college, and undergraduate work experience, full and part-day career events, delivering training workshops to influence opportunities within Forbes and the wider community. We deliver workshops covering:
  - Touch typing
  - Using IT in the legal sector
  - Employability skills
  - Interview skills
  - Mock interviews
  - CV writing
  - Mock trials to students looking for a career in law
- Forbes provided placements to 34 school and college students and 16 under graduates via the Vacation Placement Scheme.
- Considering social mobility as an opportunity to be more inclusive.
- We are a Disability Confident Employer.
- Working with Future Directions for entry level employment for those not in education or employment.
- Participation in 'blind recruitment' removing all personal details for the interviewer.

### Improving health and wellbeing:

- Our Forbes Foundation provides financial support to children, and their families, who are in need, by reason of ill health, disability, and/or financial hardship, by providing facilities, equipment, and monetary grants.
- All staff have access to an Employee Assistance Programme.

### Below outlines our firm's commitments in relation to Corporate Social Responsibility and how this supports clients:

- We encourage communication with local communities to enable us to provide initiatives which are mutually beneficial.
- We aim to select any charity fundraising initiatives we take part in based on projects which will provide benefit to the local communities in which we and our clients operate.
- We have our associated charity; Forbes Foundation and all staff have 1 day a year they can use for a charitable cause.

## Supplier Team Structure

Our employee base is continually growing, with over 370 members of staff. We utilise recruitment, selection, induction, and training processes to ensure all employees meet required capabilities to fulfil their job role, holding relevant experience and educational qualification and/or training in all instances. The below provides numbers of legally qualified employees, currently working for the firm, they are supported by administrators, trainee solicitors and other practice support teams.

- 58 Partners
- 24 Senior Associates
- 20 Associates
- 31 Solicitors
- 17 Trainee Solicitors
- 67 Paralegals

## Additional Resource

For this requirement Forbes will assign CCS with an experienced Supplier Relationship Manager. Daniel Milnes gained over 23 years of post-qualification work advising a range of public and third sector bodies across governance, regulatory, diversification, joint venturing, and information management issues. He is well versed in providing specialist expertise on a range of governance and compliance matters for clients in a variety of sectors such as the public sector, social housing, charities and educational organisations. Deputy CRP, Gemma Duxbury represents Forbes as Governance, Procurement and Information Partner. Previously employed as Acting Head of Legal at Blackpool Council, her vast expertise within the public sector can be applied to provide specialist support on a whole range of matters including but not limited to, academy conversions, exclusions, admissions, subject access requests, data protection, procurement, contracts for services and statutory duties.

CCS will also be assigned with a designated point of contact for bids and tender opportunities. Gabrielle Bilsborough, Business Development Manager will be the first point of contact at tenders@forbessolicitors.co.uk.

## Capacity of teams

By appointing a qualified designated Client Relationship Partner (CRP) and Deputy CRP, for each area of expertise we ensure consistent open communication channels. Well versed in working to SLA's and KPI's. A list of KPIs we are regularly measured against are:

- All emails returned within the same working day except for any emails received after 16:00 where a response will be provided by 10:30am the next working day.
- All action taken and developments will be reported promptly, and in any event, within 5 working days.
- A solicitor from your allocated team is available to always deal with any queries between 08:00 – 18:00.
- An out of hours service is offered for use whenever needed.
- An email will be provided confirming instructions and the adviser allocated to any new matter within 48 hours from when formal instructions are received.

## A brief overview of key figures is detailed below:

- **Property and Construction** – Service Area Lead (SAL) Adam Bromley and Deputy SAL Daniel Milnes
- **Social Housing** – SAL Lachlan McLean and Deputy SAL Catherine Kennedy
- **Education** - SAL Jonathon Holden and Deputy SAL Laura McHugh
- **Litigation/ Dispute Resolution/ Debt Recovery** – SAL Michael Chambers and Deputy SAL Stephen McArdle
- **Corporate and Commercial (including Intellectual Property)** – SAL John Pickervance and Deputy SAL Daniel Milnes
- **Employment** – SAL Jonathon Holden and Deputy SAL Ruth-Rule Mullen

## Plans for Future Recruitment

As a business we implement strategic planning, embedding fundamental principles to ensure we attract qualified high-calibre talent. We are committed to establishing a strong employer brand, with a significant number of paralegals and trainee solicitors across the firm which can be drawn upon at short notice to provide additional resources as needed. Within the team, we consistently recruit trainee solicitors who progress obtaining qualified solicitor status. In the last 48 months we have retained 100% of our Newly Qualified Solicitors, and we anticipate similar levels of recruitment over the next 12 months to increase our head count. We have undertaken lateral hires of 20 qualified team members in the last 12 months, inclusive of 2 Partners, 7 Senior Associates and 11 Solicitors.

## Lot 2 – Elective Specialisms

We advise on the law in England and Wales. For legal advice outside of those jurisdictions we utilise our membership with LawPact (an international network of law firms), where Forbes has links with firms across the globe that can provide localised support where required. An overview and examples of our work across the elective specialisms is outlined below.

**Property and Construction** – Our construction team draws together specialists from a number of different departments who support clients in both the public and private sectors, across a wide range of industries, from developers to local authorities and registered housing providers. Examples include:

- We acted in the sale of land totalling £5.1m from a local authority to a large house builder. The agreement was conditional upon planning and was a collaboration between the two selling parties as the builder was only prepared to buy the land as a whole. The sales were of parts of larger pieces of the respective parties land and so two transfers of part were required, and an overage agreement was reached to bite if more beneficial planning was obtained. A deed of release of various covenants and rights was also required. The timescales were tight in order to match the planning submission of the Buyers. As planning was obtained the deal was concluded and the land sold.
- Successfully assisting a housing client to resolve a dispute with the developer and vendor of a new build site where sewage drains had been installed defectively and the developer had failed to make arrangements for sewage adoption, causing localised flooding on neighbouring land and backing up of purchasers' soil stacks. We reviewed the title and adopted drainage position and then advised that the JCT allocated responsibility for remedial works to the development company and the works were undertaken promptly without recourse to litigation.
- Acting for a number of housing clients dealing with utility agreements, easements, diversions and substation leases as part of the construction process. We have a swift standardised process in place as these elements can often arise later on in the construction process and resolution required is quickly so as to not hold up the construction and grant funding process.
- Advising a number of housing clients on stopping up and highways adoption processes.
- Advising housing clients on the implication of planning conditions, affordable housing statements and s106 requirements and varying these to suit our client's requirements to ensure there are no restrictions on construction or occupation which would prevent onward sale or mortgage ability.
- Acting on a defective wall case, allegedly caused by negligent construction of housing development involving disputes with original builder-landowner, neighbouring owner and leasehold occupier.
- Acting in relation to growing numbers of residential disrepair claims which crosses into defective construction.

**Social Housing** – We have dedicated specialist sub teams that consist of; property and development, anti-social behaviour, housing and tenancy management and cyclical maintenance, asset management and disrepair and complex case – including leasehold and policy setting. Our experience includes:

- Advising one of the largest housing associations in the North of England (managing over 36,000 properties) with a significant volume of litigious and quasi litigious matters, from anti-social behaviour/tenancy management to litigation, procurement, employment law and property development/plot sales. Examples of support include:
  - Completing a large-scale overhaul of the way in which the client conducted disrepair claims. This had resulted in a significant reduction in the time spent and financial expenditure in relation to the client's overall disrepair claims. The model adopted by this client has since been successfully introduced and integrated into other clients.
  - Introducing a new flow system to deal with plot sales more efficiently
  - Advising on potential equal pay claims, including successful resolution avoiding potential six figure litigation
  - Advice on a joint venture cost sharing group geared towards VAT
  - Acting on a matter where a Defendant was causing nuisance, annoyance, harassment alarm and distress to her neighbours which resulted in an application for a civil injunction. This case included proceedings, money claims and civil injunctions, criminal proceedings following tenancy breaches and anti-social behaviour, homelessness and refusing to return to a property, Notice to Quit and an eviction. This was a long and difficult case that included many elements, but a proactive approach led to the right result in all the circumstances.
  - Large scale support on cyclical maintenance. We have developed a system of flows and processes which are designed to facilitate speed and efficiency for our clients.
  - Wide scale anti-social behaviour support – including pre-litigation support, injunctive relief, and possession proceedings.
  - General breach of tenancy support – including succession, assignment, and exchange
  - Leasehold, s20 consultation and service charge support
- Advising a housing association with over 7,000 homes across the East Midlands, Yorkshire, and the Humber with:
  - All services relating to ASB and in addition ASC Forbes consultancy service supporting ACIS with County Lines/ Drugs-related cases, co-ordinating potential premises closure orders and exploring re-housing options with other RPs in the Rotherham Local Authority area.
  - Housing/Tenancy Management including preparing & serving NOSP's, possession proceedings, on-notice injunction applications, Court preparation/attendance re. possession/injunction hearings and Disrepair litigation.
  - Governance-related matters including General Constitutional, Codes of Conduct, Joint Ventures, Partnerships, Group Structures/re-structuring, Subsidiaries, Inter Company Agreements. Regulatory Matters, Funding

**Child Law and Care Proceedings** – Our Children and Social Care team are experts in their field, representing Local Authorities, care providers and educational establishments across the country.

We also have the benefit of an in-house social care and safeguarding expert with over 30 years of front-line social care and policy creation experience to provide risk management advice to clients.

- Complex matter relating to commencement of gender reassignment treatment for 13-year-old child in Local Authority care and the safeguarding issues surrounding it due to the lack of government guidance on the relevant procedures.
- Issues including the ordering of secure placement orders, criminal prosecutions and social care failed interventions.
- Advising with regards to the application of unregulated placements and appropriate risk management.
- Advocated in complex matter regarding two teenage brothers, one of whom was a Polish national. They were removed from their mother's care, after assessments, including sibling assessments, the court approved care plans with Care Orders being made in favour of the local authority and a specific issue order to obtain a passport for the oldest child with notice to the Polish Consulate that the mother's consent was not required.
- Advocated with regards to a vulnerable young person aged 14, within care proceedings due to the risks that his extreme behaviours were placing him and others at risk and due to him being beyond his parents' control. This also included an application for a deprivation of liberty order due to those behaviours and the need to, at times, deprive the young person of certain liberties when he placed himself or others at risk. Due to the lack of suitable placement options within England and Wales the young person required a placement in a secure unit in Scotland and an expert was instructed to report on his mental health functioning, the effect of that on his capacity to provide instructions and also to provide a view on treatment requirements and placement options for the young person.



**Negligence and human rights** - Our Social Care team are experienced in dealing with all issues arising out of the care, assistance and duties towards children and vulnerable adults. Our experience in such areas is demonstrated below:

- Mediation of a claim regarding a rape of a young girl with an Acquired Brain Injury, in residential accommodation, including issues of capacity, Human Rights and Deprivation of liberty
- Numerous claims relating to negligent social care, failure to remove, foster care abuse, institutional abuse (both Child and Vulnerable Adult), vicarious liability, adult care, peer on peer abuse, grooming and abuse in educational settings.
- Matters relating to article 6 of the Human Rights Act with regards to failures to allow a determination by the Court of s20 Children Act 1989 placements and delayed care proceedings
- Human Rights claim resulting from the deprivation of liberty of an elderly man suffering from deteriorating vascular dementia. Complex arguments as to whether any established breaches amounted to technical or substantive breaches and whether deprivation could be considered false imprisonment
- Human rights claim alleging a failure to allow an elderly man with dementia access to the community
- Human rights claim alleging that independent carers for a gentleman with dementia had not been taken out of his property for over 2 years.
- Instructed to advise and represent Local Authority with regards to CQC investigation following the death of an elderly lady following a fall from a hoist whilst in Local Authority care home
- Instructed by Local Authority to both investigate and act as liaison to the police with regards to allegations of neglect and physical abuse of several adult service users within an adult day care provision for people with learning disabilities.
- Complex deprivation of liberty claim relating to the restraint and isolation of a child in a special educational needs establishment
- Allegations under the human rights act with regards to article 8 right to family life relating to complaints by a mother that contact and ultimate rehabilitation to the home had not been undertaken due to delays by the Local Authority during Covid lockdown periods.

**Mental Health Law and Court of Protection** – We understand the sensitivity required to handle cases which involve vulnerable people who can no longer make decisions for themselves. Forbes can provide support in resolving complex mental health litigation issues. When someone presents with serious mental health issues, it is imperative for clients to receive expert advice from solicitors who fully understand the principles of the Mental Health Act, are able to handle cases with the correct due diligence, sensitivity and safeguarding considerations involved. Evidence of our proven professionalism within this field includes but is not limited to:

- Our Contentious Wills and Probate team have acted for parties in Court of Protection disputes, including:
  - Disputed appointments of deputies/ attorneys
  - Financial abuse claims
- Mental Health Tribunals
- We have advised in matters requiring the appointment of a deputy for a person who suffered a brain injury because of a car accident in his late teens.
- We have advised in a matter requiring the management of a significant personal injury award liaising with financial advisers, the Court, and the relevant party to ensure that the funds provide appropriate support. This is a particularly difficult case in that the client retains some day-to-day capacity to manage his financial affairs but is vulnerable both to third parties and to his own limitations.
- We must regularly consider the Mental Capacity Act with regards to a party's ability to make specific decisions and whether or not to intervene.
- A significant amount of knowledge and expertise is required to balance the needs of the person with the duties of the Court Deputy.
- We also deal with a wide range of matters which include the use and application of Deprivation of Liberty Safeguards, Court of Protection approval and intervention, consideration of least restrictive option placements and alleged Human Rights Act breaches.

**Education Law** - Acting for over 450 educational establishments, We work with clients to mitigate financial pressures and changing government legislation to improve student and teacher outcomes. We advise on areas such as:

- Assisting a Multi Academy Trust with the implementation of bringing new Schools into the Trust; drawing on advice throughout the team to achieve a seamless result. This included providing support and advice in relation to all governance, commercial and property matters relating to the conversion. Additionally, we are supporting with a complex Employment Tribunal matter encompassing several different claims.
- Advising a Trust with Employment & HR advice including training, defence of 300+ Equal Pay claims, successful defence of substantial number of Employment Tribunal and Appeals; contractual advice; TUPE advice; property advice; dispute resolution; insurance claims.
- Advising a Trust on the living arrangements of the onsite caretaker with property colleagues advising upon the implications as to whether this amounted to a lease or licence; together with the caretaker's rights and how the arrangements could be terminated together with risks and costs of doing so. We provided strategic advice upon the impact upon his employment contract of the living arrangements and ways in which such arrangements could be terminated or altered based on the commerciality of using the premises for other purposes.
- Advising a community school in relation to a significant data breach; the implications of that on the continued employment of a senior leader in addition to carrying out the investigation into the breach and the alleged disciplinary conduct. This involved cross team working with our Data Protection specialists advising on the data breach which fed into the disciplinary advice.
- Advising a Lancashire based College on:
  - Property acquisition and disposal, leases, construction, secured lending, planning, dispute resolution.
  - Employment; general employment advice, tribunals, industrial relations (public sector trade union relations/regulations), discrimination, restructure and organisational change, and severance packages.
  - College governance, commercial contracts, licensing, data protection and student matters.
- Advising a university on a TUPE matter, providing strategic advice on the withdrawal of services. We advised the University on associated redundancy costs arising from training arrangements and liability of cost, simultaneously advising on associated risks and consultation obligations as well as practical guidance on the timing of the transfer.

**Debt Recovery** – We support in improving cash flow systems, allowing clients to minimise risk. Examples include:

- Advising a government body in carrying out debt recovery work relating to outstanding sums due from individuals/limited companies following their failure to make payment of the appropriate statutory licence data protection fees as data controllers and/or subsequent penalties. We receive bulk instructions. The debtors are based across England, Wales, Scotland and Northern Ireland. We dealt with pre-action work for Scottish and Northern Ireland cases; for cases which become litigated we have formed partnerships with firms in Scotland and Northern Ireland. We are able to rely upon Part 8 of the Civil Procedure Rules which allows us to apply for judgment upon expiration of the letter before action rather than rely on Part 7 proceedings which would allow the debtor the opportunity to dispute the claim. As this debt is statutory, adopting this approach maximises our client's prospects of making a recovery. Where we receive challenges, we will stand firm and protect our client's position.
- We act for a County Council who provide loan facilities for the purposes of setting up local business. Due to the age of debt when we received our instructions, we needed to advise our client in relation to limitation and what would be recoverable under the various agreements in place with debtors. The nature of the agreements and schedule of payments made/ payments overdue gave us an opportunity to provide our client with an accurate forecast of the total size of the debt owed, accounting for sums which were time barred. Due diligence was carried out on debtors prior to litigation. We helped our client form a view on prospects in terms of the debt that was due and owing and the debtor's ability to pay. Historically these debts had been chased by the client with limited success, since we became involved, we have successfully recovered many of their longstanding debts. We have drafted standard documents to include pre-action correspondence along with litigation documents which can be adapted by the team to reflect the circumstances in each matter. We operated matters on a no win no fee basis.
- Handling a percentage of a metropolitan borough council's debt cases where they have been involved in court proceedings with a Claimant or Defendant which has resulted in them obtaining a cost order against their opponent. The cases referred are at the enforcement stage as they have been subject to a Court Hearing. Our instructions are to consider the most viable enforcement route available to our client and to take enforcement action to recover the debt. The enforcement action used on a regular basis for this client are Instructing the Sheriffs and obtaining Charging Orders, although all enforcement routes are at our discretion, the difficulty with these debts are that as they have resulted from a court hearing debtors are reluctant to pay as it usually means the loss of a case for them, we have had a continual success rate in recovering these debts for our client.

**Planning and Environment** – Forbes have supported a wide range of clients in relation to planning and environment. Examples include but are not limited to:

- Acted in a case where the defendant was accused of trapping wild birds and selling them contrary to The Wildlife and Countryside Act ending in a three-day trial.
- We represented a Waste Transfer Station operator at an initial interview with the Environment Agency resulting in no criminal charges being brought.
- We acted in a two-count indictment case, representing the Company Secretary of a Waste Management Firm where it was alleged that the company was introducing commercial waste into the public waste stream and inflating hazardous waste and waste tonnage, consequently raising charges levied upon the Local Authority with charges being dropped by the Environment Agency.
- We have assisted a number of clients reviewing their property portfolios' energy efficiency following changes to the MEES regulations - whilst applicable to private landlords a number of our RP and public sector clients used this as an opportunity also to be ahead of the curve.
- We have advised on a number of environmental improvement schemes including retrofitting of improvements to houses where our advice has included dealing with existing occupants of properties and producing contract terms to address government schemes affecting the projects (e.g., Feed-In Tariff).
- Arranged the bulk assignment of section agreements following restructuring within a housing association.
- Acted on a wide range of regeneration schemes with elements conditional on planning permission and negotiated terms for local authority contracts with planning-related terms.
- Reviews of existing section 106 agreements for the development, ensuring affordable nominations and allocation process and eligibility provisions are agreeable, as well as confirming that any protected are not bound by any ongoing provisions within the section 106 agreement. In such instance where the provisions are not agreeable, we negotiate a variation to the section 106 agreement.

**Licensing** – Forbes support organisations in obtaining a variety of licenses, allowing your product/ service to reach a bigger market, to improve reputation and increase revenue and profit. We follow due diligence processes, supporting with terms and conditions ensuring your business is legally compliant with reduced risk. Examples of previous work include but are not limited to:

- We have experience of acting in-house in more than one local authority advising on HMO licensing and judicial review of licensing decisions.
- We negotiated variations to specific entertainment licensing restrictions to allow a one-off rock concert to go ahead in a stadium surrounded by residential streets.
- We acted on terms for events being promoted on local authority land by a private sector promoter including advising on what activity was permitted on the land.
- We have advised on stadium licensing and special policing terms for sports events including attending meetings with police and local authority representatives.
- We advised on a premises licence for a warehouse, the client was relocating premises needed an urgent new premises licence putting in place to ensure could continue to sell alcoholic products. The licence application was made in two days and TEN notices were put in place to ensure client could continue trading while licence went through.

**Pensions** – Our Employment team support in the provision of pension advice. Please note, the only limitation we have is pensions advice is limited to advising employers and impact on employees as we can't provide financial advice We work with organisations to provide cost-effective and legally compliant pension solutions experience includes but is not limited to:

- Our Head of Employment and his team are experts on a number of public sector pensions schemes and their impact on employers, including the Local Government Pension Scheme and Teachers' Pension Scheme.
- We regularly advise organisations where there is the potential for a pension strain to be payable and advising employers on way to limit the impact upon them.
- We have advised on Admission Agreements and revisions of their terms in conjunction with our commercial teams.
- We have done significant work with an organisation involved in significant outsourcing to provide standard pension protections for the organisation in TUPE transfers and provided training to the organisation's officers on these changes.
- We are well versed with the provision of LGPS having worked within the public sector over a significant period of time. One of our solicitors appeared in the EAT in relation to a pension loss calculation for a teaching member of staff and we regularly advise upon the implications of Settlement Agreements and pension provision related to TUPE transfers. Our most recent experience is advising around age discrimination implications of dismissing an employee before pension entitlement was engaged; advising upon the implication of pension provision transferring upon the amalgamation of two different organisations with different pension schemes and have advised organisation who were not previously LGPS members on obtaining Admitted Body Status including liaising with LGPS.

**Litigation / Dispute Resolution** – the Forbes team are experienced in handling disagreements and alleged claims between organisations, such as Local Authorities, companies, SMEs, sole traders, charities, trust and partnerships. We support on commercial disputes including contractual issues, disputed debts, director and shareholder disputes, partnership disputes, professional negligence, insolvency, injunctions, property disputes or issues around intellectual property. Previous examples of our work include but are not limited to:

- Acting for a local authority in a dispute over the interpretation of a Will trust document. A legacy was left to the Council in a Will which was for the benefit of a children's home. The children's home has moved location and changed name. The Executors are interpreting this as the children's home no longer being in existence, so the legacy to the children's home would fall into the residue. We instructed on the legal position, advising upon an application for the Court to determine the interpretation, or a "cypres" application to the Charity Commission. We set out the local authority's position within pre-action correspondence and were able to compromise the dispute within a settlement agreement.

*Construction Litigation / Breach of contract*

- Acting on behalf of a London based housing association in relation to a £9m JCT dispute. The dispute revolves around a claim against their principal provider of maintenance and repair services across over 900 properties located in London and the Southeast. We are advising on the implications of the contractor's breach of contract considering the issues identified within the first 12 months of the commencement date of a 10-year contractual term.
- Representing a housing association in relation to breach of contract and professional negligence in respect of the design and build aspect of a refurbishment of an apartment block building in London. The case related specifically to the choice of exterior building render which has started to degrade giving rise to claims against the main contractor and architect.

*Defamation / Libel*

- Instructed to act on behalf of a trust for teachers/heads whereby during the course of an annual conference, a member of the trust, made a series of defamatory comments against a prominent member of the local authority council. This resulted in a claim for libel and slander following thereafter whereby the claimant sought damages and an apology. We successfully managed to defeat the claim without proceedings being issued against our client, which was an excellent outcome as if the matter had continued, this would have created adverse publicity.
- Instructed to advise in a claim with regards to allegations between foster carers, one of whom claimed defamation by the other, within the Jewish community, involving sensitive issues between different from Hasidic, Reform and Conservative sects.



**Intellectual Property** – Forbes support on complex areas, supporting with advice to ensure clients obtain intellectual property protection. Our guide to intellectual property rights discusses each intellectual property right, how it arises, and the protection afforded to the holder. We have supported on a wide range of matters including but not limited to:

- A national charity client required a Collaboration Agreement with a City Council and private third party, involving licensing of intellectual property rights and projects for cleaning up beaches.
- We gave Intellectual Property advice to a party operating under European funding, in relation to its intellectual property ownership, taking steps in connection with its registration and protection.
- We advise on registration of trademarks including dealing with any opposition raised by a third party. We have experience of defending objections successfully for a Local Authority and negotiating agreed solutions.
- We act on protecting registered designs including preventing sale of infringing items and also in counterfeiting cases involving prosecutions or possession of infringing items.
- We are instructed on the procurement by a local authority of a software system including intellectual property licensing and ownership terms as well as information governance elements.
- We have advised on the selection and protection of trade names and logos for academy trusts, housing associations and other public sector bodies.
- We have drafted joint research and development and intellectual property exploitation agreements involving a range of parties including a housing association and university.

**Employment** – We provide strategic and pragmatic advice to achieve the best and most-cost-effective outcomes. We recognise employment law is constantly evolving, our team works with our clients to provide innovative solutions securing a robust mitigation against Employment Tribunal Claims. Examples of experience include:

- Supporting in an industrial dispute instigated by Unite centres on the job evaluation and re-grading process. Our advice covered legal advice on the legality of the strike action, injunctive relief and potential avenues for resolution. We provided strategic and tactical advice to resolve the dispute and avoid further strike action.
- Representation of a local authority in a constructive dismissal and disability discrimination claim by an employee.
- Forbes advised a Local Authority in relation to a complex potential SOSR dismissal of a longstanding employee. The matter was complicated by the existence of an employee disability necessitating reasonable adjustments to the process and potentially affecting the SOSR itself. Further complications arose from the involvement of the employee in a redundancy procedure resulting from a complex internal restructure at the Local Authority. Our extensive experience in handling complex employee management disputes and resulting dismissals enabled our team to identify associated risks and finalise a proposed course of action which accommodated the employee's enhanced needs, the immediate needs of the employer in relation to the issues with the employee's role, and also in respect of the wider needs of the organisation and restructure.
- We advised two Local Authorities named as co-Respondents to a claim of automatically unfair dismissal, protected disclosure detriment and discrimination brought by a former member of staff. We identified at an early stage that all the claims had been brought significantly out of time (2 years) and the former employee was relying on the covid pandemic as the reason why the claims could not have been brought in time. Utilising our knowledge and extensive experience of Local Authority tribunal work, we made an early application for a hearing to deal with the jurisdictional issue (time limits), setting out that it would be more cost effective for the Employment Tribunal to hear the issues in advance thus mitigating the overall cost risk to our clients.
- We advised a Northwest Local Authority in an Employment Tribunal claim arising out of a complex TUPE situation involving a number of service provision changes over the course of 20 years. We identified quickly upon review of the claim (which was brought by an employee of a legacy organisation) that the staff member was not assigned to the organised grouping of employees immediately before the last transfer took place. We made an application that the Tribunal deal with the TUPE issue as a preliminary issue given that our client was not joint and severally liable for the claims brought by the Claimant in terms of the jurisdictional issue.

**Healthcare** – We can help with all areas of healthcare law including: public and private disputes (including complaints involving the Ombudsman, media and/or MPs), community care and safeguarding involving the Care Act 2014, criminal regulatory and CQC (including enforcement of the Fundamental Standards and corporate manslaughter), dispute resolution, real estate, the Deprivation of Liberty Safeguards, due diligence, governance and procurement legislative framework, the Mental Health Act 1983, elder care and inquests. The major issues that healthcare providers may require are covered within the other areas of this document.

**Primary Care** – Forbes specialist teams utilise partners in the department with more than 20 years' experience in clinical negligence. They are supported by a Consultant an Associate, several paralegals, and a costs lawyer. Expert medical opinions are sought in support of both liability and causation. To ensure a thorough and quality driven service we are often supported by approved experts in the field to deliver the successful outcomes. Examples of cases include but are not limited to:

- Acting in a case where an individual suffered delay in diagnosis of throat cancer, requiring laryngectomy following failure to spot and refer.
- Acting within a case drawn from a SIRI (serious investigation Report), following a thorough review of medical records and medical evidence. This resulted in amendments of policy and procedure regarding analysis and management of alcohol withdrawal, accuracy of records, delivery of Trust documentation training, sharing of proforma on Quadramed, identifying and actioning referrals, NEWS training, holistic assessment, and prescribing.
- Supporting in a case where there was failure to treat increasing eye pressure and perform a Trabeculectomy.
- Advising on a birth injury claim

**Inquests** – Our inquests team is totally attuned to the highly emotive and sensitive nature of being involved in an inquest at the Coroners Court. We have a specialist team to guide you through the process and obtain relevant disclosure and witness evidence. We ensure clients avoid Prevention of Future Death Reports by identifying at an early stage of potential failings and advising clients as to improvements to policy, procedure and training which can then be demonstrated to the coroner. We also have very close relationships with specialist Counsel who regularly deal with the most complex and emotive inquest matters providing you with a service that is second to none in what can be extremely stressful circumstances.

- Article 2 inquests including;
  - Death of a teenage boy following admission and subsequent release from mental health admission into Local Authority care.
  - Murder of a toddler, known to social care services, following having been left in the care of an inappropriate adult who assaulted the child.
  - Article 2 Domestic Homicide with jury. Detailed evidence and Action Plan provided to Coroner avoided Regulation 28 PFD report.
  - Death by suicide of a teenage girl known to social care and numerous universal services
- Complex inquest where an adult service user which the council provided care for within sheltered accommodation died as a result of an incident where a discarded cigarette lit his clothing and he died from fatal burns. It was alleged that the emollients applied by carers acted as an accelerant.