

Public Sector Experience



DICKINSON DEES

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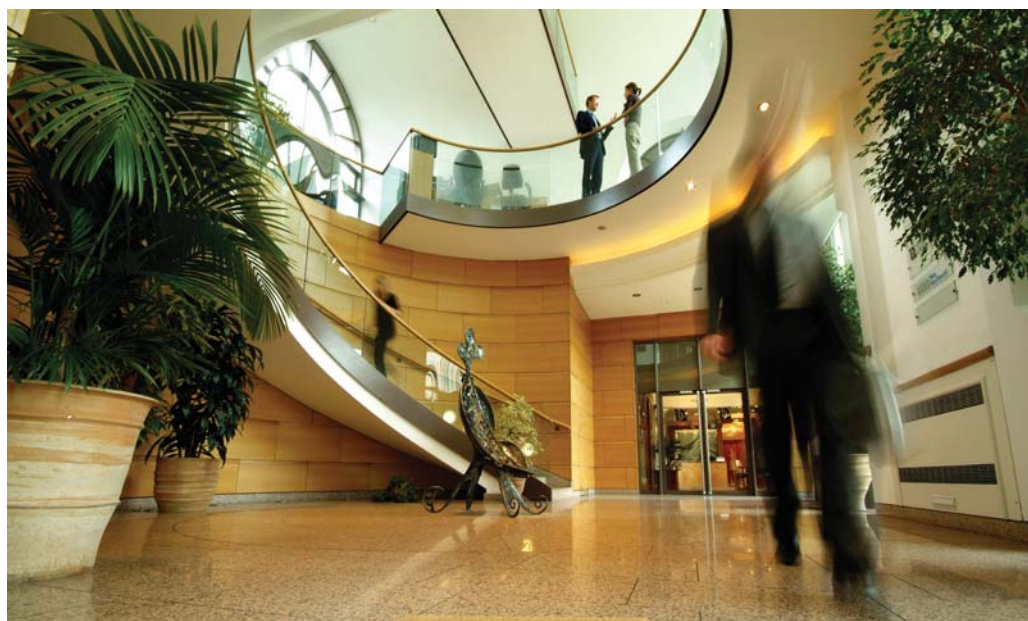
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Dickinson Dees has a wide range of experience advising the public sector. Set out below are some examples of projects that our lawyers have recently been involved in.

CORPORATE AND CHARITABLE STRUCTURES

Department for Culture, Media and Sport

We advised the Department for Culture, Media and Sport on the transfer of the eight Regional Cultural Consortia in England from unincorporated associations to new not for profit companies. Our work involved evaluation of various charitable and non-charitable structures as well as developing and implementing the preferred model (which involved a not for profit company and an associated charity for each Regional Cultural Consortium).

Department for Education and Skills

The Department instructed us to evaluate the advantages and disadvantages of different legal structures that may be adopted by sponsors of multiple Academies. We also advised on the strategic issues relating to sponsors' funding of Academies and how sponsorship monies may be utilised to best effect.

Northern Arts

We advised Northern Arts in relation to its merger with Arts Council England and the other regional arts boards. Our work involved the rationalisation and re-

organisation of charitable assets as well as advising generally in relation to the transfer of the undertaking.

NHS Primary Care Trust

We advised a NHS primary care trust regarding its role as a corporate charity trustee, following the regional restructuring of health care provision. This involved providing advice on the effects of the transitional arrangements in relation to the trusteeship of the charitable funds and liaising with both the Charity Commission and Department of Health.

Emmanuel Schools



Foundation

We developed an innovative structure to facilitate the operation of a group of Academies. Our solution enables local stakeholders at each Academy to be fully involved in its operation whilst allowing the sponsor and foundation charity to ensure that economies of scale and best practice are utilised to maximum effect by all the schools.

Newcastle City Council

We are currently advising the council on the establishment of a new, public sector owned company to tackle long term unemployment issues. As well as dealing with the incorporation of the chosen corporate body (which initially will not be registered as a charity, but may well be in the short term), we will also be advising

on the transfer of existing activities to the new organisation by the council and Job Centre Plus.

Doncaster Metropolitan Borough Council

This project involved reviewing issues relating to the proposed acquisition by the council of The Earth Centre (a Millennium Commission funded tourist attraction). Our work also involved advising the council on the different for profit, charitable and not for profit structures that could be used by it to acquire and operate The Earth Centre as well as associated issues relating to the transfer of the undertaking. We were also involved in negotiations with the Charity Commission regarding the proposed transfer. The council eventually decided not to proceed with the acquisition and transfer.

Durham County Council

We acted for Durham County Council in relation to the transfer of its ownership and responsibility for running Bowes Museum to a newly formed charity. The main areas in which we advised were constitutional issues relating to the formation of the charity and its registration with the Charity Commission, the funding agreement between the council and Bowes Museum and advising on employment law and pensions matters.

Tynedale District Council

We acted for Tynedale District Council on the formation of Leisure Tynedale (now called North Country Leisure). The main areas in which we advised were constitutional issues relating to

the formation of the charity and its registration with the Charity Commission, the funding agreement between the council and Leisure Tynedale and advising on employment law and pensions matters.

Alnwick District Council

At our suggestion, it was decided that North Country Leisure (formerly Leisure Tynedale) should assume the operation of the council's leisure services. We put in place an innovative structure whereby a single charity would operate leisure services in the two councils' areas whilst ensuring that there was appropriate local representation and input into the running of leisure services in each council's area as well as putting in place appropriate safe guards relating to each council's funding of services in this area (to ensure that there is no subsidy by one council to the other). We believe that North Country Leisure is the only charity working with more than one council in this way.

Tees Valley Regeneration

We advised One NorthEast on the formation of Tees Valley Regeneration. Our work involved advising on the most appropriate structure to adopt and setting up a vehicle that reflected the interests of One NorthEast and the local authority members. Part of our work involved a review of the relative advantages and disadvantages of charitable and non-charitable organisations.

Northumbria Tourist Board

We advised Northumbria Tourist Board on its proposed incorporation including an evaluation of the different for profit, charitable and not for profit structures and issues relating to the transfer of the undertaking from an unincorporated association to a new body.

PFI AND OUTSOURCING

We have long standing experience in relation to PFI projects over more than 10 years as well as in connection with outsourcing generally. Our PFI and outsourcing expertise covers a wide variety of projects. The following are just some of the PFI and outsourcing projects we have advised on recently.

H M Prison Service

We advised on two energy services PFI schemes, each with an approximate value £40 million in relation to a total of 16 prisons.

Newcastle Hospitals NHS Trust

Hospital redevelopment project with a total value of £300 million.

The Leeds Teaching Hospital NHS Trust

Hospital redevelopment project with a total value of £200 million.

London Borough of Newham

£180 million Building Schools for the Future project.

Newcastle City Council

£200 million Building Schools for the Future project.

Darlington Borough Council

£35 million PFI project to build four new schools.

Cumbria County Council

We have advised on the following outsourcing projects for the council:-

- waste management: £400 million;
- ICT £67.5 million;
- construction services: £100 million; and
- white collar services: £100 million.

Northumberland County Council

Waste management outsourcing project: £90 million.

COMMERCIAL

Durham Tees Valley Airport

We acted for the eight local authority owners of Durham Tees Valley Airport on the sale of a significant stake in the airport to a strategic partner and the joint ownership arrangements under which the airport would be managed.

Northumbria University

We advised Northumbria University on the sale of its Carlisle campus to University of Central Lancashire and the related sale of its Carlisle student accommodation to Impact Housing. Our work involved advising on charity law issues as well as the sale agreement, all property, commercial, funding and employment matters.

EQUAL PAY CLAIMS

Carlisle Hospitals NHS Trust

In 1997 we were originally instructed by Carlisle Hospitals NHS Trust (as it was then) to act for them in the defence of various equal pay claims, known as the Wilson claims. This long running piece of litigation was settled in 2005. The Department of Health were involved working alongside us in drawing up an extremely complex settlement agreement involving liabilities in excess of £30 million.

North Cumbria Acute Hospitals NHS Trust

In 2001 Carlisle Hospitals NHS Trust

merged with West Cumbria Healthcare NHS Trust to create North Cumbria Acute Hospitals NHS Trust. That Trust was then the subject of further equal pay claims commencing in 2004 (approximately 1,300 in total) and we have represented the Trust since that date in defending those claims.

Morecambe Bay Hospitals NHS Trust

We have also represented Morecambe Bay Hospitals NHS Trust in defending a similar number of equal pay claims (approximately 1,300) which it is facing. The proceedings for both North Cumbria and Morecambe Bay raise issues of national importance for the whole of the NHS. We have been liaising with the Department of Health to ensure that they are in agreement with the defences being run by us on behalf of our clients.

More recently, a large number of other claims have been brought nationally against various NHS trusts, but particularly in the north east region.

We are currently also advising a variety of other public sector bodies to a number of significant equal pay claims.

OTHER

Office of the Deputy Prime Minister

We worked with the Corporate Procurement Division of ODPM (now DCLG) to provide training to staff in that group on the major changes introduced by the Public Contracts Regulations 2006, particularly in relation to framework agreements. (We were invited to provide the training as a direct result of the Head of the Division having heard one of our procurement lawyers speak at a national conference.) We have also

provided similar training to a number of our other public sector clients.

Department of Health

We acted for the Department of Health, advising first wave Foundation Trust applicants and Primary Care Trusts on the model contract for the commissioning of clinical services. We also advised the Department on the robustness of the contracting and partnering arrangements of all second wave Foundation Trust applicants. This included advising on the model contract for commissioning of clinical services as well as other contracting arrangements with public sector and private sector bodies along with land matters.

Partnership for Schools

We are advising Partnerships for Schools (PFS) on the setting up of a national contractors' framework. This framework is for four years running from the end of November 2006. We have advised on the construction contracts to be included in the framework package, the framework agreement itself, and all the tender documents. The framework will be available for local authorities and voluntary aided schools to call off contractors on the framework panel to build, using public funds (not PFI) in the following areas:-

- **Single school projects** - either Academies or so-called "one off schools" (these are projects funded by PFS for local authorities who have no prospect of getting major Building Schools for the Future (BSF) funding for five or more years, but will be allowed to build a single school in the interim).
- **Bundled projects** - these will

generally be the construction of two (or more) Academies in one local authority.

- **Batched projects** - this will be delivering a small (less than £100 million) BSF project under the framework.

The total value of the framework is £1.6 billion.

East of England Development Agency

We have been appointed by East of England Development Agency (EEDA) to all six of its legal panels (property and planning, trade marks and patents, European law, commercial and corporate, regulatory, tourism and business support) following a national tender. We are one of four panel firms and the only one appointed from outside EEDA's geographical region.

London Borough of Croydon

We are acting for the Council on the redevelopment of New Addington Town Centre. This will include a major retail store, private and social housing and the provision of community facilities including a leisure centre and council "one stop shop" service facility. We are advising on all aspects of the transaction from procurement and selection of preferred bidder to the development documentation.

London Borough of Croydon

We advised the council on a £280 million facilities management agreement. The agreement has a five year term with the option of a two year extension and it covers buildings, maintenance, cleaning and security services. The project has been recognised as a 4Ps pathfinder project.