

LEGAL SERVICES

“The Legal Helpline for Schools”

The Legal Service, which includes telephone as well as face-to-face advice to Head Teachers, Representatives of the Schools and Governing Bodies, advises in the following areas:

Legal Representation - whenever the school is involved in inquests, courts, tribunals, submission of court reports, assistance with preparation of witness statements, service of process, advocacy at the hearing.

Parents and pupils - liability for disclosure of pupil information, exemption from school activities, family proceedings disputes and effect of contact and residence orders, discipline, access to premises, loss and damage to property, assaults, liability of teachers on school trips, harassment & discrimination, allegations of violation of Human Rights Act 1998, health and safety, including nuisance on school premises.

Employment - support in the preparation for, and appearance at, Employment Tribunals, and advice on non standard contracts of employment including drafting.

Property Dealings - dual use, boundary disputes, transactions (if not handled centrally or by other owners).

Contractual - advice on claims for defective goods, hire agreements for equipment, trips arranged through the school.

Debt recovery - advice and processing on civil claims the school may have.

Use of materials - copyright, patent and design, music and theatrical performances.

Direct disbursements such as court fees, expert's fees or Counsel's fees will be an additional charge but will not normally arise. There will always be a prior discussion with schools before such fees are incurred.

The service is offered on a 'retainer' basis by way of payment of a one-off fee for advice and assistance in the above areas. However where it is necessary to issue or defend legal proceedings or to give advice on complex issues then an hourly rate will be charged based on the seniority on the officer with conduct of the case.

Provider

Staff within Bury MBC's Legal Services Team.

Specification

Service standards - all work will be undertaken in accordance with: -

- Lexcel, the Law Society's Practice Management and Client Care Standards for which the Practice holds accreditation
- Relevant Professional Code of Conduct
- Method statements representing 'Best practice'
- Routine telephone calls will be returned within one day
- Urgent telephone calls will be dealt with as soon as possible and not later than 2 hours in any event
- Correspondence will be acknowledged within 5 working days and a substantive response provided within 20 working days, unless otherwise specifically agreed.

Initial Response Performance Targets

General Advice

- Verbal - within 24 hours of receipt of completed instructions
- Written - within 15 days of receipt of completed instructions

Management Agreements

- Cases to be actioned within 10 working days of complete instructions

Leases

- Cases to be actioned within 10 working days of complete instructions

Licences

- Cases to be actioned within 10 working days of complete instructions

Sales

- Cases to be actioned within 10 working days of contract receipt

Purchases

- Cases to be actioned within 7 working days of complete instructions

Warrants and other Emergency Applications/Proceedings

- Cases to be actioned within 48 hours of complete instructions,

Employment Tribunal

- Receipt of instructions to be acknowledged within 5 working days with Response submitted within statutory time limit

Accounts (additional work only)

- Submitted at the end of each month in respect of the service provided during that month
- To show the cost of the time spent on each matter
- Any disbursements incurred

Costs and Contract Length

The School may choose to contract for one, two or three years. Where the School chooses to contract more than one year, the price will be held for the subsequent year or years.

Conflict of Interest

- Legal Services will monitor instructions received from clients to ascertain whether a conflict of interest arises between them
- Legal Services will notify the respective clients of such occurrence
- If a conflict arises, this will be managed by the Practice Manager and monitored on a regular basis and reported to the Legal Services Management Team
- In exceptional circumstances work will be outsourced

Confidentiality

Legal Services will keep confidential all matters relating to the business of the school save as may be required to be disclosed by law.

Monitoring and Reporting

Monthly monitoring of the following performance indicators is undertaken and will be made available to Schools where relevant

- Compliance with relevant Service Standards and appropriate action taken where required.
- Compliments and Complaints received by the Service and appropriate action taken where required

Our Responsibilities and Your Responsibilities

Legal Services will provide timely, accurate and relevant advice.

Legal Services will notify the School of any additional costs before they are incurred.

Legal Services will carry out the Service in accordance with the published performance criteria as set out in this Agreement.

Legal Services will expect the School to provide timely, accurate and full instructions.

Legal Services will expect the School to advise us of any relevant developments likely to affect the advice or the conduct of proceedings.

Legal Services will expect those giving instructions to have ascertained that they have the authority to do so on behalf of the School.

Complaints Procedure

Complaints should be made in writing to either the Head of Legal Services or the Practice Manger and the Services internal Complaints Procedure will be followed

The benefits for schools are that:

- Schools will comply with the law
- Readily available practical advice can be given to deal with problems as they arise
- The service can be used to gain information about changes in the law which affect you
- Advice is provided by a lawyer with experience in education law and practice
- The service is highly cost effective when compared with the cost of legal services from the private sector

Contacts

Please contact the nominated officer, Andy Carlile in the first instance by telephone on (0161) 253 5211 or fax on (0161) 253 5119 or e-mail legal.services@bury.gov.uk between the hours of 9.00.a.m. and 5.00.p.m.