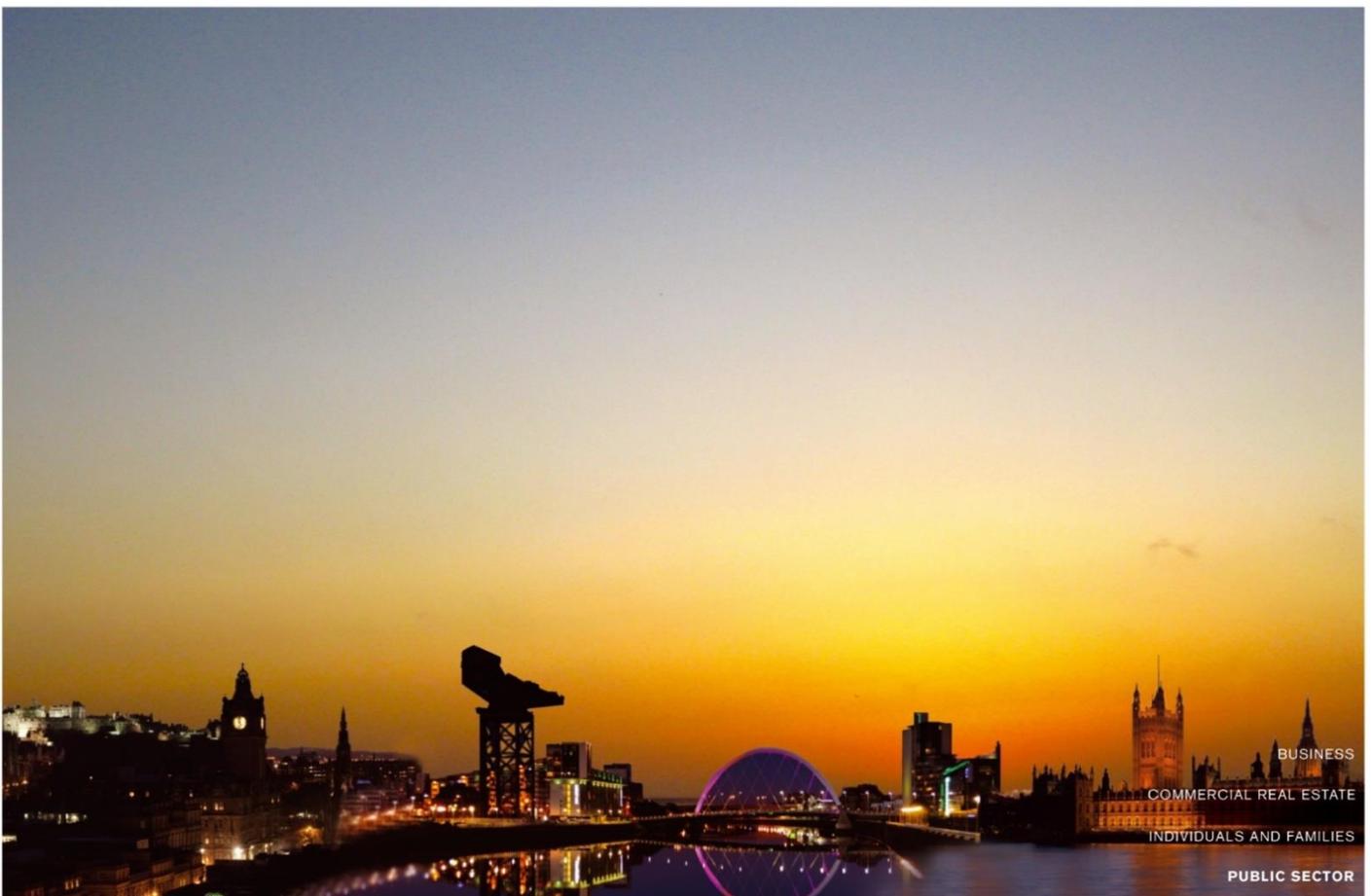

CCS PROSPECTUS

RM3788 – Wider Public Sector Legal Services

2021

Morton Fraser LLP



BUSINESS

COMMERCIAL REAL ESTATE

INDIVIDUALS AND FAMILIES

PUBLIC SECTOR



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Introduction

The public sector is facing unprecedented challenges. In the climate of austerity it is under enormous pressures in terms of funding and sustainability. We have been working within the sector for many years and, with over eighty specialists, have one of the biggest public sector teams in Scotland. We will leverage our scale, expertise and knowledge to save you time and money.

We work closely with over a hundred public sector organisations throughout the UK, and understand the particular issues you face. We're acutely aware of the public accountability, the reputational risks, the political and media sensitivities and the overarching policy issues the sector faces. We have a strong focus on the sector and know how important it is to get it right and get it right first time. We've helped many clients effectively re-invent themselves for the future, where appropriate, drawing on our private sector experience to achieve this.

We thoroughly enjoy working with our clients in the public sector and appreciate the extremely valuable service they provide whilst ensuring that public money is apportioned appropriately against a backdrop of intense scrutiny and accountability. We give excellent value for money by adhering to competitive and transparent fee proposals whilst also looking for more efficient ways in which to provide legal services, spreading cost risk and offering greater certainty and transparency.

With over 20 years' experience working for government and wider public sector clients, we have a proven track record of delivering correct and practical advice, taking into account its context and the way it needs to be delivered.

We are experienced at being appointed to legal frameworks and at establishing strong working relationships from the get-go.

We are delighted at the prospect of working as part of your team.

Best regards



Jenny Dickson, Chair, Partner & Head of Public Sector

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Why we are the right firm for you

Scots law expertise: We are an independent Scottish law firm. We have over 270 people working with us, and are one of the top firms in Scotland. We are highly ranked in both the Chambers and Legal 500 independent legal directories where we are identified as having leaders in 26 different practice areas including all of those covered by the scope of this Framework.

Extensive team and specialist knowledge: We are on the Scottish and UK Government Panel (the Scottish equivalent of the CCS Framework). We act for public sector clients across Government and Local Authorities, the Education Sector and for many other organisations. Current clients include the Ministry of Defence, the Home Office, the DWP, HMRC, the Ministry of Justice, HM Passport Office, the HSE and the Scottish Government.

Expert, efficient and cost effective legal advice: We are a full service firm and so will be able to support you across all of your requirements. We help our clients by providing competitive and clear fee structures, and are confident that our approach to feeing will be compatible with your requirements.

Commitment to the public sector: Our team has been providing commitment, clear advice and bespoke services to the public sector for decades. We use this experience to drive improvements and to look for more efficient ways in which to provide legal services. We employ high level people directly from the public sector with hands-on experience of the challenges our clients are required to meet. We also invest in specialised technology to help us deliver solutions in the right way for our clients.

Working with us

Clarity: Our brand is founded on clarity. We have made a commitment to our clients, which appears in our terms of business, that our clients need not pay any invoice which they were not expecting. We see this as a key point of distinction, which sets us apart from our competitors.

Clarity extends beyond pricing: It is also about providing advice to clients in clear terms, with recommendations on options to proceed and how best to manage any potential legal and reputational risks. Clear legal advice which is readily understood by our clients is at the heart of what we do and the depth of our expertise and experience in the provision of such clear advice to public sector clients is unrivalled.

Public sector pre-eminence: The public sector is of such significance to us that our Chair, Jenny Dickson, leads our Public Sector Practice Group. We also ensure we are able to offer clients more than expertise on the law. Thought leaders are experts in their field and are the "go-to" people for both clients and colleagues.

Culture: We have robust policies, excellent female role models and a supportive culture which help deliver inclusion, diversity and equality. Over 50% of our Managing Board is female and 75% of our employees are female. Many of our staff are on a flexible working pattern. We encourage agile working and are working with some of our clients in helping them develop agile working policies.

Innovation, collaboration and best practice: We embrace innovation, collaboration and best practice. By way of example:

- We were the first UK law firm to create an employment app.
- Our reporting and added value tracking for public sector clients have been rolled out to other firms on our clients' panels as an example of innovation and best practice.
- For the last two years we have worked with some of our public sector clients to deliver jointly the Public Sector Elective for postgraduate students at the University of Edinburgh focusing on the delivery of legal advice to the public sector.

Child Law

Our team has unparalleled experience in advising on all aspects of child law, including adoption, social work and child-related and child protection issues. We act for a wide variety of clients including over 50 local authorities in public child law cases.

We are involved in more public law work than any of our competitor family law teams - particularly in our experience of very unusual Court of Session (highest civil court in Scotland) litigation on behalf of English local authorities.

Case Studies

We acted in 50 related and very unusual public law cases, in which the Scottish Supreme Court was persuaded to use its equitable powers in a very novel and unusual way (called an application to the *nobile officium*). The cases concerned children in England who were being detained in secure accommodation as a result of an English court order. Many of those children are then sent on to accommodation units in Scotland. However, a gap in the law meant that the English court orders were not recognised in Scotland. They were not capable of being enforced in Scotland and this gave rise to serious human rights concerns. The cases were prompted by a judgment of the President of the Family Division in England in the case *X (a child) and Y (a child)* [2016] EWHC 2271 (Fam). Our application was successful. These cases resulted in the Scottish Parliament passing emergency legislation to plug a gap in Scots law in April 2017 by means of the Children and Social Work Act 2017.

One of the instructing clients, in-house solicitor at Blackpool Council, said: *"Morton Fraser were assisting my client initially at very short notice, with a unique and complex point of [childcare] law of national significance both in England and Wales and Scotland. I was very impressed with how they met this challenge and very grateful for their work and assistance throughout the process."*

We acted on behalf of a local authority in a sheriff court application for a permanence order enabling a child to be adopted. The application was opposed by the child's mother and resulted in a proof lasting for a total of 9 days. This case exemplifies our niche knowledge and expertise relating to the Adoption & Children (Scotland) Act 2007 and our solicitors' ability to conduct a lengthy and complex litigation against a barrister in this area.

Key Contacts



Rhona Adams - Partner

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Rhona is Head of the family law team. She has been in practice for 29 years, holding accreditation as a family specialist for 18 years and accreditation as a family mediator for 20 years. Rhona has a strong cross-border practice. She is dual qualified in Scots and English law.

Ranked as a Band 1 lawyer by Chambers, Rhona is described as *"excellent at staying calm and explaining the process and the options"*.



Lucia Clark - Partner

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Lucia is dual qualified in Scots and English law. She is an accredited family law specialist in Scotland and is a member of Resolution's International Family Law Committee and has contributed to committee papers to Westminster and the Law Commission on the impact of Brexit on family law.

Debt Recovery

We are Scotland's premier public sector debt recovery practice. We carry out a broad cross-section of debt recovery work for clients from one single instruction to high volume, from straightforward to complex, from unregulated to regulated.

We act for Government, Local Authorities and Educational Establishments. Our teams are trained in the need to identify at the earliest stages, cases which might attract adverse judicial comment or press interest, escalating these cases to the client. We also provide significant value added initiatives to these clients, given their budgetary restrictions.

We are trained in FCA requirements and we have a specialist team to which matters involving potential mental health and vulnerability issues with customers are referred. We have used this experience to educate and assist not only our FCA regulated clients but also those in the public sector where reputation is a key factor in their recoveries process.

Case Studies

We ran a seminar on debt and mental health for the public sector in Scotland for Mackay Hannah, Scotland's main provider of public policy seminars.

We have a niche fraud specialism acting in the recovery of confiscated assets for clients such as the Civil Recovery Unit and National Crime Agency.

For one of our Scottish Government clients, Director of Debt Recovery Bill Stark created a more streamlined and simpler way for us to process the work. Whilst we could simply have benefitted from a better margin, we passed on savings to our government clients, reducing costs of one process by 50% for the public purse. The process also resulted in simpler Management Information reporting to the clients.

Key Contacts



Bill Stark - Director of Debt and Asset Recovery

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Bill has specialised in debt and asset recovery for over 30 years. He assists in the recovery of particularly high-value complex cases, providing tailored advice as to the best approach to enforcement of decrees while balancing costs against prospects of recovery. He carries out internal credit management reviews for many clients to ensure that their exposure is managed effectively and also conducts training programmes.

Education

The mix of work we carry out for institutions in the schools (public and private) and further and higher education sectors, as well as specific education bodies, differentiates our practice. Many firms focus on one or two areas but not all have a good cross section of clients and work in each.

Our client base includes state schools managed by local authorities; further education institutions or colleges; higher education institutions or universities; bespoke education institutions such as Scottish Schools Education Research Centre and Student Awards Agency for Scotland.

Case Studies

We recently acted for a local authority which engaged a contractor to construct a high profile High School building in the centre of Edinburgh. The works were due to be complete and the school open by August 2016. There was an 18 month delay. We are advising the local authority of its rights and remedies in relation to this delay and what action it can take to limit any adverse publicity due to this delay.

We act for the SRUC (Scotland's Rural College) which is a Higher Education institution, having been re-appointed by tender process in 2017. SRUC was a merger of 3 colleges and one institution of higher education. We acted in the complex merger which involved significant constitutional, governance and compliance issues. Our firm had a previous long-standing relationship with the former Scottish Agricultural College. The merger was unique in Scotland in being the only one between further and higher education institutions.

Key Contacts



David Walker - Partner

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David is head of Morton Fraser's Education Team with extensive experience acting in the education sector as well as representing primarily large public sector and private sector employers. He is one of the country's most prominent and experienced accredited employment law specialists. His clients include the Scottish and UK Governments, the Ministry of Defence, and the University of Glasgow.



David Hossack - Partner

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David is accredited as a specialist in Employment Law by the Law Society of Scotland and is one of only 4 solicitors currently accredited as a Commercial Mediator by the Law Society of Scotland. He is a highly experienced employment lawyer and mediator with a very broad understanding of the education sector, acting for SRUC (Higher education institution), George Heriot's School, George Watson's College and Loretto School (all leading private schools).

Employment

Morton Fraser has a highly rated employment law team which is recognised as being one of the best in Scotland by the Chambers and Legal 500 independent legal directories. We have more accredited specialists in our team (eight in total) than any other employment law team in Scotland and have significant strength and depth. All four of our partners are also personally rated as leading individuals in the legal directories. Having such highly skilled employment lawyers at all levels of qualification enables us to help our clients solve complex problems as quickly and cost effectively as possible.

Our team acts for a wide variety of clients across the UK, including large and medium sized private companies, third sector and public sector organisations. Morton Fraser is the only firm instructed on Scottish employment matters for several large UK-wide organisations, including the Ministry of Defence. We also act for the Scottish and UK Governments.

Case Studies

Acting for Scottish Canals in the first Employment Tribunal Appeal concerning social media misconduct. The employee made derogatory comments about Scottish Canals on Facebook. We successfully argued his dismissal was reasonable.

We acted for the City of Edinburgh Council in an extremely sensitive whistleblowing matter, as a result of which we assisted them in a review of its whistleblowing policy.

Highly sensitive cases successfully defended include a race discrimination claim against the Ministry of Justice, and a claim against the Ministry of Defence where the individual alleged discrimination because of political beliefs.

Key Contacts



Lindsey Cartwright - Partner

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Lindsey is an Accredited Specialist in Employment Law and deals with all areas of Employment Law, having over 20 years' experience in her field. She regularly represents clients in the Employment Tribunal, but has also handled appeals to the Employment Appeal Tribunal, Court of Session and Supreme Court. She acts for both public and private sector clients including Historic Environment Scotland, Scottish Canals and Royal Mail Group Limited.



David Walker - Partner

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David is one of the country's most prominent and experienced accredited employment law specialists acting mainly for large employers. He is responsible for managing the external advice and claims for

the Scottish Government and most UK government departments with Scottish employees including the Ministry of Defence, HMRC, the DWP and the UK Borders Agency. He is also the firm's employment partner responsible for advising Police Scotland and the Scottish Police Authority.

Licensing

Our team advises on a full range of Scottish licensing matters, not just relating to the sale of alcohol. We frequently advise on licences required under the Civic Government (Scotland) Act 1982, the Gambling Act 2005 and also in relation to the licensing of firearms and air weapons on behalf of Police Scotland. We are appointed to act for the Security Industry Authority in Scotland. We are also very experienced in advising Scottish insolvency practitioners about licensing issues which may arise from the liquidation or administration of a company, and where the preservation of the alcohol licence is a key aim in maintaining value for creditors.

Our public sector experience is second to none with members of our team having spent time on secondment within a local authority licensing section, and having undertaken licensing board clerking duties.

Case Studies

Our team acts for The City of Edinburgh Council in its licensing appeal work. This covers not only liquor licensing appeals, but also other regulatory appeals of all types arising from the Civic Government (Scotland) Act 1982 as follows:

- an appeal by a second hand car dealer against the Council's decision to refuse this company's application for renewal due to recent convictions of its day to day manager and his failure to disclose these convictions.
- an appeal against CEC's refusal to renew a skin piercing and tattooing licence on the grounds that the licence holder was no longer a fit and proper person due to multiple deficiencies in the premises.
- an appeal by a fitness gym to vary its public entertainment licence to allow it to stay open 24 hours a day, 7 days a week.
- an historical appeal by an applicant for a taxi licence which was refused in 2010.

Key Contacts



David Hossack - Partner

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David is a partner of our litigation and employment teams and leads our licensing team which provides a bespoke service for clients. David appears regularly at Licensing Board meetings and acts for many of our major clients on licensing matters, both liquor and non-liquor. He leads our team in assisting Local Authority clients on licensing issues and frequently advises on policy issues relative to regulatory matters.



Susan Leslie - Legal Director

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Susan specialises in licensing, planning law and property litigation. Her litigation experience has seen her conduct cases in sheriff courts throughout Scotland and in the Court of Session and a number of regulatory bodies and committees. Susan acts for a full range of clients and has a strong public sector background, having acted for a number of government departments and local authorities.

Litigation / Dispute Resolution

We have one of the largest litigation divisions in Scotland, with 8 partners specialising in areas of commercial litigation, property disputes, reparation, construction, judicial review and health and safety. The Division has 22 accredited specialists, 3 solicitor advocates and we are consistently highly ranked in Chambers/Legal 500.

Our team includes 3 practising solicitor advocates, helping deliver excellent value for money for our clients. Our Alternative Dispute Resolution expertise, with accredited mediators, brings a pragmatic and swift approach to resolving disputes.

Our team is always conscious of the costs of litigation. We ensure we provide clarity of costs in all cases - at the outset advising on both their own likely costs and likely liability for adverse costs. We regularly advise our clients on dispute avoidance and methods of alternative dispute resolution such as mediation, arbitration or expert determination.

Case Studies

We are experienced at finding solutions where different UK Government Departments take different approaches. Partner Jenny Dickson's approach is to predict issues that may arise before they do so. She identified a potential issue with a disease case, facilitated meetings among all those representing UK Government Departments, and established a united approach. Her collaborative working approach helped reduce risk to our clients and strengthened their negotiating position.

Ministry of Defence: Advising on all health and safety, traffic accident and employers' and public liability cases in Scotland (including disease cases like asbestos and Hand Arm Vibration Syndrome). We currently handle approximately 100 disease cases, plus occupiers' liability claims arising from accidents in unique locations with unusual terrain.

Scottish Canals: Advising on all claims, including employers' and public liability cases. By liaising with our employment colleagues, we obtain vital information on employment contracts to ensure loss of earnings claims are settled without prejudice to ongoing employer/employee relationships, and to deliver cost savings through reduction in liability.

UK Government: Acting in two separate Fatal Accident Inquiries - Clutha Bar and Sumburgh. These comprise two separate FAIs into helicopter crashes resulting in fatalities. We worked as one team with our clients, utilising combined knowledge and experience in cost-efficient manner. We set up IT sharing site to ensure secure, cost-effective access to productions. Cost saving to clients was \geq £14,000. The Sumburgh FAI is to be heard by remote video hearing.

Various institutions: Acting in the Scottish Child Abuse Inquiry. We represent UK Government and other parties in the Scottish Child Abuse Inquiry, which is considering the treatment of children in care.

Key Contacts



Jenny Dickson - Chair & Partner

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Jenny heads up our Reparation Team and also our Health and Safety team, covering all types of regulatory, personal injury and clinical negligence cases. She conducts cases herself and is a solicitor advocate with higher rights of audience in the Scottish Courts. She provides advice on all types of employers' liability and public liability claims, and on health and safety. Jenny has extensive experience of Court of Session litigation, having conducted a wide variety of cases there, including judicial review, property disputes, petitions for removal of travellers, professional negligence and reparation actions.



Lynda Towers - Director of Public Law

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Lynda is our Director of Public Law. She was previously a government lawyer for over 30 years including 7 years as deputy solicitor to the Scottish Government and 8 years as Solicitor to the Scottish Parliament. She has extensive experience in drafting, instructing and interpreting legislation, particularly in relation to human rights and EU compliance as well as Scotland Act 1998 reserved and devolved issues.

Planning & Environment

Planning

We have particular strength in the public sector where our client base includes the Ministry of Defence amongst other UK Government Departments such as the Home Office, and Scottish Government departments such as Transport Scotland. Another key public sector client is Scottish Natural Heritage and major planning authorities such as City of Edinburgh Council and Aberdeen City Council.

Case Studies

We are instructed in the most significant planning litigations in Scotland, including the appeal to the UK Supreme Court in *Elsick Development Company Limited v Aberdeen City and Shire Strategic Development Planning Authority*. We advised the Strategic Development Planning Authority for Aberdeen City and 'Shire and also Aberdeen City Council and Aberdeenshire Council in respect of all aspects of a challenge to how they collect contributions via planning agreements for Strategic Transport Infrastructure for the area (potential funding gap of £86m). This was the first reported challenge to statutory Supplementary Guidance with significant implications for Planning Authorities, Landowners and Developers.

Our team have particular expertise in compulsory purchase and compensation, from the promotion of compulsory purchase orders, appearing at public inquiry, and arguing over compensation at the Lands Tribunal of Scotland. We act for Transport Scotland in its nationally important roads infrastructure schemes including the dualling of the A9 and A96 trunk roads.

Environment

Our team is at the forefront of the market in dealing with issues relating to contaminated land and all environmental issues relating to nuclear. We are known for pre-eminent knowledge and experience in the field of nuclear related matters. We are also valued for handling highly sensitive matters on behalf of government and public bodies. The nature of these clients is such that we must always tailor our legal advice to with regard to political sensitivities and media interest.

Clients include the Ministry of Defence, the NDA, the UKAEA and Historic Environment Scotland.

Case Studies

Acting for the Ministry of Defence in relation to objecting to developments that threaten national security. We have considerable technical expertise regarding interference with radar and have advised on a number of public inquiries in connection with this.

We deal with the highest profile matters within Scotland and indeed the UK. Foremost has been our work in tackling the issues of liability relating to radioactive contamination, which very few other law firms in Scotland have the technical expertise to handle. Preeminent knowledge and experience in the field of nuclear related matters also sets us apart from other firms.

Key Contacts



Douglas Milne - Partner

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Douglas is the head of the Planning Team at Morton Fraser having joined the firm from the Scottish Government and specialises in planning law with a strong public sector practice. He has a wealth of experience in dealing with high value, high profile planning instructions and his practice covers all aspects of planning legal work.



Nick Atkins - Consultant

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Nick is head of the firm's environmental law team and is recognised as a leading environmental lawyer having been a founding member of the Environmental Law Foundation and set up the "think tank" discussion group, Talk Environment. His advice covers regulatory compliance, statutory powers, statutory enforcement powers and duties, waste management, the End of Waste Criteria, pollution law, water law, contaminated land and radioactive contaminated land issues.

Property & Construction

As market leaders for property work in Scotland we are ideally placed to give property and construction advice to the public sector. We are committed to working with the public sector to provide best value legal services in a highly professional manner.

We currently act for a number of high profile public sector clients for property and construction work, including infrastructure projects. Clients include the Scottish Government Legal Directorate, the Ministry of Defence, a number of Scottish local authorities and other public sector organisations, such as Historic Environment Scotland, Highlands and Islands Enterprise and VisitScotland.

Through this work, we have built up experience of the bespoke requirements of the public sector in relation to their occupational requirements, as well as their policies and best value obligations on disposal and acquisitions, compulsory purchase and site/property redevelopment.

Case Studies

We have been the sole legal advisers to the Ministry of Defence in Scotland since 1996. We work closely with MoD staff including a regular presence at their offices to embrace a team based approach. They demand the absolute highest standards of professionalism requiring innovative and tailored solutions to changing markets and policy requirements. We have dealt with the full range of property matters from the sale of small rural plots to major bases, Community Right to Buy sales and a large scale disposal project for sales of married quarters.

Our team has worked on key projects for the Scottish Government since 2004, such as in relation to the cladding defects at Buchanan House, Glasgow. We dealt with the negotiation and approval of the construction contracts prior to the lease coming into effect. It became clear during the subsequent dispute process that, of all the tenants in the building, the Ministers had the strongest position in relation to their collateral warranty documents. This put the Ministers in a good position from the outset.

Key Contacts



Amy Entwistle - Partner

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Amy is a commercial property lawyer with over 20 years' experience. Amy is an experienced contract manager and is lead property partner for a number of our key clients including Scottish Government Legal Directorate, Highlands and Islands Enterprise (HIE) and City of Edinburgh Council.



Jonathan Seddon - Partner

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Jonathan is head of construction. As a non-contentious construction lawyer working within the real estate group, he specialises in the construction aspects of commercial property development work, and is vastly experienced in all forms of construction contracts including the standard forms JCT, SBCC, NEC, FIDIC and GC/Works. He has advised on a number of significant and high profile projects for public sector clients including the City of Edinburgh Council, the Scottish Government and Scottish Prison Service.

Social Housing

We offer RSL clients a full service and have acted in a number of development acquisitions across a range of procurement models, advise on tenancy matters (including the introduction of the new Private Residential Tenancy in Scotland) and provide governance and regulatory advice to RSLs.

We act for Wheatley Group, Loreburn HA, Port of Leith HA, Hillpark HA, Wellhouse. We are also appointed to the framework agreement for the Places for People Group. In addition to this experience we have much wider housing experience and are involved in the sector at policy level (through our work for the More Homes Division of the Scottish Government and the Department of Work and Pensions and our extensive planning team), as well as with private developers of affordable housing through our separate 3 partner housebuilder team.

We regularly act for RSLs and housebuilders in development agreements for affordable housing across all tenures. We have particular expertise in delivering unsubsidised mid-market developments by leveraging long term private investment into the deal structures. We have also acquired largescale portfolios of tenanted stock and were involved in the original Large Scale Voluntary Transfers of housing stock to Glasgow Housing Association.

Our property litigation team conducts litigation in the Sheriff Court, the Court of Session and the Lands Tribunal for Scotland. They have also been involved in taking several high profile development-related cases to the House of Lords/Supreme Court. They have raised and defended many statutory appeals and judicial reviews in the Court of Session, many involving major property development projects.

Case Studies

Places for People - we are acting in connection with the launch of a fund for the financing and delivery of more than 1000 houses as part of the Scottish Government's commitment to the mid-market rent sector.

We act for More Homes Division of the Scottish Government. We have drafted and implemented a number of initiatives on behalf of the More Homes Division which are designed to accelerate housing supply in both the affordable and private sectors. This has given us great insight into the issues which exist within the sector and the policies behind addressing them.

Key Contacts



Suzanne Hardie - Partner

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Suzanne specialises in major property and development transactions and has particular expertise in the affordable housing sector and in public sector development. Suzanne has acted for Places for People in its development acquisition programme for a number of years and has also dealt with portfolio acquisitions of tenanted stock on behalf of the PfP Group. She is heavily involved in housing policy work and works closely with the Scottish Government in setting up schemes designed to accelerate housebuilding in Scotland.



Andrew Meakin - Partner

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Andrew heads our Banking & Asset Finance team and is a partner in the firm's Public Sector Group. He has 25 years' experience of debt transactions in the public and private sectors, with specific emphasis on joint ventures, real estate finance, social housing and local authority debt finance. He has acted for most of the principal lenders to local authority loans funds for the last 20 years and has acted for lenders and local authorities in debt and treasury transactions.

Our Offices



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