

# RM6360 Legal Services Panel

## Lot 1 – Core Legal Services

DWF Law LLP

[dwfgroup.com](http://dwfgroup.com)

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## Our vision

Our vision is to deliver integrated legal and business services on a global scale that deliver positive outcomes for our colleagues, clients, and communities

Our ability to seamlessly combine our services to deliver bespoke solutions for our clients is our key differentiator. This Integrated Legal Management (ILM) approach delivers greater operational efficiency, price certainty and transparency for our clients. Without compromising on quality or service.



## Our values

Our values are the foundation of our inclusive culture and strategic direction. They guide behaviours, shape performance, and underpin the trust placed in us by clients, colleagues, and communities. The values are:



Always aim higher



Be better together



Disrupt to progress



Keep all promises



Attend to details

# Introduction

## Who we are

DWF is a leading global provider of integrated legal and business services, operating across eight key sectors in over 30 global locations with over 5,000 people. Our purpose is to deliver positive outcomes with our colleagues, clients and communities.

Our teams are trusted by central government clients to deliver specialist legal and commercial advice that drives results. With deep sector knowledge, policy awareness, and a collaborative approach, we help departments navigate complexity, deliver value, and achieve strategic goals. We don't just support government – we understand it.

## Why choose us?

### Flexible and responsive delivery

We operate as a collaborative partner, aligning our services with the strategic goals of our public sector clients. Whether supporting policy implementation, managing risk, or enabling transformation, we deliver legal solutions that are robust, responsive and tailored to public service delivery.

### Deep sector knowledge and understanding

With decades of experience, we bring a unique blend of legal excellence, sector insight and commercial pragmatism. Our team is trusted to support complex, high-profile projects and sensitive matters, often under demanding timelines and scrutiny.

### Social Value Leadership

We are committed to delivering against the core five social value themes: Covid-19 recovery, tackling economic inequality, fighting climate change, equal opportunity, and wellbeing. Our Social Value strategy is embedded in our service delivery and contract commitments.

## A comprehensive track record

Our Government and Public Sector team works for over 250 UK central government bodies, regional and local authorities, police authorities, charities, education and healthcare providers.

We also work for private sector providers and businesses that work with the public sector such as developers, construction companies, outsourced services providers, inward investors and port and transport authorities.



**250+ Government & Public Sector Clients**



**+1,000 lawyers immediately available to support**



**11 UK Locations:** with local, national and international expertise including lawyers on the ground in Scotland and Northern Ireland.



**Legal technology:** We invest in legal tech, knowledge sharing and continuous improvement to enhance service quality and efficiency. Our clients benefit from streamlined processes, transparent pricing and proactive risk management



**Comprehensive free webinar programme:** covering important updates across the public sector.

# Team Structure:

## Mandatory Specialisms

|                                                         |                                             |                                                         |
|---------------------------------------------------------|---------------------------------------------|---------------------------------------------------------|
| Assimilated Law<br>Jonathan Branton                     | Finance & Investment<br>Stewart Anderson    | Projects/PFI/PPP<br>James Lupton                        |
| Commercial Litigation & Dispute Resolution<br>Joel Heap | Grants<br>Jonathan Branton                  | Public Inquiries<br>Steffan Groch                       |
| Competition Law<br>Jonathan Branton                     | Information Law Incl DP Law<br>Jamie Taylor | Public Procurement Law<br>Colin Murray                  |
| Construction Law<br>David McNeice                       | Information Technology Law<br>Ben McLeod    | Public Law<br>Colin Murray                              |
| Contracts<br>Charlotte Ganz                             | Intellectual Property Law<br>Asima Rana     | Public Law Litigation & Dispute Resolution<br>Joel Heap |
| Corporate Law<br>Paul Pignatelli                        | Outsourcing<br>Douglas Jefferies            | Real Estate & Real Estate Finance<br>Lee Pickett        |
| Environmental Law<br>Michelle Headrige                  | Pensions Law<br>Marcus Fink                 | Restructuring / Insolvency<br>Stewart Anderson          |
| Employment Law<br>Ann Frances Cooney                    | Planning Law<br>Catherine Knight            | Tax Law<br>Jon Stevens                                  |

## Optional Specialisms

|                                                                         |                                                   |                                                      |
|-------------------------------------------------------------------------|---------------------------------------------------|------------------------------------------------------|
| Aviation & Airports<br>Laurence Applegate                               | Franchise Law<br>Mary Kelly                       | Life Sciences<br>Sarah Briscall                      |
| Charities<br>Ian Sydenham                                               | Health & Safety<br>Simon Belfield                 | Maritime & Shipping<br>Jonathan Moss                 |
| Children & Vulnerable Adults<br>Paul Donnelly                           | Health, Healthcare & Social Care<br>Rosie Shapiro | M&A Activity<br>Jemil Visram                         |
| Private Law Litigation & Dispute Resolution<br>Dan Williams             | Housing Law<br>Lee Pickett                        | Partnership Law<br>Alasdair Peacock                  |
| Education Law<br>Vikki Woodfine                                         | Immigration Law<br>Roisin Patton                  | Public International Law<br>Richard Twomey           |
| Energy & Natural Resources<br>Darren Walsh                              | Insurance & Reinsurance<br>Jonathan Drake         | Supporting Public Inquiries<br>Steffan Groch         |
| Financial Services, Market & Competition Regulation<br>Robbie Constance | International Trade<br>Jonathan Branton           | Sustainable Finance / Green Finance<br>Brendan Slack |
| Food Environmental & Rural Affairs<br>Dominic Watkins                   |                                                   |                                                      |

## PANEL RELATIONSHIP MANAGERS



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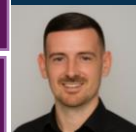
## CORE PANEL TEAM



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From our 11 UK offices we employ over 1000 lawyers. Many of whom are dedicated to Government and Public Sector matters enabling us to support on a broad range of CCS matters. We also have access to Legal Operations Technology, in-house Consultants Paralegals, Barristers, Trainees and Business Services staff. All of which can be mobilised at pace as required.

If you have any questions relating to anything contained within this prospectus, please contact our panel relationship managers or Emma Marsh.

## Disability Confident Leader

We understand the issues affecting representation of disabled people in legal services as threefold: attitudinal (unconscious bias/lack of support), systemic (processes not adjusted) and physical (inaccessibility). DWF has invested in improving representation and retention of disabled people by removing barriers, having supportive networks including Divergent Connexions for hidden disabilities. DWF is a government *Disability Confident Leader*.

## Mindful Business Charter and Wellbeing Hub

As signatories to the Mindful Business Charter (MBC), the UNGC and using the information from our health providers we follow best practice, tackle new and emerging issues such as Digital Well-Being, rising mental health concerns, and openly champion effective self-care. Colleagues are encouraged to share wellbeing concerns without criticism or impairment, so they are properly supported. Wellbeing is our main people priority, and we focus on four pillars of physical, mental, financial and social. We handle it by placing our people at the heart of our values and integrating support mechanisms to work practices.

## Social Mobility – 5 Star Futures and apprenticeships

Our dedicated programme champions social mobility through a range of initiatives. This includes our flagship 5 Star Futures programme, which delivers work-readiness training in schools located in disadvantaged areas. In recruitment, we apply adjusted grading, offer mentoring and job coaching, and run a variety of apprenticeship programmes. We also collaborate with schools and higher education to deliver targeted programmes for social mobility and ethnic minority groups. These initiatives aim to attract diverse talent and include mentorship and skills development sessions, often delivered in partnership with our clients. Our programmes are designed to build candidate confidence and provide practical support throughout the application process. We're proud to be ranked in the Top 40 of the UK Social Mobility Index.

## Tackling Inequality

We are carefully tackling inequality in employment, skills, and pay for women and under-represented groups. We understand that women and underrepresented groups face systemic challenges in legal services and longstanding underrepresentation based on gender bias and discrimination, competitive and high-pressure environments lacking flexibility, and lack of progression due to limited role availability and role models. DWF has applied a holistic approach to tackle inequality including fair talent recruitment and promotions, and targeted workplace measures.

## Recruitment Industry Disability Initiative (RIDI)

We collaborate with leading organisations such as *Recruitment Industry Disability Initiative* (RIDI) to remove barriers for disabilities in the job market. We sponsor events and join initiatives to promote confidence in recruitment. Our Early Careers team won the Disability Confident award from RIDI in 2024.

## Pay Transparency and Equity

We are a UK Living Wage Employer, publish annual gender and ethnic minority pay gap reports and ensure employees see how pay relates to other levels. Pay policy is informed by fairness, consistency and competitiveness.

# Social Value:

## Ensuring DWF delivers against Priority Themes to achieve specific Policy Outcomes

**DWF – ESG & Sustainability:** Our longstanding commitment to responsible business practices and achieving positive social value is embedded in our purpose to deliver positive outcomes with our colleagues, clients and communities. Good physical and mental health is essential to resilience. We place our people at the heart of our values and ensure integrated support mechanisms to work practices. Further, our Global D&I Strategy focuses on Gender, Race & Ethnicity, LGBTQ+, Disability, and Mental Health and includes specific targets including 40% female representation in senior management roles and 10% representation of ethnically diverse backgrounds by 2025. Through this contract we will focus on the two identified social value priority themes and associated policy outcomes as highlighted below and opposite.

**Social Value Priority Theme 4: Equal Opportunity; Policy Outcomes: Reduce the disability employment gaps and Tackle workforce inequality.** Our approach includes: inclusive recruitment using Clear Talents to ensure inclusivity and accessibility; improving representation of disabled people by removing barriers; social mobility programmes including 5 Star Futures; a leading apprenticeship programme; inclusive promotions, pipeline and succession planning; flexible working; mentoring and support programmes; supporting in-work progression to higher paid work for all minority and disadvantaged groups.

**Social Value Priority Theme 5: Wellbeing; Policy Outcome: Improve health and wellbeing.** Our support includes: Employee Assistance Programme; Wellbeing Hub Intranet; digital health and wellbeing service; HR policies supporting health and wellbeing; Trauma Therapy support for lawyers and those working on challenging cases; Wellbeing Champions and Mental Health First Aiders; Wellbeing Walks; Employee engagement surveys and focus groups to understand needs and identify improvement actions; and Health benefits for employees.

**Environment:** We have set out our ambition and are committed to achieving Net Zero emissions by 2045 or earlier, supported by a strategy to reduce emissions across all scopes by at least 90% by this target date. This will involve investment in certified carbon removal activities in respect of any residual emissions at the target date, including the DWF Forest. A link to our published Carbon Reduction Plan is provided [here](#). We have approved near term SBTi targets across all scopes.



# Assimilated Law

## How we can help you

Our Assimilated (EU/UK) law specialists provide the full range of advisory services, including EU regulatory and non-tariff barriers to trade, EU and WTO trade law, Competition Law, State aid and UK Subsidy Control, Public Procurement, trade defence investigations, customs and EU Funds advice, with a long history of advising in these areas pre-Brexit and across the withdrawal period and now since the conclusion and implementation of the EU/UK Trade and Cooperation Agreement (plus Northern Ireland Protocol), and now the Subsidy Control Act 2022.

What sets us apart, particularly in the UK, is that our advisers have significant personal experience of working within the European Commission or for UK public bodies applying EU law. Having appeared before the European Court of Auditors, successfully pleading before the European Courts in Luxembourg, and working with the European Commission in a wide variety of investigations and procedures – from clearing State aid notifications to pursuing regulatory complaints, to handling anti-dumping investigations to representing the Commission in European Court cases. As a result, we not only have insight into the detail of relevant law, but also the procedures and political contexts around it, and how it may be handled from inside government, and between national governments and the Commission. We

also have experience acting on behalf of sovereign governments engaging with the EU from the outside, as the UK is now required to do.

Our team includes several lawyers with long-term experience of living and working in Brussels and being immersed in EU law for over 20 years. Our UK team also retains dual EU/UK qualifications. The UK team is also bolstered by a team of EU law experts across the European continent, through Brussels, Paris, Madrid, Warsaw, Berlin and Dublin.

The team has advised on the full range of issues related to Brexit since the 2016 referendum, and has advised and spoken substantively on the new EU/UK Trade and Cooperation Agreement and related enactments into national law. This has included detailed work on rules of origin trade requirements and subsidy control. Our lawyers appeared before the House of Commons Select Committee to give expert evidence in the development of the Subsidy Control Act 2022, particularly with reference to past EU law. Our team of lawyers is particularly highly sought after in relation to any questions of Subsidy Control and related elements of retained EU law (e.g. Windsor Framework and State aid) – and our work in harness with our EU-based colleagues ensures we retain the highest level of Assimilated EU/UK law expertise post-Brexit.

## GET IN TOUCH



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## Case studies

### Successfully defending ERDF project before European Court of Auditors

We advised a private sector developer accused of breaching EU law (procurement) following an audit, from which a claim for 100% claw back ensued. We acted for the developer in issuing national court proceedings against MHCLG to demonstrate no material breach of EU law and no damage to the fund. This resulted in withdrawal of the claim for claw back. This work also included engaging with the European Commission and Court of Auditors to defend the State aid analysis and work done at the time of the project to remain compliant.

### Successful defence of parallel UK High Court & European Commission proceedings

We successfully defended Durham Council in parallel High Court and European Commission proceedings alleging use of unlawful State aid and claiming *Francovich* damages, finally leading to the first decided case on the Subsidy Control Act 2022 (Durham Co Ltd v Durham Council [2023]). We succeeded in having all claims struck out and securing costs. The original case contained points of interest from a jurisdictional perspective, crossing the period of withdrawal from the EU and transition to a new regime.

### An EU Member State Government on compliance in ERDF audit

Our EU audit response team was instructed by an EU Member State government to assist it to prepare for a European Commission audit. Our review identified compliance issues but also advised on steps that could be taken to avoid an interruption to the programme. This included providing training and advice on how to change monitoring arrangements. The Commission were assured by the steps taken and an interruption was avoided.

### A leading dairy manufacturer to defend labelling

Our client was subject to a series of challenges (found to be baseless) to the legality of its product by a competitor. This included being the subject of proposed EU infraction proceedings against the UK government. Drawing on our industry leading regulatory experience, we compiled evidence including expert and former CJEU Judges' opinions to support the legality of our client's product. We met with regulators, not only from the EU but also domestic and other Member States, to persuade them of our client's product and its legality. After 2 years of negotiations, we persuaded the EU that the product was lawfully named and labelled, and no action was taken.

# Commercial Litigation & Dispute Resolution

## How we can help you

We are dedicated to delivering decisive, innovative, and practical dispute resolution services to a diverse range of clients. Our expertise within the public sector is distinguished by a proven track record in advising government bodies and public sector organisations. Our ability to navigate the complexities of public law means clients benefit from robust representation and insightful counsel when facing matters of significant public importance.

The team is adept at representing clients in all specialist divisions of the Court, including the Commercial Court, Chancery Division, and Technology and Construction Court. Our experience extends to the Court of Appeal, the Supreme Court, and the Competition Appeal Tribunal where we have acted in precedent-setting cases that shape the legal landscape. This breadth of expertise ensures we are well positioned to manage disputes at every level of the judicial system.

We recognise that not all disputes are best resolved in the courtroom. DWF offers a comprehensive arbitration service, supported by innovative alternative dispute resolution strategies. Our team has successfully handled domestic and cross-border arbitrations, drawing on the latest legal technology and best practice to secure efficient, confidential, and cost-effective outcomes for our clients.

Our vast experience enables our team to tackle complex, business-critical disputes

with confidence and expertise, providing tailored solutions that meet the unique needs of each client. Our team is distinguished for its depth of experience and commitment to innovation and cutting-edge legal technology.

From a Government and public sector perspective, our team has developed particular expertise in civil penalty matters, Subsidy Control and public procurement disputes, regularly advising on intricate and complex issues. Our ability to navigate these areas further demonstrates the strength and versatility of our practice, making us a trusted partner for clients facing high-stakes challenges.

### Areas of expertise

Our team advises on the full range of commercial disputes, including:

- High court/appeal court litigation;
- International arbitration;
- Investigatory and client advisory work;
- Regular assistance for institutional clients with business-critical litigation;
- Contractual/company disputes;
- Professional negligence;
- Judicial review;
- Mediation; and
- Civil penalty matters.

GET IN TOUCH



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Partner

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## Case studies

### Department of the Home Office

We act on behalf of the Department of the Home Office, in appeal proceedings concerning civil penalties issued to employers for illegal working, and to drivers and hauliers whose vehicles have been used to transport clandestine entrants into the UK.

Our team plays a pivotal role in shaping and defending government policy in this high-profile area, ensuring that enforcement measures are legally sound and effectively communicated. With extensive experience and a commitment to public interest, we deliver strategic advice and representation that supports the integrity of the UK's immigration system.

### Subsidy Control and grants advice

We successfully defended Durham Council in the first litigated case before the Competition Appeal Tribunal under the Subsidy Control Act 2022, in the case of Durham Co. Ltd (trading as Max Recycle) v

Durham Council [2023], while also previously defending the Council in other related proceedings. This case has led to significant caselaw defining the subject matter in both substance and procedure for the handling of Subsidy Control challenges.

### Government Contract Advice

We have been supporting a central government body by providing comprehensive strategic and legal advice in connection with a variety of complex contractual matters. Our engagement has centred on the interpretation and application of the Model Services Contract, ensuring that our client remains fully informed of their rights, obligations, and options throughout the dispute process. By offering proactive guidance and practical solutions, we have sought to help the client navigate the challenges involved and achieve a commercially robust outcome.

# Competition Law

## How we can help you

Our Competition Law team is at the forefront of public sector Competition Law, particularly with Department Head Jonathan Branton as one of the UK's leading advisers on Subsidy Control and State aid. To date we have advised on c.20% of all Subsidy Control referrals to the Competition & Markets Authority.

What sets us apart is our particular focus on Government and Public Sector and that our advisers have day to day experience of working within the Public Sector including at the European Commission and at the Competition and Markets Authority.

We also have extensive experience of living and working in Brussels and our UK team is part of a pan European network of Competition Law experts covering all the primary jurisdictions of the EU.

Our team advises on the full range of Competition Law issues, including:

- Subsidy Control and EU state aid advice, including NI Protocol and all aspects of the EU/UK Trade and Cooperation Agreement 2020;
- WTO law (including the Agreement on Subsidies and Countervailing Measures);
- training on identifying and managing all Competition Law issues, including subsidy and antitrust management;
- all aspects of UK and EU merger control

- and related notifications and procedures with the CMA and the European Commission;
- the National Security Investment Act 2021;
- the EU Foreign Subsidies regime;
- all aspects of anti-competitive agreements and abuse of dominance within the Competition Act 1998 and EU law counterparts, and related CMA and European Commission investigations;
- advising and defending clients in regulated sectors;
- advising clients on Competition Law remedies and related litigation and disputes (including Subsidy Control and EU State aid law matters);
- Competition Law-based litigation and proceedings before the Competition Appeals Tribunal; and
- advising clients during dawn raids and in relation to other audits and investigations such as ERDF.

In handling the above our team deals with all government funds and related bid administration, for example the Levelling Up Fund, for which we dealt with over a fifth of all successful Round 2 bids and related CMA referrals including Eden Project North, Port of Dover access roads and Lakeland Forum leisure in Fermanagh.

## GET IN TOUCH



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## Case studies

### Successfully defending Durham Council in first subsidy case CAT

We successfully defended Durham Council in the first litigated case before the Competition Appeal Tribunal under the Subsidy Control Act 2022, in *Durham Co. Ltd (trading as Max Recycle) v Durham Council* [2023]. This case has led to significant caselaw defining the subject matter in both substance and procedure for the handling of Subsidy Control challenges.

### Greater Manchester Combined Authority

Advising GMCA in the administration of different tranches of the Brownfield Housing Fund, including devising and referring to the Competition and Markets Authority an innovative subsidy scheme for future individual subsidies pursuant to the fund, and thereby averting the need for future individual subsidy referrals.

### Merger Control advice in CMA investigations

Advised on multiple merger investigations before the CMA recently, including advising software company Autocab in its proposed merger with Uber, ultimately cleared under Phase I. Other recently concluded cases include Adevinta/eBay, Glennon Bros/Balcas and ION/Broadway.

schemes and design of new subsidy schemes under the Subsidy Control Act 2022.

### Arts Council England

Advised the Arts Council on Subsidy Control issues related to the £1.57bn *Culture Recovery Fund* and dealing with loans and grants during the Covid-19 pandemic, then once the Subsidy Control Act entered into force, subsequent referrals to the CMA for English National Opera and the National Theatre, and the Arts Council's new subsidy scheme for £1m+ subsidies for the "Let's Create" programme.



# Construction Law

## How we can help you

We advise on all aspects of contentious and non-contentious construction for Government and the public sector. We provide a fully integrated, seamless cradle to grave approach to contracting and construction solutions; from feasibility to procurement, and construction, through to handover and asset management – our team is there every step of the way.

Our construction practice advises sponsors, government bodies, construction companies and lenders – on projects and project financings throughout the UK and globally. This genuinely international approach sets us apart and provides insight as to how to best advise government clients.

Our multi-faceted and multi-disciplinary team has extensive knowledge of construction and engineering contracts, working on major infrastructure and development projects for public agencies and local authorities – as well as contractors, consultants and supply chains.

Our experience of working for both sides of major projects assist us in understanding the risks that exist at all levels of feasibility, procurement, project delivery and handover.

Our approach to disputes is partner-lead with the client's commercial objectives at the forefront of our considerations.

Our aim is to be better informed, more thoughtful and proactive than the opposition; we understand that the best results are

achieved from the front foot, and advise beyond legal aspects of any matter, appreciating the need for commercial, pragmatic, political and practical advice. Our focus is on "what success looks like" to our governmental clients.

We not only aim to provide clients with the best possible advice, but ensure that by drawing from our experience and extensive research we assemble the best and most appropriate experts and barristers for the dispute.

Since our lawyers specialise in both contentious (including litigation, arbitration and adjudication) and non-contentious advice, the same team is able to play a valuable role in ensuring that your infrastructure project is delivered smoothly, providing live project support if required, to assist in maximising entitlement, minimising risk, and providing strategic advice to manage disputes as and when they do develop.

Whether working on a renewables, utilities, roads and bridges, ports and harbours, retail, education or residential projects – our experience and industry knowledge will deliver the results our clients need, in the timescales they need them.

Our team also offers specific specialisms, notably with the NEC3/4 form of contract, with qualified CPD trainers, working alongside many construction institutions within the UK to promote proper use.

## GET IN TOUCH



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## Case studies

### Largest PPP/PFI Project in UK

Advising client in relation to £2.5bn+ construction costs for Haweswater Aqueduct Resilience Programme (HARP). We are advising on all aspects of the NEC form of Contract, supply chain management, the inter-relationship of the PPP and ultimately the successful delivery of this major project. Our advice includes drafting, negotiating all aspects of the contract and commercial and practical advice on administration and management of these contracts.

### National Government Client

Acting for a national government client on a c.£80m final account claim with the Contractor on the project, as a result of a significantly increased target cost due to the magnitude of compensation events and delays on the Project. Advising on ongoing commercial/project advice in relation to live payment/defect related issues, as well as advising the client to navigate adjudication proceedings in relation to complex claims.

### Foreign, Commonwealth & Development Office (FCDO)

Trusted advisor of the FCDO on a number of transactional and contentious matters, relating to Embassy design and construction; Office and Resident fit out works; Residents and protective works; Breach of contract and damages; Defective works and litigation; Termination arising from breach of contract, and Final account / uncorrected defects.

### Central Government Client

Advised on all aspects, legal, commercial and practical for a major £35m+ project for the UK Government. We advised on the procurement and construction contracts for the professional consultants, managing and administering the build contract across the UK and Japan. We also advised, drafted and continue to assist in the administration and management of the Design, Build, Management and Demolition Contractor involved in the construction of this project.

# Contracts

## How we can help you

We regularly advise public authorities and private sector suppliers on all aspects of contract drafting, negotiation and interpretation. Our team brings decades of experience of dealing with a wide variety of arrangements across a wide variety of sectors – including a substantial team of UK commercial contracts advisors at all levels.

Examples of the types of advice include:

- drafting and negotiating agreements on all kinds of commercial activities for works, services and supplies, including large scale outsourcing;
- drafting concession contracts, shared services arrangements, joint ventures, alliancing options and grant funding arrangements;
- advising on contracting strategies, best practice and innovation;
- advising on pricing/payment, risk and reward options, change management, insurance, performance management and KPI regimes, programme and planning;
- marking up, advising on and negotiating the Cabinet Office Model Contracts and Frameworks based on the Public Sector Contract;
- advising on data protection and security, artificial intelligence, freedom of information and other regulatory compliance issues;
- advising on dispute resolution, mediation and ADR procedures;
- advising on implementing deeds of variation and other CCNs, including the interface with procurement risk under the Procurement Act 2023 and previous regimes;
- advising on novation, assignment and changes in ownership;
- advising on exit arrangements (both from early termination and expiry) and assisting pre and post transition with the exit process;
- advising on transfers and licensing of intellectual property rights and related rights, protections and obligations;
- advising on complex business and contractual reorganisation and restructuring projects;
- dealing with specific contractual frameworks such as PFI; and
- drafting playbooks and providing training on contract documents, as well as contractual processes.

Our advice can be tailored to the specific sub-sector, whether that is the technology, education, health, defence, culture, energy, water, transport, telecommunications or other industries – introducing experts as necessary to support commercial transactions and/or arrangements.

## GET IN TOUCH



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## Case studies

### Cabinet Office Model Contracts & CCS Public Sector Contract

A joint project where we advised on the drafting amendments required across the suite of Cabinet Office Model Contracts (Model Services Contract, Mid-Tier and Short Form) and the CCS Public Sector Contract required to reflect the introductions of the Procurement Act 2023. Using dual-qualified lawyers we advised on both English and Scottish law.

### DWP Contact Centre

Advised DWP on a competitive procedure with negotiation leading to a contract with a supplier to deliver the £285m Contact Centre. We provided tailored advice to inform both the procurement strategy and the contract drafting using the Model Services Contract as the starting point based on DWP's Business Case and risk appetite.

### Scottish Government – R100

Advised Scottish Government on its Reaching 100% (R100) broadband programme. It involved advising on the drafting, negotiation and award of contracts for a £600m broadband infrastructure project. The contracts were based on a template form published by DCMS for broadband rollout projects, which we tailored to reflect the Scottish Government's key strategic objectives and policies, then negotiated with multiple bidders as a competitive dialogue procurement.

### Technology Services 4 & G-Cloud 15

Advised CCS on their first Open Framework to launch under the Procurement Act 2023 'Technology Services 4' worth £19bn. This involved a complex hybrid contract merging elements of the Model Services Contract and the Public Sector Contract to design a bespoke set of technology terms for use across this flagship framework. Following on from the success of the Technology Services 4 work, we advised on the G-Cloud 15 Framework bringing together the legacy G-Cloud 14 and Cloud Compute 2 Frameworks, leveraging our extensive IT and technology experience.

# Corporate Law

## How we can help you

With a team of over 260 corporate lawyers, we regularly advise public sector clients looking to set up wholly/partly-owned subsidiaries or joint ventures with the private sector, thus providing corporate law advice but having regard to public law context.

We advise on the advantages and disadvantages of the various corporate forms:

- Limited or Limited Liability Partnerships;
- Companies limited by shares (CLS);
- Companies limited by guarantee (CLG);
- Community interest companies (CICs); and
- Charitable incorporated organisations (CIOs).

As an increasing number of public sector bodies look to commercialise, we regularly advise on:

- ownership structures;
- tax, procurement policy and Subsidy Control issues arising from setting up a corporate entity;
- governance issues (including how best to deal with potential conflicts of interests, and deeds of indemnity for directors);
- public law powers required to form such corporate entities;
- employment and pension issues arising from transferring employees into and out of corporate entities;

- transfer of assets and land to corporate entities in a managed way;
- dissolution and orderly winding up of corporate entities owned by the public sector in a managed way;
- ongoing legal compliance with regulatory requirements (Modern Slavery, living wage, ESG, conduct and probity); and
- transfer and disposal of public sector entities into the private sector to generate a financial return for the public sector.

Our dedicated Global Entity Management and Company Secretarial teams provide initial set up advice, ongoing secretarial and governance support to ensure that public sector bodies comply with all of their private company duties and obligations in a timely and efficient manner.

Many public sector clients find this a very cost efficient and helpful means of outsourcing all of the administrative obligations arising from both the formation and operation of a corporate entity, and value the peace of mind which that brings, which allows the directors to focus on the day-to-day management and operation of the corporate entity.

We have also conducted training on directors' duties for new directors of corporate entities so that they are aware of their responsibilities and duties.



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GET IN TOUCH

## Case studies

### Greater Manchester Waste Disposal Authority ("GMWDA")

Advised the councils on their taking over ownership of a corporate entity operating two mechanical biological treatment plants, processing around 600,000 tonnes of the county's household waste. The entity was put in place under a £2bn 25 year PFI contract with construction firm Lend Lease and Global Renewables Lancashire Limited. Our corporate, financing, public sector and tax teams advised on the complex corporate acquisition, funding and State aid.

### Scottish Further & Higher Education Funding Council ("SFHEFC")

Advised SFHEFC (the national strategic body responsible for funding teaching and learning research in Scotland's 41 colleges and 19 universities/higher education institutions) in connection with the proposed merger of Stevenson College, Jewel & Esk and Edinburgh's Telford College.

### Visit Scotland

Advised Visit Scotland in hosting the 2023 Cycling World Championships, we act for the delivery body (a new SPV which is a wholly-owned subsidiary of

Visit Scotland), negotiating Long Form Host Nation agreement between the Scottish Government and UCI, the rights holder as well as advising on the governance structure for the event incorporating Scottish Cabinet Ministers etc.

### Capita plc

Acted for Capita on its acquisition from The Department of Communities and Local Government of the UK Fire Service College, the Moreton-in-Marsh based national training centre for fire and rescue workers.

### Scottish National Investment Bank (the "Bank")

Act repeatedly as part of a very small legal panel for the Bank, (Scotland's state-owned investment and development bank), on numerous multi-million pound investments throughout the course of any year in an attempt to deploy over £2bn to invest in Scottish companies which create inclusive, long-term economic growth in Scotland.

# Environmental Law

## How we can help you

As one of the UK's leading environmental teams, we advise on both contentious and non contentious environmental matters for a wide range of public sector clients.

We have significant experience and can support you on any environmental matter, including:

- investigations and enforcement action by regulators such as the Environment Agency, as well as supporting Local Authorities when acting as regulators themselves on matters such as nuisance and waste;
- drafting environmental provisions in contracts for sale and purchase of land which allocate liabilities for environmental risk;
- remediation and development, corporate and property transactions, including environmental due diligence, drafting and negotiating environmental warranties and indemnities and the transfer of permits;
- environment and permitting aspects of regulated activities, as well as traditional and low carbon energy projects including nuclear, hydrogen, wind and solar;
- obligations under carbon reporting and trading regimes such as Climate Change Agreements, Greenhouse Gas Permitting and UK ETS; and
- with sustainability forming an ever-growing part of the team's practice, advising on Biodiversity Net Gain (BNG), Renewable Transport Fuels, EPCs and MEES.

## GET IN TOUCH



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## Case studies

### **Nuclear Decommissioning Authority**

Advising the NDA and NRS on the environmental and nuclear regulatory aspects of the transfer of 7 Advanced Gas-Cooled Reactor (AGR) nuclear power stations to the Secretary of State, alongside a huge DWF national team advising on other aspects of the transfers and projects. Our role includes working with the clients' internal technical team and advising on engagement with the relevant regulators, including the Environment Agency and Office for Nuclear Regulation.

### **A Local Council on Remediation & Residential Development**

Advised on the remediation and redevelopment of a former manufacturing site, providing strategic legal guidance across a range of environmental and development issues. Including on the Brownfield Land Release Fund grant funding agreement, development structuring, and potential environmental liabilities arising from site contamination. Our support covered the legal implications of contamination during both the remediation and redevelopment phases, as well as long-term considerations.

### **City of York Council**

Acting on behalf of the City of York Council in prosecuting a local builder

for multiple offences under the Environmental Protection Act 1990. These included failing to prevent the escape of waste, transferring waste to an unauthorised person, knowingly depositing waste without a licence, and failing to comply with a Waste Duty of Care Notice relating to controlled waste. We provided charging advice and managed the case preparation through to plea and sentencing, ensuring a fair and compliant approach to enforcement.

### **Challenging an EPC on a Listed Building**

A Local Authority's external assessor had provided an Energy Performance rating for one of its Grade 2 Listed Properties, which meant a proposed sale would be unable to go ahead due to the low rating, unless significant costs over £1m were incurred in remedial works. We reviewed and challenged the assessors report which had not properly considered the legal regime and associated guidance resulting in a corrective re-assessment and savings for our client of over £1m.

### **Advice to a Telecoms Company on the Habitats Regulations**

Advised a major telecoms company on the proposed installation of infrastructure in a National Site protected under the Habitats Regulations.



# Employment Law

## How we can help you

DWF's employment team recognise that good people are at the heart of any successful organisation. Our experts possess the know-how to guide you through the ever-changing legislative framework, as well as any challenges presented by the world of employment law and business immigration.

With a strong track record of acting for a broad range of Central Government clients and arms' length bodies across England, Wales, Scotland and Northern Ireland, members of our team also have experience advising regional and local authority clients.

We have one of the largest employment teams in the UK and we provide a vast range of specialist support, allowing you to focus on getting the best from your employees.

Our services for public sector employers include:

- recruitment (including employment contracts, service agreements, compensation and incentives, immigration and global mobility);
- compliance (including risk management, audits, investigations, employment status, external staff, gender pay gap reporting, compliance with equality duty);
- discrimination (equality and inclusion, implementation of reasonable adjustments, support with grievance and harassment investigations);
- termination (including executive severance, settlement agreements, support with preparation of business case and severance approval applications);
- tribunals and court representation (including preparation of defences, case management, strategy and advocacy);
- trade unions and industrial relations (including collective bargaining, audit of collective agreements, balloting and strike action, prohibited offers and dealing with S145B claims, and works council);
- outsourcing and workforce restructuring (including due diligence, redundancy and change management, TUPE, post-merger integrations, contract harmonisations, and collective consultations);
- business immigration (including visas, work permits, global mobility and tax);
- policies and procedures (including audits, reviews and implementation); and
- training and upskilling (topics span all aspects of employment law and bespoke classroom sessions or practical workshops can be devised and tailored to your needs).

## GET IN TOUCH



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## Case studies

### A National ALB

Sole employment law advisor to a UK ALB for the last 3 years. We work closely in partnership with our client's senior HR Team to provide the complete range of employment law services with a particular focus on TUPE and outsourcing, discipline and grievance, performance and absence management – including complex and high value ET Claims. We have also advised in connection with several redundancy projects (including restructure of ELT and relocation under PfG) and have been instructed directly by the Board in connection with senior executive recruitment and terminations.

### An Education Body

Advised in connection with threats of industrial action and prohibited offer claims arising from proposals to amend terms and conditions of employment. We also supported the client in relation to a complex dispute involving overlapping grievance and disciplinary processes with allegations of bullying, pregnancy and disability discrimination. We supported the client in managing multiple complaints and in ultimately preparing a business

case application seeking Treasury approval to settle an ET Claim.

### A Regulatory Authority

Reviewed complete suite of employment contracts (including atypical worker documentation), policies and procedures. Specialist research and advice concerning family related benefits, maternity pay, NMW and holiday pay compliance. Provided investigation and grievance management advice in connection with sensitive complaints from senior HR personnel.

### A Unitary Authority

Advised a unitary authority over the removal of a judicial office holder from tenure. Involving consideration of administrative and constitutional law over forced removal under statute as leverage for a negotiated exit on a commercial basis.

# Finance & Investment

## How we can help you

We are an international team offering a comprehensive range of banking and finance services, including in recent times within the public sector to local authorities and also to Homes England.

We advise on a wide range of financial products and specialist lending sectors, including:

- leveraged and acquisition finance;
- general corporate lending;
- real estate finance;
- funds finance;
- energy finance;
- asset-based lending; and
- receivables finance.

We regularly work for lenders, sponsors, and corporate borrowers on finance transactions – we know the market positions well and have good relationships with the active law firms in this space.

We have acted on large scale infrastructure projects for government agencies, unlocking development sites for office and residential development and have a strong understanding of the drivers for these transactions within the public sector.

Our multi-disciplinary approach means we have the ability to draw in experts from across the business. We provide partner-led assistance across our network, using document automation and international resource and process mapping to maximise efficiency and cost-effectiveness where applicable.

Our team has extensive experience in specialised sectors, principally financial services, healthcare, retail, professional services, and real estate.

## GET IN TOUCH



**Stewart Anderson**

Partner

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## Case studies

### REIT financing

Advising the lender in connection with a borrower's conversion to a REIT, alongside the portfolio acquisition of 8 properties with a combined market value of £65m under an existing revolving credit facility.

### Real Estate Financing

Advising a fund on the finance and real estate aspects of the leveraged acquisition, renewal or restructuring of a number of investment properties including multi-unit retail parks and shopping centres, business parks, multi-let offices and single-let offices (total aggregate debt approximately £350m).

Acting for a syndicate of lenders on a £35m 10 year mid-market swap rate term loan facility secured against a variety of real estate assets.

### Housing Association Fundraising

Acting for the housing association successfully raising £40m in a first tranche of 25 year loan notes, with a further £30m tranche programmed for 12 months later via a private placement.

### Local Authority Pension Fund

Acted on the acquisition, management and onward disposal of the c.£400m portfolio of real estate assets for the Local Authority Pension Fund.

### City Council Financing

Acted for Manchester City Council on a £27m loan facility to LTE Group/Manchester College, for the site acquisition and pre-development costs for a new city centre college campus and the partial funding of the College's estate development programme.

### Local Enterprise Partnership ("LEP" Financing)

Acted for Cheshire & Warrington Local Enterprise Partnership in connection with its loan funding of £30m for the onward funding of grants, to support commercial development within the Cheshire Science Corridor Enterprise Zone.

# Grants

## How we can help you

DWF's *Grants Centre of Excellence* (GCE) advises on all aspects of grant funding programmes and individual grant applications and funding agreements. Developing alongside our market-leading Subsidy Control practice, we advise numerous government departments, devolved administrations, Mayoral Combined Authorities and local authorities to deliver the UK's most significant grant programmes. We also advise multi-national corporates, major developers, educational institutions, R&D catapults and SME's in receipt.

The GCE is a multi-disciplinary group of 30+ lawyers centred around commercial contracts but including all other specialisms required. What sets us apart is particular focus on grant funding as a core discipline and speciality. The GCE assists public authorities and intended beneficiaries throughout the funding cycle to deliver effective programmes and fulfil the public policy objectives, including:

- *designing grant funding programmes*, whether at national or more local level, including grant application documents and procedures, appraisal and adjudication, coordination between levels of government as required and efficient Subsidy Control solutions such as use of subsidy schemes;
- *initial engagement with intended beneficiaries*, including establishing key terms and drafting appropriate Heads of Terms;
- *template agreements*, including designing funding agreements suitable for particular programmes;
- *negotiating grant funding agreements*, including engaging with beneficiaries and their advisers to establish workable documents to protect public interests while allowing appropriate commercial flexibility to go forward in acceptable ways;
- *real estate*, including relevant planning and title issues, alongside legal charge by way of security, overage and claw back arrangements as appropriate;
- *banking*, including all provision for loans as against grants (including repayable grants) and other security such as parent company guarantees;
- *powers and execution*, including determining appropriate decision making;
- *Subsidy Control*, including subsidy determinations, design and implementation of subsidy schemes, individual subsidy justifications and audit trails, CMA referrals and post-award transparency notices; and
- *audits and dispute resolution*, including "deep dive" checks, answering s.76 Subsidy Control Act requests, resolution of overage or claw back issues and judicial review or contract-based litigation.

## GET IN TOUCH



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## Case studies

### Brownfield Housing Fund

Advised Greater Manchester Combined Authority (and other CAs) in awarding various rounds of funding to multiple beneficiaries. Our work involved conducting detailed real estate and banking due diligence and negotiating grant funding agreements under demanding timescales. Our work included devising and implementing an innovative subsidy scheme and related CMA.

### Levelling Up Fund

Advised c.20% of successful applications to Round 2 in particular of the LUF, in many cases including assistance with relevant Subsidy Control solutions (including use of the Levelling Up Fund subsidy scheme), and administration of onward grant funding arrangements from local authorities to beneficiaries. Notable CMA referrals emerging included Eden Project North, Port of Dover access roads and Lakeland Forum leisure in Fermanagh.

### Department for Science, Innovation & Technology

We undertook a formal review of the Department's portfolio of grant funding agreements with a view to

streamlining the contract process and managing risk more effectively.

### Successfully defending ERDF projects and claims for claw back

Advised multiple ERDF beneficiaries in the context of audit and other investigations for alleged irregularities in procurement and/or State aid. This has included successfully overturning requests for claw back, following UK court proceedings and by other settlements.

### The Arts Council

Advised Arts Council England on issues related to the administration of the £1.6bn *Culture Recovery Fund* and dealing with loans and grants across the arts and culture sector during the Covid-19 pandemic, and then subsequently assisting new programmes and related subsidy clearances, including English National Opera, the National Theatre and the £1m+ extension subsidy scheme for implementing the 10 year "Lets Create" strategy.

# Information Law including Data Protection Law

## How we can help you

DWF's Data Protection and Cyber Security (DPCS) team provide public sector clients with advice on legal compliance, including across DPCS and Freedom of Information (FOI) and Environmental Information Requests (EIR).

We help Government in these areas:

- **Big litigation and dispute resolution** – whether acting on leading data breach claims or high-volume lower value compensation claims, we provide you with the confidence you need at all stages and with the right strategic approach.
- **Regulatory investigations and enforcement actions** – with a wide range of active regulators including those in data protection, we help our clients navigate pathways with them. We act on some of the leading regulatory enforcement cases and our services range from risk mitigation advice through to defending high profile investigations.
- **Cyber security, incident response and data breach support** – we assist with providing awareness of legal obligations and risks and provide a range of training packages. The practical support we can provide begins with prevention, through to embedding appropriate controls, but when incidents happen, including critical cyber security incidents, we can support you through all steps of the investigation and response, including post incident reviews, regulatory obligations and litigation.
- **Data subject rights handling** – we advise on optimising processes and methodologies, and the overall strategic approach. We have developed toolkits for our clients as well as a DSARs Resolved service, which delivers outsourced DSAR responses for high volume situations. We also handle complex and highly contentious rights requests often involving parallel regulatory action and/or litigation.
- **EIR** – we advise on the strategic approach as well as the handling and response approach to many FOI and EIR requests, including representation in appeal proceedings before the First Tier Tribunal.
- **Commercial contracting and compliance artefacts** – including the engagement of data processors, oversight of processors and sub-processors, policy development, data security measures, DPIA's and data transfer mechanisms.

## GET IN TOUCH



**Jamie Taylor**

Director

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## Case studies

### A Healthcare Services Provider

During the pandemic we advised on the data protection aspects of the vaccinations programme, alleged data breaches, complex cross-public sector data sharing for research purposes and more, so that data was able to be shared to ultimately save lives.

### Setting up New Cycle Hire Schemes

We worked with our procurement and commercial teams on the data protection aspects of various new city cycle hire schemes. We assessed the organisations involved and their respective data protection status, the vires of the public bodies concerned, reported our findings and prepared appropriate data sharing arrangements including with transport smartcard providers.

### A Tourism & Business Development Organisation

We supported the client in many data protection matters, including cross-Government collaboration for festivals and events, marketing, webinars and data transfers compliance. The result is that its awareness is increasing across the organisation of data protection matters and standard operating procedures to increase consistency and manage risk effectively.

### Forensic Device Assessment regarding an Alleged Breach

We undertook a forensic review of a device to support a client's response to a complex ICO investigation and provided an analysis of the results to drive the approach to the ICO.

### Data Protection Requests Support

We assisted our client in respect of data subject rights requests on a helpline basis. After triaging the requests, we then assessed the scope, exemptions/exceptions and the wider context to respond appropriately.

### Cyber Incident Response

We advised a public sector client on its response to a serious cyber-incident, including project managing the forensic investigation and advising on obligations to notify affected individuals.



# Information Technology Law

## How we can help you

We act for a variety of public sector bodies as well as suppliers to the Government on matters that span the entire spectrum of information technology law.

We understand the challenges faced by both sides and provide pragmatic, commercial advice in a timely and efficient manner.

Innovation is a central part of our client focused approach. This often involves using technology to add value and deliver continuous improvement. We regularly work with colleagues in Legal Operations, part of our integrated legal management function, to carry out volume and process driven tasks.

We advise on a wide range of Information Technology matters including:

- Artificial Intelligence – covering governance, procurement, utilisation and business process improvement;
- complex system supply arrangements (including hardware, software, SaaS, PaaS and IaaS);
- technology outsourcing projects, from discrete business functions to CRM systems and entire telecommunications

portfolios;

- advising on and assisting with procurement under a range of frameworks;
- app development, website support and maintenance, and software development (both waterfall and agile methodology);
- drafting and advising on software licences;
- telecoms procurement (including DAS, WiFi and LoraWAN);
- data centre and hosting arrangements;
- terms and conditions for a variety of services (including those provided to consumers and on websites); and
- hardware/software reseller agreements and End User Licence Agreements.

We enjoy guiding clients through what can be complex and involved projects and use our experience of acting for both customers and suppliers of technology to achieve mutually beneficial outcomes.

GET IN TOUCH



**Ben McLeod**

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## Case studies

### DSIT

Advising DSIT in relation to the AIRR Cloud Expansion procurement. This involves the delivery of state of the art, flexible and scalable computing capacity to facilitate and accelerate HMG's AI infrastructure strategy. Our advice includes Procurement strategy as well as drafting and negotiation of the contractual terms.

### CCS

Advising on and providing drafting for all aspects of the Technology Services 4 open framework to help public sector buyers flexibly purchase technology services.

### DEFRA

Advising on market standards and producing risk review templates to inform and facilitate the approach adopted by central Government authorities in the UK when procuring AI tools (both commodity products and bespoke solutions). This included consideration of transparency and reporting obligations, the Data Ethics Framework, ICO Guidance on AI and data protection, biometrics and Crown Copyright.

### Serco

Advised Serco on its agreement with the MoD for the Armed Forces Recruitment Programme, a landmark deal worth up to £1.5bn over ten years. We advised on the prime contract (based upon the MSC) and the Key Sub-Contracts with a consortium of delivery partners, including the licensing aspects of the IT platform that underpins delivery of an end-to-end service from candidate attraction through to assessment, enlistment and onboarding.

### FTSE 100 Utility

Advising on all aspects of the procurement of a replacement CRM and billing system, including the negotiation of a variation to incorporate bespoke AI terms for a customer engagement tool.

### EE/BT

Advised EE in relation to the drafting and negotiation of its agreement with Ericsson for the provision of its Mobile Cloud Core solution, the technology that powers its 5G network, enabling the deployment of enhanced communication services and allowing BT to take advantage of innovations within the industry.

# Outsourcing

## How we can help you

We understand that the outsourcing of sensitive services to third parties needs to be handled with care and withstand scrutiny from third parties. It needs to deliver for service users and taxpayers, and as such we know the importance of getting the commercial deal right and we will work hard to align the commercial, financial and legal documents.

Our outsourcing team has advised on many of the biggest outsourcing contracts in the UK. This has involved advising on procurement strategy, contract terms and conditions, negotiating the contract during the procurement to contract award and delivery. The team includes specialists able to advise on the initial contract terms and conditions, alongside specialists who are able to advise on procurement, IT, IPR, Data Protection, taxation, subsidies, and other specialist topics (depending on the nature of the service being outsourced).

Our multi-disciplinary outsourcing team regularly advises Government and the public sector on:

- procurement strategy / and the implementation of procurements to select preferred suppliers (and how to deal with challenges);
- compliance with public sector equality duties, consultation and other regulatory requirements;
- the governance arrangements required to support new delivery arrangements;
- the contractualisation of outsourced services (often working hand in glove with other external advisors and in house teams) in a plain English contract that is clear, understandable and enforceable;
- change management to record variations to contracts and compliance with the procurement regulations applicable in the circumstances;
- the incentivisation of service providers to deliver carbon efficient solutions / alongside social value, prompt payment of providers and local employment;
- contract maximisation (ensuring service delivery/value is as anticipated);
- data analytics to inform KPIs and other performance mechanisms; and
- the winding up/exiting from outsourced arrangements and procurement of replacement providers or insourcing of previously outsourced services.

## GET IN TOUCH



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## Case studies

### Cabinet Office Model Contracts & CCS Public Sector Contract

A joint project where we advised on the drafting amendments required across the suite of Cabinet Office Model Contracts (Model Services Contract, Mid-Tier and Short Form) and the CCS Public Sector Contract required to reflect the introductions of the Procurement Act 2023. Using dual-qualified lawyers we advised on both English and Scottish law.

### DSIT

Advising DSIT in relation to the AIRR Cloud Expansion procurement. This involves the delivery of state of the art, flexible and scalable computing capacity to facilitate and accelerate HMG's AI infrastructure strategy. Our advice includes Procurement strategy as well as drafting and negotiation of the contractual terms.

### DWP Contact Centre

Advised DWP on a competitive procedure with negotiation leading to a contract with a supplier to outsource the delivery of a £285m Contact Centre. We provided tailored advice to inform both the procurement strategy and the contract drafting using the Model Services Contract as the starting point based on DWP's Business Case and risk appetite.

### Scottish Government

We advised Scottish Government on its Reaching 100% (R100) broadband programme. It involved advising on all aspects of a £600m outsourcing for the rollout of next generation broadband infrastructure, including the design and conduct of the regulated procurement process and the award of contracts across three Lots, in line with applicable Subsidy Control requirements and deadlines

# Pensions Law

## How we can help you

Our pensions team covers the whole of the UK, advising on the full range of private and public sector pension arrangements, both contentious and non-contentious.

Examples of the areas that we can help you in are as follows:

- providing advice on all of the UK public sector pension schemes on a broad range of issues including construction of benefit provisions, overriding pensions law and investment matters;
- negotiation of pension matters with trade unions;
- advising on the pensions aspects of public sector outsourcing, including New Fair Deal, risk sharing, project agreement negotiation and TUPE/Beckmann rights;
- the drafting of statutory instruments and primary legislation;
- provision of analysis and advice in relation to government intervention in the private sector and negotiation with key stakeholders;
- advice in relation to the application of legislative change to public sector pension schemes, such as future changes to schemes in light of the employer cost cap and the *McCloud* judgement relating to age discriminatory practices;
- advice in relation to pension scheme governance matters, including best practice and compliance with the requirements of the Public Sector Pensions Act 2013;
- advice in relation to pension scheme investment matters, such as fund formation, risk analysis, compliance with investment regulations and the negotiation of investment documentation;
- minimising the risk of members losing benefits as a result of pension scheme transfers to fraudulent or high-risk pension arrangements through DWF's *PenGuard* enhanced due diligence product;
- pensions related litigation matters, including in relation to member benefit claims, investment issues and court proceedings; and
- interaction with the Pensions Regulator including in relation to information requests, improvement notices and inspections.

## GET IN TOUCH



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## Case studies

### Government

Advising Government on strategy in relation to the British Steel Pension Scheme ("BSPS"). The extent of BSPS' liabilities made it difficult to secure the continued investment in Tata Steel's UK ("TSUK") operations in Wales. Highly technical legal advice was provided on a variety of options, including the eventual solution. This was brokered by the Government with numerous stakeholders with assistance from a member of the pensions team and led to a significant reduction in pension liabilities. This enabled investment in TSUK to be secured and the at-risk plants to remain open.

### A Defence Contractor

Advising a major Defence Contractor in relation to the renegotiation of a long-standing contract with the MoD. The original project agreement dated back to the 1990s and was vague on the apportionment of pension liabilities. The contractor had set up a "mirror image" pension scheme to provide benefits for ex-MoD employees. This scheme had a substantial funding deficit. The original project agreement was not clear on how this should be treated either on an

ongoing basis or at termination. We assisted with negotiations and in finding a solution which was amenable to all parties.

### A Project Company

Advised a Project Company in relation to the termination of a sub-contractor and retender for services. This involved negotiation with the Authority, the outgoing contractor and the new contractor on the apportionment of pension liabilities. We were able to secure the correct treatment of exit liabilities from the outgoing contractor and ensure that liabilities under the original project agreement were seamlessly passed down to the new contractor.

### Cornwall Council

Advising Cornwall Council on all aspects from procurement to completion of the largest waste collection contract in the UK. We worked closely with the in-house team at every stage of the process and helped ensure a smooth process to completion.

# Planning Law

## How we can help you

- Planning strategy – options and planning appraisals to support business cases;
- stakeholder engagement strategies, including negotiation of statements of common ground and Planning Performance Agreements (PPAs);
- Development Consent Orders (DCO), Transport Works Act Orders (TWAO), Compulsory Purchase Orders (CPO), Side Road Orders (SRO), and Marine Management Organisation (MMO) licences – including appeals/hearings and written representations and implementation of confirmed orders;
- promotion of Town and Country Planning (TCPA) Applications, including on appeal and Secretary of State call-in for operational development and change of use;
- screening, scoping and production of EIA, including legal review of environmental statements and other supporting planning/DCO/TWAO application documents;
- permitted development rights including promotion of certificates of lawfulness;
- planning conditions advice, negotiation and discharge;
- negotiation of s.106 planning obligation agreements and unilateral undertakings;
- Habitat Regulations (HRA) screening, scoping and legal review;
- Biodiversity Net Gain (BNG) advice, strategies and related agreements;
- town and village greens advice and defending applications;
- special category land advice, strategies and special parliamentary procedure;
- assets of community value and crown land advice;
- high court litigation, including judicial reviews and statutory challenges;
- negotiation of highway agreements and promotion of stopping-up orders;
- land compensation claims, including references to Lands Chamber; and
- negotiation of asset protection measures, including asset protection agreements, interface, crossing, termination and diversion agreements.

## GET IN TOUCH



**Catherine Knight**  
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## Case studies

### **York Central – for Homes England, Network Rail, York City Council**

Devising a planning and highway closure strategy for a politically sensitive significant and part Housing Infrastructure Funded multi-owned mixed use regeneration scheme – with 2,500 new homes and enabling infrastructure as part of collaborative site promotion, including partnership working, viability assessment, legal review of application documents including EIA, successful promotion of an outline planning permission and negotiation of s.106 agreement.

### **A5036 Princess Way – for National Highways**

Promotion of a capacity upgrade to A5036 Princess Way dual carriageway between Port of Liverpool and M58 Motorway, for National Highways as part of DfT's Road Improvement Scheme (RIS) – providing strategic planning advice on options appraisal (including supporting DfT's successful defence of judicial review challenge by the host authority).

### **Weyside Urban Villages – for Guildford Borough Council**

Acting on the Weyside Urban Villages scheme, including highways works s.278 strategy, review and negotiation of s.106 agreements, commons land consent and exchange land issues, appropriation of land, variations and amendments of planning permission.

### **Woolwich Exchange – for Royal Borough of Greenwich**

Acting on the Woolwich Exchange regeneration project, including all planning issues including s.106 agreement variations including the promotion of a CPO, highways stopping up and extinguishment and advising upon planning phasing strategy.

### **National Grid, Cadent, Blackpool Council & National Highways**

Advising in relation to strategy and negotiation of a number of asset protection and interface, crossing, termination and diversion agreements against the effects of third-party major infrastructure projects promoted under DCO, TWAO and CPO powers comprising transport and energy related schemes on its gas, electricity and strategic road network assets.



# Intellectual Property Law

## How we can help you

Protecting and helping our clients to maximise value from their technologies, brands, products, data and services is at the core of our intellectual property (IP) offering.

Our team of specialist IP lawyers are experienced in advising a range of organisations across the public sector on all areas of IP – providing commercial and strategically focused advice ranging from the creation and protection of IP rights through to exploitation and enforcement.

### **IP litigation and risk management**

We provide a full legal service in relation to all aspects of IP infringement including trademarks, passing off, copyright, design right, database right, patents, advertising disputes and domain name disputes.

We support our clients with management of IP litigation risk on the launch of new products and brands, including advertising and marketing – providing clear and concise risk assessments and advice on steps to mitigate litigation risk.

Where litigation is unavoidable or the preferred direction, we act decisively and quickly to support our clients in the enforcement of their IP rights. Our team is experienced in enforcing and defending IP claims in the relevant UK courts, as well as through alternative dispute resolution forums.

We are experienced in delivering process mapped solutions and implementing policies and procedures for dealing with claims (both incoming and outgoing) in relation to brand and IP protection/infringement matters. By scoping the types of claims and issues which a business typically faces and developing standardised means of reporting and responding, we have seen clients dramatically reduce wasted costs, improve litigation risk profile and combat brand damage.

### **Acquisition, exploitation and disposal of IP**

Our non-contentious IP experts support and advise our clients on all contractual and transactional aspects relating to the acquisition, exploitation and disposal of IP, and are recognised for their skill in putting together complex agreements, designed to prevent disputes and present opportunities for growth. This includes agreements relating to research and development as well as the acquisition, transfer and licensing of IP rights.

### **Registration of IP**

Where clients require support in the registration of IP rights, we assist with clearance searches and prosecution of trademark and design registrations, including dealing with opposition and cancellation proceedings, and providing portfolio management services.

## GET IN TOUCH



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## Case studies

### **A UK Government Ministerial Department**

Acting for a UK government ministerial department in enforcing its IP rights against online third-party infringement including across social media platforms, involving copyright infringement, passing off and breach of the CPRs.

### **A UK Government Ministerial Department**

Providing strategic advice to a UK government ministerial department on proposed branding and logos for use in national government schemes, including undertaking clearance searches, producing risk analysis reports, advising on mitigation of risk and protection of IP, and registration of trademarks.

### **A Body Sponsored by a UK Government Ministerial Department**

Advising a body sponsored by a UK government ministerial department on brand protection, including preparing an enforcement strategy addressing monitoring and enforcement in relation to online infringement and preparing a template cease and desist letter and undertakings.

### **A Local Council**

Advising a local council on the use and protection of images and original works used in guidance booklets for the public, including advice on risk management.

### **Nuclear Transport Solutions**

Advising Nuclear Transport Solutions, the commercial arm of the Nuclear Decommissioning Authority, on its IP strategy and ability to commercialise IP arising from its research and development activities under the High Assay Low Enriched Uranium Fund.

### **A participant of the Carbon Trust's Energy Catalyst Accelerator Programme**

Advising a participant of the Carbon Trust's Energy Catalyst Accelerator Programme on their ability to protect and commercialise IP globally within its solar powered, flat pack streetlight featuring motion sensors for energy efficiency and voice activated alarms that can send SOS signals to authorities to increase safety in remote areas.

# Projects/PFI/PPP

## How we can help you

The DWF Projects and PPP team is a national multi-disciplinary team which provides advice to Central and Local Government clients and other sector bodies in the procurement, modification, termination and delivery of major PPP/PFI projects, as well as the expiry of the same. We also continue to advise on new infrastructure projects being delivered through DBFO and related structures, in specific sectors and other jurisdictions.

We have a proven track record of guiding our clients (both public and private) through the legal and commercial issues which arise at each stage of a public procurement as well as those that arise during the whole contract life cycle.

In addition to advising on the delivery and procurement of complex projects and infrastructure matters, the contractual arrangements, disputes, early termination and expiry of such arrangements, the DWF Projects and PPP team can co-ordinate expert legal advice, during the end-to-end process, from the following disciplines:

- Subsidy Control;
- energy;
- insurance;
- environmental law;

- banking and finance law;
- property real estate;
- IP/IT and data protection;
- litigation and dispute resolution;
- Tax (SDLT, VAT and corporation tax);
- employment and staff reorganisation, together with business process re-engineering and secondment arrangements;
- pensions;
- corporate (including corporate joint venture arrangements);
- restructuring and insolvency; and
- administrative and public law.

We are familiar with the commercial drivers of Government in wrapping up and exiting complex PFI arrangements and, in addition to gaining significant experience terminating a PFI contract, we have worked alongside the National Infrastructure and Service Transformation Authority on the winding up and hand back of PFI arrangements.

## GET IN TOUCH



**James Lupton**  
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## Case studies

### Greater Manchester Combined Authority (GMCA)

Advised GMCA on options for making significant savings in their £4bn Waste PFI Contract. Involving the development of bespoke terms for winding up c.1,200 contracts, repayment of £550m of capital investment, the TUPE and pensions arrangements for 600+ staff and the renegotiation of the Runcorn EfW project, saving GMCA c.£290m.

### Serco

Advised Serco on various PFI/PPP projects, with the MoD, the Home Office and the NHS – advising on bids, operation, variation and exit, together with a number of local authority PPPs, ranging from transport to waste. We also advised on various complex disputes that have arisen in the operation of various PFI/PPP projects.

### Aberdeen City Council

Advised Aberdeen City Council on the Torre District Heating Project. This is a follow on to the advice DWF provided to Aberdeen City Council, Moray and Aberdeenshire Councils on the procurement of their £120m joint energy from waste development in Aberdeen.

### Cornwall Council Waste Collection & Street Cleansing PPP

Advised the Council throughout the CD process on the procurement and contract documentation involved in a second-generation outsourcing. The project involved the acquisition of c. £35m of new assets, the transfer of 17 different depots and bespoke storage facilities, the merging of 3 separate arrangements, the transfer of c.600 staff and a novel pensions arrangement.

### Sheffield City Council

Advised the Council on the transfer, exit and wind-up of their existing leisure, arena and city hall arrangement, with the procurement and contractual arrangements for 3 separate contracts including a £310m leisure services concession contract, for the operation and maintenance of the entire leisure estate over the next 15 years, including major works at 4 facilities, a large TUPE transfer and associated LGPS arrangements.

### Officer of the Police & Crime Commissioner for Cleveland

Advising the OPCC for Cleveland, alongside NISTA, on the arrangements for the expiry and hand back of the Uralay Nook Firearms' Facility, which was procured under the PFI in 1999.

# Public Inquiries – support to Participants & Inquiries

## How we can help you

Drawing on our experience of working on and being actively involved in some of the most significant public inquiries in the UK such as Grenfell, Southport, Manston, Covid, Cranston, Muckamore and Thirlwall our expert lawyers can navigate through the importance of handling the requirements of an inquiry with candour, sensitivity and transparency.

Let's be candid – we have extensive knowledge and understanding of how the new duty of candour operates in practice.

Across our national team we support **Core Participants and Inquiry legal teams**. We understand the challenges of acting for both. Our teams are experienced in the challenges being faced as Inquiries become more common and higher profile.

We provide a fast, cost-effective review, QC and redaction of huge volumes of evidence and documents (up to millions) – we can quickly scale our capacity of paralegals and solicitors by utilising Artificial Intelligence software and our Relativity product, coupled with our ability to undertake 24/7 day and night document review.

In addition, we can provide:

- access to scaling up resource to assist with document review, advocacy, statement taking and the like;
- lawyers who understand large scale document **reviews and redaction, QA logs and legal privilege reviews**;
- the support of relevant Government & public sector experts on key public law issues such as Brexit, public procurement and State aid/Subsidy Control;
- In-house IT **Relativity/Epiq/Egress** document collection, technology review and paralegal capacity to undertake significant and large document reviews swiftly and efficiently;
- **In-house paralegal and barrister** team to help review documents and assemble question sets and analysis;
- a network of specialist expert witnesses and KCs to support our Inquiry team; and
- strong media and reputational management support.

GET IN TOUCH



**Steffan Groch**

Partner

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## Case studies

### Royal Borough of Kensington & Chelsea (RBKC) – Grenfell

Acting on behalf of RBKC in relation to the Public Inquiry and Metropolitan Police Investigation arising from the fire at Grenfell Tower on 14 June 2017, which resulted in 72 fatalities.

Results:

- extensive collection and disclosure process involving over 14 million documents;
- disclosing around 60,000 relevant documents and preparing over 70 witness statements;
- responding to 15 complex and wide-ranging document requests;
- a substantive document provided to the Police responding to over 100 questions;
- advising Executive Officers and elected members, as well as managing and guiding RBKC and its employees through Phase 1 and 2 of the Public Inquiry;
- advising on and assisting with a large number of FOI requests; and
- application of an open, transparent approach in line with RBKC's

commitment to candour, which is helping the client to rebuild trust with residents of the Borough.

### The Southport inquiry

Acting for the Inquiry itself, providing document review, redaction, material provider liaison, witness statement redactions and general support to the Inquiry legal team.

We are working at speed and under pressure to ensure the Inquiry is able to proceed quickly, supporting the Inquiry in its work alongside the document platform provider EPIQ in ensuring documents are properly uploaded for CPs and anonymity orders are adhered to for sensitive material.

We have scaled up and down our paralegal and solicitor team as and when the workflows are peaking. This provides a flexible support to the Inquiry legal team.

# Public Procurement Law

## How we can help you

We operate a Procurement Centre of Excellence ("PCE") which involves over 40 specialists who advise on contentious and non-contentious procurement matters on a daily basis. The PCE supports Contracting Authorities procure many of the biggest and most complex procurements in the UK. PCE members are actively involved in the Procurement Lawyers Association and many have passed external accreditations in procurement law.

PCE members have access to a Procurement Portal (containing a suite of procurement documents, and standard advice notes which comply with the requirements of the Procurement Act 2023 ("PA 23") and the previous regulatory regime). The PCE offers Contracting Authorities a programme of articles and procurement webinars each year which attracts thousands of delegates by providing practical insightful advice on many of the most complex procurement conundrums faced by procurement professionals.

PCE members were instructed to advise Cabinet Office on updating the Model Contracts and CCS Public Sector Contract to reflect the introduction of the PA 23, and advised CCS on their first "Open" Framework, and advised on how to take advantage of many of the new flexibilities in the PA 23.

PCE members advise on all aspects of procurement including but not limited to:

- what procurement strategy to adopt in order to meet your objectives;
- implementing a procurement strategy in order to safeguard decision making and minimise the likelihood of a challenge / successful challenge;
- light touch procurements, sub-threshold / above threshold procurements, concession contracts, defence and utility procurements;
- training on how to evaluate and moderate tenders leading to the production of compliant assessment summaries and Contract Award Notices;
- how to lawfully vary an existing contract (whether a PA 23 or previous regulatory regime procurement)
- ensuring that all notices are published (containing the correct information) and other technical requirements are satisfied;
- responding to pre-litigation and contentious proceedings.

The PCE has a stellar track record of advising on many of the biggest and most complex procurements in the UK and would be delighted to assist on any procurement requirements.

## GET IN TOUCH



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## Case studies

### Cabinet Office Model Contracts & CCS Public Sector Contract

A joint project where we advised on the drafting amendments required across the suite of Cabinet Office Model Contracts (Model Services Contract, Mid-Tier and Short Form) and the CCS Public Sector Contract required to reflect the introductions of the Procurement Act 2023. Using dual-qualified lawyers we advised on both English and Scottish law.

### DWP Contact Centre

Advised DWP on a competitive procedure with negotiation leading to a contract with a supplier to deliver the £285m Contact Centre. We provided tailored advice to inform both the procurement strategy and the contract drafting using the Model Services Contract as the starting point based on DWP's Business Case and risk appetite.

### Cabinet Office

Advised Cabinet Office on the multi-Lot £456m Learning Framework 2.0 procurement. This involved provision of a new learning and development contracting vehicle(s) to service Central Government organisations. We advised on the procurement strategy and prepared the contract terms and conditions.

### Technology Services 4 & G-Cloud 15

Advised CCS on their first Open Framework to launch under the Procurement Act 2023 'Technology Services 4' worth £19bn. This involved a complex hybrid contract merging elements of the Model Services Contract and the Public Sector Contract to design a bespoke set of technology terms for use across this flagship framework. Following on from the success of the Technology Services 4 work, we advised on the G-Cloud 15 Framework bringing together the legacy G-Cloud 14 and Cloud Compute 2 Frameworks, leveraging our extensive IT and technology experience.



# Public Law

## How we can help you

We regularly advise on administrative and public law matters in order to safeguard decision making and ensure that public bodies can deliver policies and priorities.

We advise on:

- the powers (and procedural compliance) that public bodies can rely on in order to deliver their functions;
- vires opinions on complex legal structures to deliver major infrastructure, regeneration and outsourced projects;
- consultation and public sector equality duties to safeguard decision making;
- effective decision making and changes to existing arrangements;
- effective reporting and building of evidence to enable reliable decisions to be taken;
- challenge-proofing intended decisions to safeguard against risk of litigation;

- conducting investigations and audits into officer and elected member conduct, and decision making on major projects;
- reputational matters arising from individual incidents using our 24/7 *Crisis Response* service supported by public law experts;
- defending and prosecuting claw back claims in public funding situations (including dealing with EU institutions);
- responding to challenges to public bodies' decision making (JR, Ombudsman, independent enquiries, procurement challenges); and
- responding to public inquiries and police investigations.

Our administrative and public specialists are supported by lawyers from our litigation, procurement, Subsidy Control, regulatory, data protection, health and safety teams.

## GET IN TOUCH



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## Case studies

### Royal Borough of Kensington & Chelsea (RBKC) on Grenfell

Advising RBKC in relation to the Public Inquiry and Metropolitan Police Investigation arising from the fire at Grenfell Tower on 14 June 2017, including advising on an extensive collection and disclosure process involving over 14 million documents, disclosure therefrom of around 60,000 relevant documents and preparing over 70 witness statements, responding to 15 complex and wide ranging document requests, advising on and assisting with a large number of FOI requests, providing a substantive document provided to the Police responding to over 100 questions, advising Executive Officers and elected members, as well as managing and guiding RBKC and its employees through Phase 1 and 2 of the Public Inquiry. This was all undertaken whilst applying an open, transparent approach in line with RBKC's commitment to candour, which is helping the client to rebuild trust with residents of the Borough.

### Oak National Academy Limited (ONA)

Acted for ONA, an Interested Party in a judicial review brought by private publishing consortiums against the Secretary of State for Education. With deep expertise in the legal, political and constitutional dimensions of such matters, DWF has guided ONA throughout the process – including drafting legal documents, managing disclosure, and ensuring compliance with procedural duties, while providing strategic and commercial guidance.

### Durham Co. Ltd (trading as Max Recycle) vs Durham Council [2025]

Successfully defended Durham County Council in the first Competition Appeal Tribunal challenge under the Subsidy Control Act. DWF also secured a successful expedited appeal to Court of Appeal against a cost capping order.

### South Yorkshire Police

DWF advised South Yorkshire Police (SYP) in a high-profile case regarding the credibility of police force's employees. Our work resulted in securing a favourable judgment for the SYP in a claim brought by Sir Cliff Richard against the BBC and SYP for infringement of his privacy rights.

# Public Law Litigation & Dispute Resolution

## How we can help you

DWF is an established and trusted legal adviser to the public sector, delivering sophisticated and tailored support to government bodies, public authorities, and agencies across the UK&I and internationally.

We are particularly renowned for our work in the field of public procurement, where our experts operate across both contentious and non-contentious issues. Through our dedicated Procurement Centre of Excellence, we collaborate seamlessly with our public commercial colleagues to deliver a fully integrated service. This enables us to provide holistic advice at every stage of the procurement process, from initial strategy and compliance right through to litigation support. Our services encompass pre-action correspondence, specific disclosure applications, active proceedings, and the full suite of remedies available to public sector bodies.

Our team's experience in procurement challenges is complemented by a robust record in State aid and Subsidy Control disputes, and our expertise in both judicial review and before the Competition Appeal Tribunal. We have acted on behalf of a wide range of public sector clients in significant cases in recent years, navigating evolving regulatory frameworks and providing pragmatic advice.

Our dispute resolution offering is extensive and flexible, encompassing all modes of resolution, including domestic and

international arbitration, as well as mediation (see our Commercial Litigation and Dispute Resolution profile). We understand the challenges faced by public sector organisations and deliver solutions that ensure compliance, manage risk, and protect reputational interests.

### Comprehensive Areas of Expertise:

- Public procurement advisory, challenges, and full litigation support;
- Bespoke advice and representation in judicial review claims for government and public authorities;
- State aid and Subsidy Control compliance, dispute resolution, and litigation;
- Arbitration (domestic and international) and mediation for public sector entities;
- Insurance claims management, including high-value and volume claims, for public bodies;
- Technology-enabled case management and volume litigation solutions;
- Claimant litigation: fraud, contractual and supply disputes, asset recovery, and competition law; and
- End-to-end procurement support through our Procurement Centre of Excellence, from advisory and compliance to contentious proceedings.

GET IN TOUCH



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Partner

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## Case studies

### Oak National Academy Limited (ONA)

Acted for ONA, an Interested Party in a judicial review brought by private publishing consortiums against the Secretary of State for Education. With deep expertise in the legal, political and constitutional dimensions of such matters, DWF has guided ONA throughout the process – including drafting legal documents, managing disclosure, and ensuring compliance with procedural duties, while providing strategic and commercial guidance.

### Durham County Council (DCC)

Acted for Durham County Council in successfully defending the first subsidy control challenge under s.70 of the Subsidy Control Act, in the Competition Appeal Tribunal. The case concerned DCC's use of household waste assets for its commercial waste service. DWF also secured a successful expedited appeal to the Court of Appeal against a cost capping order, achieving favourable outcomes in both reported judgments.

### Blackpool Borough Council

Acted for the Council in defending challenges to its electric bus procurement, including a claim in the Technology and Construction Court that was successfully discontinued in March 2024. The main risk was potential delays threatening government funding and project viability. By deploying a multi-disciplinary team of public sector experts and specialist Counsel, DWF analysed risks and adopted a strategic approach to secure a positive outcome for the Council.

# Real Estate & Real Estate Finance

## How we can help you

DWF's global real estate team includes over 135 solicitors and over 30 paralegals advising across all UK jurisdictions.

We advise a wide range of Government and public sector clients and multiple other stakeholders engaging in relation to:

- grant funding programmes such as the Levelling Up Fund and related agreements for improvement of place and new investment;
- office rationalisation and office accommodation projects;
- property development including regeneration projects;
- all aspects of property management including leases, lease renewals, applications for consent, licences, re-gears and disposals, surrenders, and notices;
- port and airport infrastructure;
- rail and road infrastructure;
- energy (including renewable energy) infrastructure;
- commercial, mixed use and residential real estate including industrial, retail, office, leisure, student accommodation and affordable housing;
- acquisition and disposal (freehold and leasehold including relevant tax advice);
- tax efficient structures for real estate investment and disposal;
- public buildings and emergency services;
- sports, leisure and entertainment venues;
- health and education services;
- culture and heritage investment and protection; urban/infrastructure regeneration projects;
- housing (including social housing);
- real estate finance;
- planning, CPO, land assembly strategy and s.106 agreements;
- investment/real estate finance and restructuring;
- International finance and related securities; and
- real estate litigation including dilapidation claims, repair obligations, adverse possession, prescriptive easements, exercise of break clauses and serving of notices.

Our Real Estate teamwork hand in glove with our Government and public sector experts to ensure that transactions satisfy vires, fiduciary duties, procurement and Subsidy Control requirements.

Our Asset Management Centre works alongside our real estate team to deliver volume, routine asset management transactions across the UK – delivering value for money and flexibility through experienced paralegals.

## GET IN TOUCH



**Lee Pickett**

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## Case studies

### Greater Manchester Housing Investment Fund

Advising on loans to private sector developers for residential development in Greater Manchester, including negotiation of loan and security documentation and real estate and construction due diligence.

### Public body

Advising in relation to a £102m infrastructure and link road project and the delivery of over 4000 homes, including acquisition of land through Option Agreements, Conditional Contracts and associated deeds of easement – including a collaboration and equalisation agreement with adjoining landowners and developers.

### Selby District Council

Advising on land acquisition, compulsory purchase and planning strategies to support a multi-modal transport led connectivity improvement scheme at Selby Train Station to stimulate wider city centre regeneration to a challenging TCF programme.

### Severn Trent

Appointed as a supplier for their c. 4,000 site property portfolio supporting the in-house team on all aspects of property management and strategic acquisitions together with more specialist and strategic advice on prescriptive easements and adverse possession registrations to protect the

network, advice on their extensive capital projects programme and litigation matters including exercising break clauses, dilapidations claims and the exercise of statutory powers.

### Wolverhampton City Council

Advising on its Interchange Project including the construction of £150m new railway station entrance, multi-storey car park extension and continuation of the Midland Metro line extension works to the railway station. Provided various commercial real estate advice including property transfers, land assembly and option, claw back, overage, development, funding and grant agreements together with a full construction package.

### Welsh Government

Advising on its Global Centre of Rail Excellence project. Advising on real estate and a procurement to deliver a rail testing complex with 2 electrified oval tracks. It will allow for testing speeds of up to 110mph with the option for a tunnel section and a full platform environment for testing and training. Proposals include: a large, well-equipped maintenance facility, secure storage for around 400 vehicles, a decommissioning facility and an R&D innovation accelerator, education centre with labs, and office space and training facilities in a dynamic environment.

# Restructuring / Insolvency

## How we can help you

We have experts in areas that often prove crucial for public sector organisations in distressed situations, such as finance, litigation and dispute resolution, regulation, real estate, pensions, tax and employment.

We work with clients across multiple sectors, including retail, technology, hospitality, public sector and regulatory financial services and real estate. Our team advises lenders, management teams, boards, capital investors and other key stakeholders across a wide range of complex domestic and international restructuring matters.

This includes covenant breaches/other facility agreement defaults; security reviews; government backed schemes and grant funding; debt restructuring and capital restructuring; formal insolvency processes; pre-packs; administration sales and acquisitions; distressed financing and asset-based lending; new moratorium and restructuring plans; and insolvency litigation fraud and asset tracing.

We regularly advise local authorities and other public bodies on restructuring and insolvency matters.

Our key principles and recent experience involve the following:

- the insolvency of a supplier in any supply chain can be devastating. We have experience of dealing with both small and large failures;
- major projects sometimes need restructuring to avoid insolvency. Our experts work as one team to deliver seamless, effective solutions;
- prevention is better than cure. We help structure projects to reduce insolvency risk and protect assets from the outset; and
- extensive public sector experience helps us put advice in a regulatory, practical and commercial context, leading to realistic and achievable solutions.

## GET IN TOUCH



**Stewart Anderson**

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## Case studies

### Liverpool City Council

Advised in making demand and enforcing corporate and personal security against a £250k facility for a local festival. This involved the liquidation of various companies connected to the borrower on behalf of the Council, and enforcement of a personal guarantee against the director resulting in a significant return for the Council.

### Salford City Council

Acted with regards to its creditor claim in the CVA of Salford Red Devils Rugby League Team – which included negotiations with various parties relating to use of the AJ Bell Stadium, of which the Council are a major stakeholder.

### Liverpool John Moores University

Advised on some solvent liquidations of group entities as part of a wider restructuring of its intra-group debts and property, resulting in an improved balance sheet for the university.

### Avro Energy Limited

Advised the joint administrators of Avro Energy Limited and worked with Ofgem to transfer the supply of gas and electricity to a new supplier of last resort. We drafted the transitional arrangement and debt purchase documents required to procure the smooth transition of the accounts of over 560,000 customers to regularise their supply and honour their credit balances.

### Dolphin Financial

Advised the joint administrators of Dolphin Financial (UK) Limited and worked with the FCA and FSCS to assist the return of client investments and funds to thousands of investors. This matter also involves working with and advising The Insolvency Service in claims against directors and the former management and ultimate owners of the company.



# Tax Law

## How we can help you

We have extensive experience advising public bodies on all aspects of taxation in a wide range of circumstances – whether acting independently or as part of a wider joint venture with a private sector partner. Our industry recognised multi-disciplinary team of tax specialists, which includes four partners, is located throughout the UK including Scotland. The tax team acts as a coherent single team on a UK-wide basis to provide a seamless service to all DWF's national and international clients.

Our areas of specialism include:

- tax issues and efficiencies arising on public sector corporate structuring (including joint venture structures) or transfer of assets;
- tax issues that arise on investment and development projects including land transaction taxes, VAT, capital allowances (including special rules relating to Freeports) and the Construction Industry Scheme;
- employment taxes including IR35 and off-payroll working rules, termination payments and settlement agreements; and
- tax issues arising in commercial contracts.

We properly consider the various (and sometimes competing) tax implications from the perspective of the public body.

Where relevant, we also consider if there may be tax implications for other stakeholders engaged on a project, to pre-empt any risk of a project not proceeding.

We also have extensive experience in:

- drafting and negotiating contractual tax provisions;
- advising on the availability of any statutory reliefs;
- registering entities for VAT and/or preparing and notifying HM Revenue & Customs of options to tax over land;
- applying to HM Revenue & Customs for clearance where the statutory position is unclear;
- tax litigation, including enquiries and investigations; and
- providing legal opinions and reports.

We act closely with our colleagues in other practice areas using our sector knowledge to ensure that our tax advice takes into consideration the commercial context.

## GET IN TOUCH



**Jon Stevens**

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## Case studies

### Welsh Government – Cardiff Bus Station Redevelopment

Advised the Welsh Government on the tax aspects of the site assembly and complex redevelopment of an integrated transport hub at Cardiff to include a new 14-bay bus station; c.100,000 sq. ft of office space above the interchange; a PRS scheme of over 318 luxury apartments; and car and cycle parking facilities. We successfully navigated complex tax issues including LTT and VAT on the different aspects of the development for different (public and private sector) parties.

### Gateshead Council – Arena Development

Advising Gateshead Council on the tax aspects of the structure and funding of the regeneration of an area of waterfront in Gateshead by the development of an arena complex and associated commercial leisure, retail and offices, with an anticipated development cost of c. £300m involving a funding lease structure and substantial grant funding from the North of Tyne Combined Authority.

### Wirral Metropolitan Borough Council

Advising Wirral Metropolitan Borough Council in relation to the "Wirral Waters One" residential development, a project

delivering 500 residential units (mixed affordable and private rented) as part of a large, complex, multi-phase development – with significant tax consequences that could have affected the viability of the project.

### Public/Private Joint Venture – Mixed Use Development

Advising the substantial property development subsidiary of a fully-listed plc on the tax aspects of a complex joint venture development structure with a local authority pension fund, with the aim of regenerating an area of a substantial Northern city through development of an office-led mixed-use development, with an anticipated development cost of c. £100m.

### Homes England – Large site assembly and Development

Advised Homes England on the tax aspects of a site assembly and development of infrastructure for a substantial site in the Midlands. We ensured that the tax position of both Homes England and its counterparties were considered to ensure that the project remained viable.

# Aviation & Airports

## How we can help you

We can advise Government and public sector bodies on these key areas:

- planning, policy and construction of infrastructure projects;
- funding for airport infrastructure including related State aid and Subsidy Control;
- conclusion of public service obligations (PSOs) and related contracts;
- international trade issues including customs, sanctions legislation and related procedures;
- consent orders;
- liability and risk;
- insurance programmes;
- regulation, including Competition Law;
- complex transactions;
- operational arrangements;

- management arrangements;
- project finance, including PFI and PPP projects; and
- disputes.

Our expertise includes advising governments on strategic and often politically significant investment programmes, as well as regulatory and compliance matters.

We advise airlines and airports on development and planning issues, development and redevelopments, on matters in connection with aircraft and all aspects of the management and operations of airports.

We have recently advised on disputes and judicial reviews involving aircraft and airports, including those arising from expansion projects.

## GET IN TOUCH



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## Case studies

### UK Government on Heathrow expansion

Advised the Department for Transport (DfT) on the high profile and politically significant Airport Capacity Programme, advising throughout the process since the Airport Commission's Report in 2015, considering the airport capacity in the South-East of England and whether this should take place at Heathrow or Gatwick.

### Dublin Airport Authority (now DAA)

Advised Dublin Airport Authority on its €40m, 4 year project which includes a cargo handler warehousing redevelopment project. We advised on the range of project risks and on appropriate contracting model to ensure an appropriate risk allocation throughout. NEC4 was selected for the construction contracts.

### British Airways

Advised British Airways on its strategy, land negotiations and response to Heathrow Airport Limited's proposed development consent order for the third Runway, Heathrow associated with the relocation of its £1m sq. ft HQ office village and reconfiguration of its operational assets at Terminal 5.

### UK airport expansion project

Acted for the main civils contractor in relation to a c.£75m dispute arising out of a major UK airport expansion project. We supported the client's commercial team on a day-to-day basis for a period of c.12 months – preparing all claims documents, including all delay and quantum analysis, resulting in a successful commercial outcome for the client without the need for formal proceedings.

### Dublin Airport Authority (now DAA)

Advise DAA through its subsidiaries daa International Limited (daaI) and Aer Rianta International (ARI) on its Middle East (all Saudi Arabia) airport management bids and contract negotiations – including the management arrangements for a newly constructed terminal at Riyadh International Airport (and subsequent service extension across the airport generally), and retail and customs management at Riyadh International Airport.

# Charities

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## How we can help you

We have a multi-disciplinary team who advise and assist charities, not for profit organisations and their counterparties. We also act as professional trustees of charities and charitable organisations.

Our experience includes advising on English charity law, corporate governance, Charity Commission and Companies House compliance, trustees' powers and duties, procedure and operational management – including in the context of structuring/restructuring their activities and investments, the establishment and incorporation of charities, tax and trust law aspects.

Our clients have encompassed substantial educational and other exempt charitable bodies, corporate charities with substantial “primary purpose” trades and charitable trusts with extensive investment portfolios.

Our Private Capital team advises high-net worth individuals and families on the creation of new charities, and we also provide charity tax return and compliance services as required. We advise on the establishment of charities for individuals and families and the options available.

We also work closely with our Company Secretarial team to advise on matters where charitable incorporated organisations are involved.

We are able to advise on the interpretation of charitable trusts' governing documents, the related powers and duties of trustees together with the process for amending or updating trusts.

## GET IN TOUCH



**Ian Sydenham**

Partner

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## Case studies

### **The Highland Gold Mining Charitable Trust**

The Trust operates a charitable fund for the benefit of families of miners who have suffered injuries or death in the course of their employment.

The Trust is established as a charitable company and combines aspects of charity and company law compliance.

DWF has recently advised outgoing trustees/directors in relation to their retirement, and Ian Sydenham and DWF's trust company now act as trustees/directors.

Work includes all aspects of Charity Commission and Companies House compliance.

### **Donor advised Funds**

Working in conjunction with DWF's Corporate Team, we recently advised a new technology start up in relation to its provision of online DAF set up, administration and investments.

DWF provided detailed analysis of tax and charity and corporate compliance issues related to the establishment and administration of DAFs.

### **A charitable school bursary**

Ian Sydenham and DWF's trust company act as trustees of a charity established by a former teacher, which provides bursaries for assisted places to pupils at a fee-paying school. We undertake all Charity Commission compliance and the general administration of the charity.

### **Private Clients**

We have recently advised several high-net-worth individuals interested in established charitable trusts or other structures such as charitable incorporated organisations where assets comprised commercial property rather than investment funds, requiring greater protection for individual trustees.

# Children & Vulnerable Adults

## How we can help you

We have a specialist team of lawyers who have long experience advising and supporting public bodies on the following matters:

- sexual abuse (care and non care setting);
- physical assault by or upon children or vulnerable adults;
- child sexual exploitation (CSE);
- claims under the Modern Slavery Act 2015 (Human trafficking/exploitation);
- consent, particularly in the case of vulnerable adults;
- claims against social services professionals including failure to remove, Human Rights Act claims and claims relating to the negligent provision of the local authority's social welfare function to children once accepted into care;
- failure to diagnose;
- claims under the Equality Act 2010;
- stress/bullying/harassment claims from social work/education professionals;
- inquests and civil claims involving

death of service users (in residential care, or those being managed, for example, by mental health services and take their own lives);

- inquests and civil claims involving service users causing the death of another person;
- deprivation of liberty claims – service users being detained in care;
- specialised advice on subject access requests, data protection, freedom of information issues, judicial review and public inquiries, health and safety and other regulatory issues; and
- personal injury and insurance.

The service provision extends to advice prior to receipt of a claim, pre-litigation investigation and claims handling, advice on liability, quantum and strategy working alongside in-house legal teams and the handling of litigation on behalf of public sector clients on direct instructions or in conjunction with instructions from insurers. We can handle work across various jurisdictions and countries, including Scotland and internationally.

## GET IN TOUCH



**Paul Donnelly**

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## Case studies

### Coventry City Council

Acted for Coventry City Council and its insurers in the successful defence of the first civil trial ever to consider the question of whether a duty of care is owed by a local authority in the conduct of its social care function to children in the community – also the largest failure to remove claim ever pleaded (in excess of £40m).

### Adult Social Services

Acted on behalf of Adult Social Services and social workers employed by the local authority, to represent them at an Inquest following the death of a member of the public when a mental health patient tragically assaulted this innocent party in a frenzied attack during an episode of psychosis. Managed to control and limit impact of adjournment and contribute to bringing the matter to a swift conclusion following a late change of representation from in-house legal to DWF.

### Local Authority in connection with the death of a service user

Acted on behalf of a local authority, which in partnership with the local health board provided social and

psychiatric services in connection with the death by suicide of a young service user. DWF was instructed to support the in-house legal team through the Inquest process and to work with their Adult and Social Services Care Team, who had responsibility for coordinating the deceased's care and treatment plan. Advice and support was also provided to the Interim Head of Legal Services post-inquest with the response to the prevention of future death report issued by the Coroner.

### Local Authority claim under the Human Rights Act

Instructed directly prior to litigation by local authority clients to act in connection with a claim under the Human Rights Act and/or in negligence for failing to protect a young vulnerable adult who was formerly looked after and detained in secure accommodation from abuse and/or exploitation by a drugs gang and who was considered to be a victim of modern slavery.



# Private Law Litigation & Dispute Resolution

## How we can help you

Our team brings extensive experience in defending complex private law litigation across the public sector, with a particular focus on high-stakes data protection and privacy matters. We are recognised for our expertise in handling claims under the UK GDPR, including data breach litigation, group actions, and claims for damages. Our lawyers have successfully defended private and public bodies in some of the most significant and sensitive data-related disputes in recent years, including multi-claimant actions and reputationally critical breaches.

We understand the unique challenges faced by public sector organisations when navigating the intersection of privacy law, operational risk, and public accountability. Our approach is strategic, proportionate, and always aligned with the broader public interest. We work closely with clients to manage risk, protect confidential information, and ensure compliance with evolving data protection obligations.

Beyond GDPR, we have a multi-disciplinary approach to advising and defending on a wide range of private law torts, including malicious prosecution, trespass, false imprisonment, and personal injury claims. We are also experienced in litigation involving the Human Rights Act 1998, particularly where claims intersect with privacy, liberty, and freedom of expression.

Our team regularly acts in disputes involving the enforcement of intellectual property rights (IPRs) and confidentiality, helping public bodies protect their innovations, data, and commercial interests. We also support clients with cost recovery in non-contractual contexts, ensuring public funds are safeguarded and recovered where appropriate.

Whether defending complex class actions or advising on pre-litigation strategy – we bring a deep understanding of the public sector landscape, a commitment to robust defence, and a track record of delivering successful outcomes.

GET IN TOUCH



**Dan Williams**

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## Case studies

### British Airways (BA)

On behalf of British Airways Plc in respect of a well-publicised cyber-attack and data theft concerning its website and mobile application, which BA announced in September 2018, and which potentially affected several hundreds of thousands of individuals.

We continue to represent BA in respect of the defence of all civil litigation arising from the cyber-attack in the English courts. This culminated in a Group Litigation Order in the specialist Media and Communications list at the High Court in London, in which a significant volume of claimants from multiple jurisdictions were seeking damages for alleged loss suffered as a result of the cyber-attack. The claim was the first data class action brought under GDPR and concerned many untested legal and procedural issues. The long-running class action, which involved all three of DWF's integrated legal and business services, was settled in summer 2021 without admission of liability. DWF continue to advise BA in respect of related matters.

### WM Morrisons Supermarkets

DWF achieved a victory for WM Morrisons Supermarkets in a UK Supreme Court appeal relating to a class action brought by over 9,000 of the retailer's employees. It was the first mass data breach claim of its kind before the Courts. The claim for direct fault-based liability was successfully defended at the original trial however, Morrisons was found liable for no-fault vicarious liability as employer. In Morrisons' successful appeal, the Supreme Court clarified how the law of vicarious liability should be applied and in so doing reversed the High Court and Court of Appeal decisions against Morrisons.

### Confidential / Ongoing Matters

We are currently acting, confidentially, on two matters: (i) for a Mobile Network Operator, and (ii) for the largest sports fashion retailer in Europe – both facing malicious data breach class actions on behalf of tens of millions of customers.

# Education Law

## How we can help you

Our education team has extensive experience in advising universities, schools and other higher and further education organisations on a wide range of issues. We work collaboratively with other Teams within DWF to provide our education sector clients with solutions and advice on any legal issues they face.

Our offering includes advising state and independent schools, and further education providers on the following matters: early years, health and safety, crisis management, school workforce, special educational needs, admissions, exclusions, equalities issues, pupil/student related litigation, clerking independent review/appeal panels, governance, abuse, safeguarding, insolvency and reorganisation issues, inspection and regulation, regulatory compliance advice and support with investigations, mediations, policy review and governance, finance and funding issues, higher and further education, student finance, and education-focused charity, contract and property law issues relevant to the educational sector.

Specifically for universities and research organisations (e.g. catapults) we have a leading niche practice advising on government funding for R&D projects and programmes including major

collaborations with industry. Such matters includes working for and with Innovate UK, and with multiple parties in EU programmes FP7 and H2020, including commercial contracts (consortium agreements) and Subsidy Control.

We also act for a large number of independent schools across the UK and run 24/7 crisis helpline for them dealing with a range of crises mainly around safety events, abuse, and reputational concerns.

We have a dedicated team with experience in representing and advising schools and local authorities on cases dealt with in the First-tier Tribunal for Health, Education and Social Care (also known as the SEND Tribunal) – and the law/guidance around treatment of pupils, including prospective pupils, with additional needs in respect of admissions/exclusions, discrimination allegations or concerns over the implementation or content of EHC Plans and EOTAS support.

We are regularly instructed on complex matters often involving incidents of a sensitive nature and work efficiently and respectfully with our clients to resolve those issues.

## GET IN TOUCH



**Vikki Woodfine**

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## Case studies

### Leading North-West University

Acted for two leading universities collaborating in the development of state-of-the-art sensor and Internet of things technology with an international reputation. The funding was from domestic and ERDF sources – and we had to ensure the State aid, corporate governance and real estate advice was within the parameters of strict ERDF requirements including cost eligibility, meeting of deliverables, aid intensity and match funding. The project had central government support in terms of match (DBEIS), and we had to ensure the match was clearly aligned to the ERDF funding terms.

### Large comprehensive school, Barnet, London

Advised in respect of a claim for damages for breach of GDPR and in negligence arising out of an allegation that a former employee of the school recorded members of staff when they were using the changing rooms. The claim was defended and ultimately discontinued before trial.

### A North-West Local Authority

Advised a Local Authority in a complex extended EHCP appeal before the SEND Tribunal. It was successfully argued that complaints regarding Disabled Facilities Grants fell outside the Tribunal's jurisdiction and DWF facilitated constructive engagement between the Council and the Appellants,

narrowing the issues and streamlining proceedings. Despite late disclosures and procedural challenges, the hearing concluded with a favorable outcome for the Local Authority.

### Advanced Manufacturing Supply Chain Initiative (AMSCI)

Advised Finance Birmingham (subsidiary of Birmingham City Council) on State aid and Subsidy Control compliance and administration of related grant funding agreements for the c.£500m grant fund (via the *Regional Growth Fund*) administered for primarily R&D collaborations across industry and the research and education sectors, including many English universities and (catapult) research organisations.

### An independent school

We received a call via our Crisis Response line following an attempted suicide of a student at an independent school. The student had known serious mental health diagnoses and was receiving ongoing hospital treatment. Despite this, she had been allowed to leave the classroom unaccompanied. We advised the school, who were cooperating with multi-agency local authority-led safeguarding investigations, along with separate investigations by NHS England and the CQC. The school maintained good relations with the family and no further action has been taken in respect of their involvement.

# Energy & Natural Resources

## How we can help you

Our Energy team comprises over 150 sector-specialist lawyers who support central government departments in delivering energy projects that are compliant, future-ready, and aligned with public sector objectives. We bring deep expertise across planning, regulation, procurement, subsidy control, finance, corporate, and dispute resolution – enabling government clients to navigate complexity with confidence.

We understand the unique pressures facing government: delivering net zero commitments, ensuring value for money, and managing public accountability. Our team advises on all aspects of energy project structuring – from Electricity and Gas Act licensing and SPV formation to innovative power purchase agreements (PPAs), subsidy frameworks, and procurement strategy. We support funded and financed schemes involving public-private investment, ensuring robust governance, risk management, and deliverability.

Our lawyers are embedded in the energy sector and bring practical insight into how energy markets operate. We advise on emerging technologies including energy storage, hydrogen, CCUS, EV

infrastructure, and behind-the-meter generation – helping departments future-proof their energy strategies and meet long-term policy goals.

We are well-versed in public law considerations, including vires, subsidy control, and procurement compliance, and regularly advise on projects governed by both English and Scots law. Our cross-disciplinary approach ensures seamless delivery across legal areas and jurisdictions.

We are trusted by central government and executive agencies to deliver energy solutions that are legally sound, commercially viable, and strategically aligned. Whether supporting major infrastructure programmes or localised energy schemes, we help ensure projects are not only deliverable – but bankable, resilient, and ready for tomorrow.

## GET IN TOUCH



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## Case studies

### Nuclear Decommissioning Authority (NDA)

Lead Project Counsel for the NDA on the transfer of 7 AGR Power Stations from EDF to NDA – a multi-year project with a complex asset transfer at its centre. DWF is leading on all aspects of the transaction, including advising NDA on the re-licensing of the 7 AGR stations with Nuclear Restoration Services (NRS) as the new licensee. DWF is also leading on the development of a new nuclear liabilities funding agreement to be entered with the Nuclear Liabilities Trust Limited and the Secretary of State.

### Welsh Government/Transport for Wales

Advised in drafting and negotiating a Hydrogen Purchase Agreement with Marubeni, as part of the Welsh Government's initiative to decarbonise bus fleets by 2035, starting with the rollout of zero-emission Fuel Cell Electric Buses (FCEB) in South-West Wales. Our role involved resolving key risks, commercial issues, and legal considerations between the Welsh Government, Marubeni, and Transport for Wales (TfW) – and full support on the Low Carbon Hydrogen Agreement with the Low Carbon Contracts Company.

Also advised Welsh Government on the development of their road map for implementation of its EV strategy. Key focus has been on vires, project

structuring, use of self-generated and private-funded renewable energy generation to support EV infrastructure roll out across the County. Development of EV infrastructure hosting arrangements, real estate and planning, electricity licensing support and interface with distribution network operators for connection and supply.

Also advised on a regulatory road map for Wales to implement CCUS. Applying BEIS' CCUS flow charts and road map to apply to Wales with specific focus on devolved Government's role in connection with planning, development, subsidy control/funding and support for encouraging CCUS in Wales.

### Greater Manchester Combined Authority (GMCA) Go Neutral

Provided strategic advice to structure a 5 year framework to permit GMCA districts to promote low/zero carbon energy generation. Focus on procurement law, energy policy, decarbonisation and creating a flexible framework to facilitate integrated smart energy solutions for GMCA members.

### Highland Council

Advised Highland Council on the procurement and arrangements for a 6 year maintenance and operation of biomass facilities across all of the Council's estate (c. 120 facilities).



# Financial Services, Market & Competition Regulation

## How we can help you

Our Financial Services Regulatory team supports colleagues and clients with all regulatory issues, both contentious and non-contentious, across financial services markets.

With particular specialism in consumer financial services, we have a market leading team advising retail investment businesses (wealth managers), including personal pension providers.

We have litigators and advisory lawyers specialising in regulated credit and asset finance and are aligned with DWF's insurance sector focus – we have an expert insurance regulatory capability.

Our non-legal Regulatory Consulting practice includes ex regulators, specialising in prudential and banking regulation. Our team has experience conducting and shadowing FCA Skilled Persons reports.

We deal with issues not only of business-critical importance to our financial services clients, but also of significance to the market more widely. As well as advising our clients on such matters, we engage with the FCA, other regulatory and trade bodies in an effort to improve the regulatory regime for all concerned. For

example: we're engaged in supporting firms through the advice guidance boundary review and the development of targeted support; we recently acted in the Supreme Court on a case about the extent of a Principal's s.39 liabilities for its AR; we ran the Judicial Review of the FCA's British Steel DB pension redress scheme; we're engaged with the FOS and redress framework reforms through the Financial Services Lawyers Association and PIMFA, (including engaging in the EST's consultation); we are founder members of the new Platforms Association supporting this important market segment come to terms with increasing regulation; and we're heavily involved in the FCA's other key initiatives in the investment advice sector – its ongoing services and consolidation reviews.

Our Competition Team advises clients on all aspects of competition regulation, including antitrust investigations, regulatory market studies, compliance programs, and all aspects of State aid and Subsidy Control.

## GET IN TOUCH



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## Case studies

### Joint administrators of Hartley Pensions

Advising on the largest failed operator of self-invested Personal pension schemes (SIPP) and small self-administered schemes (SSAS) which went into administration in July 2022, with c.£2bn of client assets and c.17,000 clients. It has been a high-profile and highly complex matter involving financial crime considerations, regulatory scrutiny and investigation, and litigation. DWF was crucial in ensuring compliance with regulatory requirements whilst mitigating legal risk and assisting with the management of press scrutiny around the case.

DWF advised on a number of key challenges:

- **Insolvency & Restructuring:**

Advising the Joint Administrators on transfer of the SIPP books to third parties (including undertaking legal and regulatory due diligence on the proposed third-party operators which was reviewed by the FCA), FCA engagement, trust structures, and advising on the technical legal issues in relation to transfer of clients and their assets;

- **Regulatory Compliance & Investigations:** Advising on all regulatory aspects, including engagement with the FCA and other investigative bodies on potential financial crime concerns; the FSCS in relation to assigned assets; the FOS about complaints; HMRC in relation to unauthorised payments; and, HMLR on property title transfers;
- **Litigation & Dispute Resolution:** Supporting the Administrators in managing multiple contentious disputes arising from the administration process, including those involving the Hartley Action Group and affected pension member schemes; and
- **Pensions Administration Disputes:** Working closely with our Pensions team to navigate complex disputes concerning trust and pensions administration, including liaising with The Pensions Regulator and the Pensions Ombudsman. One of the most significant pension scheme administrations in recent years due to its publicity and requirement to engage with a broad range of stakeholders. DWF's strategic guidance was instrumental in managing legal complexities, minimising risk and ensuring compliance with evolving regulatory frameworks as all parties work towards a satisfactory outcome.



# Food, Rural & Environmental Affairs

## How we can help you

We support clients at every stage from farm to fork. We recognise the sector's key challenges and provide tailored advice, whether it be on regenerative agriculture, naming the growing market for meat-like products, or dealing with cell cultured meats.

As the UK's leading food compliance and litigation practice, we are uniquely placed to advise on all farm to fork issues for a wide range of public sector clients including:

- advising on trade disputes between different bodies including Governments and trade associations and private parties;
- advising on food compliance issues;
- advising on HFSS and the application of the restrictions and their implication for the sector;
- supporting with public inquiries and investigations with regulators;
- advising on the provision of food and allergen information online;
- advising on application of GSCOP;
- advising on the Contaminated Land Regime and water pollution issues, including those involving significant damage to the environment;
- undertaking comparative analysis of EU v UK food law and tracking EU divergence;

- advising on Deforestation, DRS, EPR and other food related environmental measures;
- advising GLD solicitors in relation to EU food regulation infringement proceedings and trade disputes under WTO;
- advising on all aspects of TCA preferential tariff issues (rules of origin) for EU/UK trade post-Brexit;
- dealing with outbreaks of food poisoning, inquest, recalls and the resulting civil claims; and
- assisting suppliers to schools and prisons to understand their food supply chain.

The team carefully scans developments (publishing a weekly update) to ensure clients are aware of the upcoming issues, whilst being able to help navigate the implications of current issues, such as the circular economy on government, advising on how it can be leveraged to provide clean energy, and reduce business impact.

## GET IN TOUCH



**Dominic Watkins**

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## Case studies

### A leading dairy product producer

Our client, one of Europe's leading dairy product producers, was notified that its product was the subject of a proposed infraction proceeding, against the UK government. We met with EU Commission and other Member State regulators to demonstrate our client's product and its legality. By doing so we also ensured that no action was taken against the UK Government.

### A leading caterer to public bodies

Our client, one of the leading caterers/suppliers to public bodies (schools/prisons etc.), multiple branches of our client's operations simultaneously suffered a norovirus outbreak. Civil claims and a regulatory investigation followed. We provided a full crisis response service, worked through the day-to-day issues and devised a common strategy. No regulatory action was taken. The number of claims and financial loss were significantly reduced, recovery opportunities against the supplier were considered and reputation was protected.

### Allergen compliance food manufacturer

Advising well-known food manufacturers, retailers, restaurants and online businesses in relation to allergen compliance.

### CBD, alternative proteins and novel foods and establishing technologies

Advised a wide range of business on innovative products. Dealt with regulatory compliance and where necessary the regulators administering the regulated food processes.

### Walsall Metropolitan Borough Council (MBC)

Acted for Walsall MBC in relation to the Phoenix10 environmental regeneration project, located at Junction10 of the M6 Motorway, to recover a major strategic site for the benefit of the West Midlands economy. We helped draft the contracts and environmental liability agreements to ensure that remediation and development works could commence. We also assisted with drafting agreements regarding sourcing bespoke environmental insurance (and dealt with remediation funding and related State aid issues).

# Franchise Law

## How we can help you

We advise public and private sector clients on franchising agreements. Our team has a wealth of experience in advising our clients from a wide range of sectors including rail, hotels, retail and food. Franchises vary significantly depending on the sector, value, risk and level of control retained by a franchisor. Our advisory teams are multi-disciplinary to advise on the many facets that are relevant to a franchise operation including IP, real estate, regulatory, tax and commercial specialists to ensure an integrated service offering.

We support our clients through:

- drafting bespoke franchise agreements to cater for the business being franchised, including master franchise arrangements that provide for sub-franchises;
- reviewing and marking up any standard franchise agreements supplied by the other party including any terms and conditions;
- advising on the interpretation of franchise agreements;
- negotiating franchising agreements to finalisation;
- advising on complex intellectual property rights that arise within franchising relationships including brand protection and ownership of IP;
- advising on any commercial property interests that can arise within a franchise business;
- advising on deed of variations to franchise agreements;
- advising on dispute resolution, mediation and ADR procedures;
- advising on data protection, freedom of information and other regulatory compliance; and
- bringing franchise agreements to an end whilst avoiding expensive litigation disputes.

We can also bring to bear our legal process specialists and the use of standard form documents and contract management tools to simplify and create efficiencies. For example creation of automated documents and standardised contract processes.

## GET IN TOUCH



**Mary Kelly**  
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## Case studies

### Scottish Government (Transport Scotland)

Acted for the Scottish Government in the award and renewal of the ScotRail and Caledonian Sleeper franchises. The ScotRail franchise is the single biggest contract led by the Scottish Government and is worth a total of £7bn over 10 years. We advised on procurement and State aid issues and drafted and negotiated the commercial agreements in connection with the franchises.

### Gateshead Council

Acted for Gateshead Council in the award of a dual branded franchised hotel (Ibis and Novel) in respect of a new development in Newcastle Gateshead Quays. The development is part of a £260m regeneration scheme that is a first for Gateshead council.

### Fico Holding and S Hotels and Resorts

Acted for private clients Fico Holding and S Hotels and Resorts in relation to outsourcing the management of 31 franchised hotels to Interstate Hotels and Resorts. This involved negotiating the hotel management agreements, master agreements and key money agreements and project managing the deal through to completion.

### Investor and banking clients

Advising multiple investor clients and banking clients on the purchase (or refinance) of hotels and negotiating the applicable franchise agreements with well-known brands (Hilton, IHG and Accor) and management agreements.

# Health & Safety

## How we can help you

Our national team comprises over 50 lawyers, including former HSE and EA prosecutors.

Supported by our Legal Operations division, we possess exceptional capacity to assist public sector clients across the country, no matter the size or complexity of an event or incident.

By leveraging our AI and e-Discovery services, we can streamline, systematise, and scale legal processes following an incident, resulting in time and cost savings.

We provide invaluable support to our public sector clients in areas such as:

- compliance (including auditing, risk assessment, corporate support, and training);
- a 24/7 Crisis Incident Management service;
- prosecutions – with a dedicated team experienced in regulatory, local authority, and corporate/utility company prosecutions;
- inquests and fatal accident inquiries;
- internal investigations;
- appeals against enforcement notices;
- defence against investigations and prosecutions by police and regulators;
- health and safety training and gap analysis; and
- Candour and Public Accountability – our team has experience of advising public bodies in relation to the recent developments in this area.

## GET IN TOUCH



**Simon Belfield**

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## Case studies

### Royal Borough of Kensington & Chelsea – Grenfell

We remain engaged in matters concerning the Grenfell Tower fire on 14 June 2017. The event, ongoing police investigation, and Public Inquiry have received widespread attention. The Inquiry, which includes 592 core participants, addressed a broad range of topics such as the building's construction, design, modifications, fire safety protocols, and the incident's consequences. The Metropolitan Police continue their criminal investigation into Corporate and Gross Negligence manslaughter.

### Maritime & Coastguard Agency (MCA)

The MCA in relation to the Regulatory Team's investigation and prosecution duties, handling cases against companies and individuals breaching Merchant Shipping and health and safety laws.

Additionally, we act for HM Coastguard in numerous inquests and FAIs connected to deaths at sea and along the UK coastline.

### Ministry of Justice

Provide representation for HM Prison and Probation Service concerning an HSE investigation in the southwest of England.

### Historic England

We have recently advised Historic England regarding its Prosecution Enforcement Policy.

# Health, Healthcare & Social Care

## How we can help you

Our team of specialist healthcare lawyers have expertise to support you in: commissioning and contracting initiatives; procurement challenges; drafting and negotiation of commercial agreements; judicial review proceedings; inquests; regulatory, disciplinary and criminal investigations; public inquiries; civil claims (including group actions); medical products, manufacture and distribution claims; advising on confidentiality, GDPR issues and data breaches in a healthcare context.

Our Regulatory, Compliance and Investigations team has an in depth understanding of issues which arise in the healthcare sector; from abuse allegations and safeguarding concerns to fatal/serious incidents, Coroner's inquests and criminal prosecutions.

DWF specialises in crisis management. We understand that your crisis requires far more than a "legal" response. Upholding your reputation and media management is key. We have an unparalleled reputation and experience in working with our clients

in the early stages of investigations. In devising a crisis management strategy at the early outset following an incident, we respond to safeguarding concerns and help clients to avoid prosecution where ordinarily it would have been expected.

We have extensive experience in the following types of cases:

- Police/HSE/CQC investigations and prosecutions including fatalities and manslaughter prosecutions;
- CQC inspections and gradings;
- Inquests;
- H&S training to senior managers/providers of care and support services;
- Abuse and safeguarding;
- Professional regulatory and disciplinary in a wide range of professions; and
- Protection of vulnerable adults.

## GET IN TOUCH



**Rosie Shapiro**

Partner

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## Case studies

### Healthcare at Home

Healthcare at Home on supply and distribution agreements with pharmaceutical companies to secure best terms.

### Healthcare professionals

Vast experience of defending professionals across all healthcare regulators and in wide ranging criminal proceedings, such as allegations of willful neglect of a care home resident.

### Inquests

Extensive experience of coronial proceedings, representing individuals, NHS Trusts and healthcare entities and providing bespoke advice and guidance.

### Investigation into private hospital self-harm death

Acted in relation to the tragic death of a young lady who died by way of a self-harm ligature whilst she was detained under s.3 of the Mental Health Act at a private hospital run by our client. DWF continues to guide the client through a CQC criminal investigation, a wide-scope "Article 2" Coroner's inquest, the NHS Serious Incident Investigation Framework, a claim under the Human Rights Act, and a Safeguarding Adults Review.

### Investigation following anaphylactic shock

Our team were instructed via our 24/7 Crisis Response service to act following the inquest verdict relating to the death of a pupil who died at a secondary school. The pupil suffered an anaphylactic shock after eating in the school canteen. At the inquest, our client was issued with a Prevention of Future Deaths report, which DWF provided a response to. Subsequently, we were instructed to act in relation to the criminal prosecution. Through various discussions and work undertaken to set out to the Prosecution that there were multiple failures on behalf of numerous duty-holders, we were able to agree a very favourable agreement that this was a case of low culpability and, more significantly, that our Client's breach was not causative of the death.

### Public Inquiries

Experience of representing core participants and witnesses in relation to high profile public inquiries, such as Covid-19, Infected Blood Inquiry and the Letby Inquiry.



# Housing Law

## How we can help you

DWF's Real Estate team provides housing-related legal services, and is a trusted advisor to government departments, local authorities, and public sector bodies. We deliver strategic legal support across housing, regeneration, and infrastructure, and focus on providing solutions that are legally robust, commercially sound, and socially impactful.

We advise local authorities on acquisition and disposal of residential assets, regeneration and development schemes, and the structuring of housing investment vehicles, including tax-efficient models. Our lawyers work collaboratively across real estate, planning, procurement, grants and subsidies, finance, tax, construction and litigation to support housing projects from inception to completion, including compulsory purchase and s.106 agreements. DWF's Real Estate Litigation team offers extensive experience on any contentious housing-related legal issues, including volume housing disrepair claims processes. The team regularly advises on:

- landlord and tenant law – structuring long leasehold and occupational tenancies in compliance with relevant law and with regard to acceptability to funders and consumer protection
- social housing and its regulation – advising local authority RPs on appropriate use of housing revenue account funds; regulatory standards set under the HRA 2008
- leasehold and commonhold law and related residential property law matters – advising public bodies on future proofing projects for the impact of the Leasehold and Freehold Reform Act 2024
- private rented sector – advising on the procurement, and development of new housing supply build to rent blocks ;
- housing fitness and quality – advising on rolling programmes of housing disrepair claims
- eviction and homelessness – advising on temporary accommodation housing supply projects

Whether advising on strategic approaches to address housing need and challenges, managing residential portfolios, or navigating regulatory frameworks, our practical, solutions-focused approach to housing delivery and our commercial insight, helps clients unlock housing delivery and meet policy objectives.



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GET IN TOUCH

## Case studies

### Homes England

DWF has been appointed to Homes England's legal services panel for 3 successive 4-year terms and several senior lawyers have advised the Agency throughout its existence. In addition to the procurement of private sector partners to develop new supply housing alongside placemaking, DWF has advised on the Accelerated Construction Delivery Company pilot; modifications to call off contracts to accommodate the First Homes initiative and is currently giving strategic affordable housing advice to pilot a revised approach at Worcestershire Parkway which might then be rolled out nationally

### Royal Borough of Greenwich

DWF has developed a proven housing disrepair product for the Royal Borough of Greenwich, led by our

Real Estate Litigation team. This solution combines standardised workflows, litigation readiness tools, and legal operations support to streamline the management of disrepair claims. It enables proactive risk mitigation and efficient handling of high-volume matters, with integrated data analytics and scalable delivery.

### London Borough of Haringey

We have supported Haringey through the acquisition of new housing stock worth in excess of £300m recently. This often involves development agreements structured under golden brick arrangements, variation of s106 agreements and compliance with GLA grant funding. Construction experts advise on works contracts including protection for inherent defects.

# Immigration Law

## How we can help you

Our experienced immigration team provides specialist advice on all areas of business immigration. We advise multi-nationals, FTSE 100 and AIM listed businesses, financial sector leaders and public bodies.

We provide a comprehensive offering including the obtaining of Home Office sponsorship licences and subsequent assistance in respect of migrant sponsorship applications. We also provide support and bespoke training to ensure sponsor licence compliance obligations are met.

We have significant experience in all aspects of the increasingly complex right to work check regime, including advising on civil fines, penalties and appeals.

Our team can advise on business travel to and from the UK and the associated rules on carrying out permitted business activities, as well as supporting on global recruitment matters in conjunction with our global offices and partner firms.

We advise both academic institutions and students in respect of worker and study visas together with available options post-graduation.

For individuals we are able to assist in settlement/indefinite leave to remain applications following satisfaction of requisite residency and are further able to assist with citizenship applications.

### **Areas of business immigration we can support on include:**

- Sponsor licence applications and compliance support;
- Level 1 user service;
- RTW checks and civil penalties and fines;
- Worker and temporary worker visa applications;
- Student visa applications;
- Indefinite leave to remain and citizenship applications; and
- Global recruitment and secondments.

## GET IN TOUCH



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## Case studies

### **A business that failed to report a change of ownership**

Advising a business that did not report a change of ownership after private equity investment changed the owner of the licence holder. We made an application for a new licence at speed and were able to explain the oversight due to the timing of the investment and the granting of the original licence.

### **A major supermarket**

Advising one of the major supermarkets over securing 200 migrant abattoir workers/butchers in respect of the amended Seasonal Worker Visa.

This was strategically important to the business and involved the application of legislation immediately on publication of the "Statement of Change" from Home Office and advance notifications from DEFRA at that time.

### **An academic institution**

Advising a major academic institution over right to work checks and sponsorship duties. On completion of a sponsor licence audit, we identified significant failings in the processes adopted which placed the client at risk of civil fine and penalty. We then advised as to remedial steps to correct/negate future risk.

### **A major joint venture with a national car manufacturer**

Our support involved obtaining a UK sponsor licence under the Global Business Mobility: Expansion Worker Visa and bringing in the initial four-person project team. We subsequently secured the Global Business Mobility: Senior and Specialist Worker license category and we supported on visa applications for 17 Japanese and Mexican ex-patriots. This was a complex instruction and was of vital strategic importance not only to the client but also the region, as demonstrated by the £15m government grant provided. We worked closely with the Home Office, and liaised with the British Embassy in Tokyo, and were able to successfully deliver on all of the client's objectives, despite some extremely pressing timelines.

### **A public body**

Advising a public body in connection with its application for a Home Office sponsorship licence. This was in order to secure the employment of a highly skilled non-settled national that it required to head up the organisation of a prestigious international sporting event. The licence and migrant's visa were both obtained.

# Insurance & Reinsurance

## How we can help you

Our team of legal experts assist clients to meet commercial objectives and manage regulatory requirements, in a practical and efficient manner. We advise on all of the regulatory, commercial and corporate aspects of insurer and intermediary business such as: the life cycle and distribution of insurance products; the governance, conduct and regulatory obligations of the business; the successful acquisition and merger of insurance entries; and the commercial, corporate and capital financing requirements of the business.

Our services include: company and partnership formation, mergers and acquisitions (public and private), joint ventures, schemes of arrangement and portfolio transfers, group reorganisations for domestic and international businesses, investments in start-ups and InsurTech.

DWF's Reinsurance Team is comprised of experts who are embedded in the reinsurance market. We advise on coverage, claims and wordings in respect of all forms of reinsurance and reinsured lines of business. The team brings a depth of understanding of reinsurance products and the operation of the reinsurance market. Whether advising cedants or reinsurers, our advice goes beyond legal issues, and reflects the commercial realities faced by our clients.

- We have decades of experience in advising on complex coverage issues under facultative and treaty, proportional and non-proportional covers. Where possible, our claims team acts on behalf of our clients in achieving the settlement of claims; if that is not achievable, we pursue and defend claims through arbitration and litigation, and we have had successful results in jurisdictions across the world.
- In addition to their expertise in reinsurance law and contracts – our lawyers have an extensive network of experts (including underwriters, actuaries and claims professionals), arbitrators and overseas lawyers. Clients benefit from access to that network, which ensures that matters are handled professionally, whatever the nature of the issue or the jurisdiction concerned.
- Our transactional team advises on PRA, FCA and Lloyd's regulatory matters, reinsurance run-off and restructuring, cross-border and international issues. We have advised clients on a number of high-profile market transactions. Although the transactions and issues can be complex, the team advises in clear and uncomplicated terms, allowing clients to achieve their commercial goals.

## GET IN TOUCH



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## Case studies

### Insurers and reinsurers

Acting for a range of insurers and reinsurers on claims and reinsurance disputes arising from Covid-19.

### A government department

Advising a government department in relation to the suitability of the insurance arrangements of UK licensed nuclear operators.

### Insurers, intermediaries and investors

Advising various insurers, intermediaries and investors on the establishment of FCA, PRA and Lloyd's of London authorised insurance and reinsurance firms.

### PSC Insurance Group Limited

Acting for PSC Insurance Group Limited on its acquisition of Paragon Insurance Holdings Limited and its two subsidiary companies.

### H.W. Kaufman Group London Limited

Advising H.W. Kaufman Group London Limited on its acquisition of 100% of the issued share capital of Barbican Protect Limited from Barbican UK Holdings Limited.

### A French insurance firm

Acting for a French insurance firm on their group re-organisation including a management buyout, a chart re-organisation and the exit of minority shareholders.

### A UK insurance broker

Acting for a UK insurance broker on the acquisition of an independent credit insurance broker.

### A UK insurance broker

Acting for a UK insurance broker on the acquisition of an insurance products business.

# International Trade

## How we can help you

DWF's WTO and International Trade team is led by highly experienced trade lawyers particularly with decades of experience of handling the highest level of EU and international trade matters from Brussels and with respect to the UK and its interests, prior to more recently advising on all aspects of the EU/UK Trade and Cooperation Agreement (TCA) and related issues such as the Northern Ireland Protocol.

The team combines core trade experience with DWF's sector-specific focus on areas like food and agriculture to provide rounded advice on all levels of trade barriers (tariff and non-tariff) alongside regulatory compliance.

The DWF team has hands-on experience in WTO Dispute Settlement, WTO accession negotiations, WTO advisory, trade remedies (all types of anti-dumping, anti-subsidy and safeguard proceedings and reviews), the TCA and other related agreements such as the Northern Ireland Protocol, free trade negotiations and treaties, GSP, customs law on classification, preferential and non-preferential rules of origin and valuation and tariff quotas. This experience has been gained from many years of working in Brussels and dealing with the EU institutions in particular, and representing a wide variety of exporters and national governments in different proceedings and

in many different sectors such as steel, chemicals, electronics and others.

The team has advised on tariff suspensions and UK (HMRC) and other procedures for customs relief including Freeports.

The team has a strong record with EU Courts on trade remedies and sanctions, having taken and won a number of landmark judgments, including securing the annulment of trade defence measures imposed by the European Commission on behalf of exporters.

The experience of the team is global, having represented exporters and sovereign governments from across the world including Russia and the CIS, India, China and other Asia-Pacific nations plus North, Central and South America.

The capabilities of our team include also export controls and economic sanctions, foreign direct investment screening, as well as foreign subsidies. Most recently, the team has been busy advising a range of clients on Brexit-related strategies, including management of TCA rules of origin, required changes in supply chains, the impact upon existing and future trade remedies and potential issues within the UK/Australia Free Trade Agreement.

## GET IN TOUCH



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## Case studies

### Securing a protective measure (anti-dumping)

We have represented a European trade association responsible for a significant sector of activity in bringing a complaint and securing initial protection from dumped imports. This has extended to handling requests for interim reviews from particular exporters and into considering how the UK section of the industry will secure its future protection in view of Brexit.

### Defending US government's subsidy programmes against EU countervailing duties (anti-subsidy proceeding)

Members of the DWF team have represented and advised a US national association of biofuels in the first EU anti-subsidy proceeding against the US. Our assistance included analysis of US subsidy programmes and their susceptibility to countervailing measures according to WTO rules. As a result, several US programmes remained unaffected by EU action.

### Leading a WTO proceeding to the panel stage (WTO dispute settlement)

Members of the DWF team have advised a foreign government in bringing a WTO dispute against EU trade measures. This has included all key elements of a dispute settlement proceeding, including consultations, request for establishing a panel and the first written submission. The proceeding reached the panel stage and had an effect on the EU position.

### International trade sanctions

DWF has advised the Foreign Commonwealth & Development Office with respect to multiple trade sanctions and their implementation.



# Life Sciences

## How we can help you

DWF provides a fully integrated team focused on delivering comprehensive assistance to clients in all areas of life sciences product and healthcare regulation: from research and development through to commercialisation and product recalls.

Our clients include manufacturers of pharmaceuticals, medical devices, and cosmetics; healthcare professionals; universities and research organisations; and leading trade and professional organisations.

Our practice supports virtually every aspect of our clients' regulated business activities, including:

- product liability claims;
- intellectual property rights issues including exploitation and defence, and handling of foreground and background intellectual property in R&D programmes;
- state funding of R&D and related Subsidy Control and grant funding agreements;
- healthcare protocol and risk management advice;
- insurance coverage and advice;
- corporate M&A;
- venture capital advice;
- research and Pharmacovigilance;
- data protection;
- competition compliance and challenges;
- commercial contracts;
- regulatory requirements; and
- ongoing Brexit challenges.

## GET IN TOUCH



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Director

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## Case studies

### A medical device manufacturer

Advising a well-known medical device manufacturer in the defence of their global product liability claims and product recall. One particular incident concerned a trial in Scotland following a fatality allegedly caused by a defect in the electrical wheelchair.

### London market insurers

Acting for London market insurers in a \$200m coverage dispute in the Federal Court, Memphis arising from the bringing to market of a medical device without obtaining the appropriate FDA approval. One of our experts in this case was the former Commissioner of the FDA, David Kessler.

### Setting up an investment vehicle

Assisted in connection with the setting up of an investment vehicle and incentive equity tools as well as in connection with the drafting and negotiating of an exclusive patent license agreement in the field of treatment of ophthalmic diseases.

### Medicines Discovery Catapult

Advised the Medicines Discovery Catapult (among many others) on a series of central and local government funding packages for R&D programmes including collaborative R&D development and knowledge transfer and related commercial contracts for handling of IPRs and grant funding agreements.

### Immutep

Advised Immutep, a French biotech company specialised in the development of T-cell response based immunotherapeutics against cancer and infectious diseases, on two fund raisings. Including the fund raising led by Paris-based firm, Innoven Partenaires, involving a new investment from venture capital fund H2I, a specialist Biotech fund managed by Equitis.

# Maritime & Shipping

## How we can help you

Our Marine and Trade team focuses on commodities, shipping, insurance, cargo, freight and logistics – both in respect of contentious and non-contentious matters.

We have multi-jurisdictional experience, dual-qualified and bilingual lawyers who can help clients with all the specialist legal issues which arise across a broad spectrum of the marine and shipping sector – enhanced by our well-placed office locations.

Our areas of expertise include:

- operational and commercial contracts, (including advising local authorities on new contracts and operating agreements, shipbuilding contracts);
- litigation and dispute resolution (including international arbitration and mediation);
- shipping documentation;
- marine finance and leasing;
- marine insurance (cargo, hull and machinery, P&I, FD&D, war risks, general liability, negligence including full policy reviews, coverage advice, claims handling);
- ports and terminals (e.g. handling disputes relating to container demurrage, advising ports on compliance with relevant legislation);
- cargo claims;
- restructuring and insolvency;
- corporate;
- employment and Immigration;
- competition, regulatory and Subsidy Control, including public support for port infrastructure investments including dredging, access roads and terminals;
- real estate;
- sanctions (e.g. implications of shipping goods to countries trading within a sanctions framework);
- customs issues, such as classification of goods and preferential rules of origin for Free Trade Agreement purposes, and related procedures and investigations;
- international trade and soft commodities (e.g. advising on missing consignments of goods; advising on and drafting documents such as Storage Agreements, Holding Certificates and Cargo Surveying Contracts); and
- piracy.

## GET IN TOUCH



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## Case studies

### A local authority

Representing a local authority in a claim involving a fishing vessel being declared a constructive loss after foundering overnight while at our client's harbour in the UK. We advised the client on the strengths of its arguments and presented a strong case to the lawyers representing the opponents. We assessed analytically the contractual provisions between the parties. We are working together with Counsel to defend this action to obtain the best outcome for our client and their insurers.

### A UK port

Acting for a well-known port in the UK to provide clear legal analysis on the applicability of (then) incoming EU legislation on the activities conducted at the port to ensure compliance, including in respect of the transparency of fees.

### Operating Agreements

Advising a public body on the renegotiation of a ferry service contract with a private ferry operator to ensure provision of reliable and resilient ferry services for residents and tourists and which also meets business freight requirements. With our extensive knowledge and work in the shipping

industry and having advised ports and other entities on shipping related contracts, our experience is invaluable in assisting the client to achieve its objectives in a beneficial and workable manner.

### Wreck Removal

We were instrumental in acting for an engineering company in a dispute relating to the dismantling of a rusty oilrig hull in the waters off Shetland. The case involved the break-up of the hull, which broke free from its berth due to high winds in November 2019.

### Insurance claims

Acting for marine insurers and their insured in a complex matter relating to erosion to the banks of a sluicing pool which is damaging the public footpath and could, in the future, lead to damage to residential property. This has included a review of the historical background to sluicing operations and considering key planning documents. Our department's experience in this area has been central to supporting insurers through their assessment of the claim as well as guiding the insured in their response to the claimant.

# Merger & Acquisition Activity

## How we can help you

We regularly advise public authorities on their M&A activity comprising:

- share or business acquisitions or disposals (including the acquisition or sale of interests in joint ventures to which public authorities are party to);
- mergers, demergers, and group reorganisations; and
- transactions involving cash consideration, share consideration, debt waivers or asset transfers.

We provide support in the following ways:

- Legal Due Diligence – we have a dedicated platform which allows us to carry out legal due diligence (whether for a buyer or seller) to identify risks, liabilities, and compliance issues in a clear and concise 'Red, Amber, Green' rated report.
- Disclosure – we have a dedicated platform which allows us to work with public authority sellers to assist them disclosing against warranties in the transaction documentation.
- Transaction Document – working with specialists across the firm, we will prepare and negotiate transaction documentation that reflects: (i) the agreed commercial terms; (ii) clearly

allocated risks and known liabilities; and (iii) is aligned with our client's strategic, financial and governance objectives.

- Deal Structuring and Execution – we advise on the optimal legal structure for any transaction (for example, the advantages and disadvantages of structuring any acquisition or sale as a share sale or an asset sale) by considering regulatory, tax, procurement, subsidiary control and operational implications applicable to public authorities. We manage the legal process from initial planning through to completion, ensuring compliance with public sector obligations and procurement rules.
- Post-Completion – we also assist with post-acquisition matters by preparing transaction bibles, putting in place governance agreements to govern the relationship between the public authority and the acquired entity and providing ongoing company training to company directors.

GET IN TOUCH



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## Case studies

### Greater Manchester Waste Disposal Authority (GMWDA)

Advised the councils on their taking over ownership of a corporate entity operating two mechanical biological treatment plants processing around 600,000 tonnes of the county's household waste. The entity was put in place under a £2bn 25 year PFI contract with construction firm Lend Lease and Global Renewables Lancashire Limited. Our corporate, financing, public sector and tax teams advised on the complex corporate acquisition, funding and State aid.

### Scottish Further & Higher Education Funding Council (SFHEFC)

Advised SFHEFC (the national strategic body responsible for funding teaching and learning research in Scotland's 41 colleges and 19 universities/higher education institutions) in connection with the proposed merger of Stevenson College, Jewel & Esk and Edinburgh's Telford College.

### Sheffield City Council

Advised Sheffield City Council on the acquisition of the business and assets relating to its City Hall and City Arena entertainment venues and its and leisure estates as part of the wider procurements carried out by Sheffield City Council to obtain new operators for these venues.

### Capita plc

Acted for Capita on its acquisition from The Department of Communities and Local Government of the UK Fire Service College, the Moreton-in-Marsh – based national training centre for fire and rescue workers.

### Salford City Council

Acted for Salford Council on the acquisition of the 50% interest in the property joint venture which owns Salford Community Stadium, home of the Salford Red Devils.

# Partnership Law

## How we can help you

We were the first and only law firm to be listed on the main London Stock Exchange and therefore have a unique perspective of the intricacies of corporate partnership law, and the regulatory requirements to operate limited partnership structures within a listed company.

Our corporate team can advise on:

- formation and operation of an LLP and LP ownership structures;
- partnership disputes, which require the application of specialist knowledge of partnership law and its impact on the partners and the members;
- mergers and acquisitions of LLP/LPs;
- tax, procurement policy and Subsidy Control issues arising from setting up an LLP/LP;
- governance issues (including how best to deal with potential conflicts of interests, deeds of indemnity for members and managers);
- public law powers required to form an LLP/LP;
- employment and pension issues arising from transferring employees into and out of an LLP/LP;
- transfer of assets and land to an LLP/LP in a managed way;

- dissolution and orderly winding up of an LLP/LP owned by the public sector;
- ongoing legal compliance with regulatory requirements (Modern Slavery, Living Wage, ESG, conduct and probity);
- transfer and disposal of an LLP/LPs into the private sector to generate a financial return for the public sector.

Our dedicated company secretarial team provide initial set up advice, ongoing secretarial and governance support to ensure that LLP/LPs comply with all of their duties and obligations in a timely and efficient manner. Many public sector clients find this a very cost efficient and helpful means of outsourcing all of the administrative obligations arising from both the formation and operation of an LLP/LP, and value the peace of mind which that brings and which allows the members and managers to focus on the day-to-day management and operation of an LLP/LP.

We have also conducted training on partners' duties for new partners so that they are aware of their responsibilities and duties.

## GET IN TOUCH



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## Case studies

### Greater Manchester Waste Disposal Authority (GMWDA)

Advised the councils on their taking over ownership of a corporate entity operating two mechanical biological treatment plants processing around 600,000 tonnes of the county's household waste. The entity was put in place under a £2bn 25 year PFI contract with construction firm Lend Lease and Global Renewables Lancashire Limited. Our corporate, financing, public sector and tax teams advised on the complex corporate acquisition, funding and State aid.

### Scottish Further and Higher Education Funding Council (SFHEFC)

Advised SFHEFC (the national strategic body responsible for funding teaching and learning research in Scotland's 41 colleges and 19 universities/higher education institutions) in connection with the proposed merger of Stevenson College, Jewel & Esk and Edinburgh's Telford College.

### Visit Scotland

Advised in context of Visit Scotland hosting the 2023 Cycling World Championships, we act for the delivery body which is a new SPV

which is a wholly-owned subsidiary of Visit Scotland, negotiating Long Form Host Nation agreement between the Scottish Government and UCI, the rights holder as well as advising on the governance structure for the event incorporating Scottish Cabinet Ministers etc.

### Capita plc

Acted for Capita on its acquisition from The Department of Communities and Local Government of the UK Fire Service College, the Moreton-in-Marsh – based national training centre for fire and rescue workers.

### A Local Authority

Advised a local authority in the establishment and operation of a mid-market housing fund established as an LLP to acquire housing units and make them available for rental at mid-market rates. Including advice on powers and capacity, governance, central government grant funding and subsidy control compliance.



# Public International Law

## How we can help you

Our teams have a strong track record of advising both public and private sector clients on complex administrative and public law matters, often in high-stakes, high-value, and politically sensitive contexts. We bring deep technical expertise and strategic insight to issues that sit at the intersection of domestic and international law.

Our experience spans a wide range of public international law issues, including:

- **International Trade Treaties:** Advising governments, regulators, and corporates on their rights and obligations under bilateral and multilateral trade agreements, including WTO rules and free trade agreements.
- **Arbitration and Enforcement:** Enforcing international arbitration awards against sovereign states, including through mechanisms and remedies available under public international law and domestic enforcement regimes.

- **International Tribunal Representation:** Acting for clients in trade and investment disputes before international tribunals.
- **Domestic Litigation Involving International Law:** Litigating complex public international law issues before domestic courts, including the English High Court, particularly where international obligations intersect with domestic administrative law.

We have advised on and conducted a significant number of matters across these areas, often involving novel legal arguments, cross-border coordination, and sensitive political considerations.

Our case studies provide a snapshot of the types of matters we handle and the strategic value we deliver to our clients.

## GET IN TOUCH



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## Case studies

### The SKAT Litigation

£1.5bn claim brought by *Skatteforvaltningen*, the Danish Tax authority) alleging fraud arising out of “cum-ex” trading in the period 2012-2015. We represent three alleged ringleaders, who deny any liability. Following the longest trial ever to come before the English High Court, Mr Andrew Justice Baker dismissed all of SKAT's claims in their entirety, finding that there had been no intent to defraud on the part of any of the Defendants, and finding significant deficiencies in the Danish Tax Authority's management of the tax reclaims process.

Outcome and Impact: pending appeal we have defeated an enormous claim brought by a foreign state with near-infinite resources against private individuals.

### Polish-Macedonian Investment Treaty Dispute

Advising a Polish private company from construction sector on a potential investment arbitration against Macedonia under the Polish-Macedonian Agreement (“Polish-Macedonian BIT”). Questions focused on whether the Macedonia Courts

denied Polish company justice (and thus, breached fair and equitable standard of protection under the Polish-Macedonian BIT) by refusing to enforce an ICC award, in violation of the provisions of the New York Convention.

Outcome and Impact: payment of award.

### ICSID(AF) investment arbitration

Member of the team successfully representing Central European state in ICSID(AF) investment arbitration commenced by US investors from vegetable fat industry. The investors alleged that the entity bankrupted due to tax measures imposed by state tax authorities. The state contended that the tax measures were lawful, and in any case, the bankruptcy was not caused by the imposition of tax measures.

Outcome and Impact: The Tribunal decided in favour of the state.

### Government of India (GOI)

Advising the GOI in the context of EU anti-subsidy investigations and related consultations with the EU.

# Supporting Public Inquiries

## How we can help you

Our team at DWF headed by Steffan also comprises Julia Dickens, (formerly Deputy Solicitor to the Grenfell Tower Inquiry) as well as Ruby Morea who leads our Document review paralegal team and has led on the document review work for the Malkinson Inquiry and currently on the Southport Inquiry.

The Malkinson Inquiry, led by Ruby and her team of paralegals, involved supporting the Inquiry with its first and second level document review work, together with the usual quality control mechanisms.

We provide a fast, cost-effective review, QC and redaction of huge volumes of evidence and documents (up to millions) – we can quickly scale our capacity of paralegals and solicitors by utilising Artificial Intelligence software and our Relativity product, coupled with our ability to undertake 24/7 day and night document review.

Our teams are currently supporting the work of the Southport and Manston Inquiries.

In the Southport Inquiry we are providing extensive document review, redaction, statement reviews, material provider liaison and working extensively with Solicitor and Counsel to the Inquiry. We are also working

closely with the IT hosting platform provider to ensure redactions, tranches and batches are all ordered and released efficiently.

### In addition, we can provide:

- access to scaling up resource to assist with document review, advocacy, statement taking and the like;
- lawyers who understand large scale document reviews and redaction, QA logs and legal privilege reviews;
- in house IT Relativity/Epiq/Egress document collection, technology review and paralegal capacity to undertake significant and large document reviews swiftly and efficiently;
- in house paralegal and barrister team to help review documents and assemble question sets and analysis;
- a network of specialist expert witnesses and KCs to support our Inquiry team; and
- strong media and reputational management support.

## GET IN TOUCH



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## Case study

### Royal Borough of Kensington & Chelsea – Grenfell

Acting on behalf of The Royal Borough of Kensington and Chelsea (RBKC) in relation to the Public Inquiry and Metropolitan Police Investigation arising from the fire at Grenfell Tower on 14 June 2017, which resulted in 72 fatalities.

#### Results:

- extensive collection and disclosure process involving over 14 million documents;
- disclosing around 60,000 relevant documents and preparing over 70 witness statements;
- responding to 15 complex and wide-ranging document requests;
- a substantive document provided to the Police responding to over 100 questions;
- advising Executive Officers and elected members, as well as managing and guiding RBKC and its employees through Phase 1 and 2 of the Public Inquiry;
- advising on and assisting with a

large number of FOI requests; and

- application of an open, transparent approach in line with RBKC's commitment to candour, which is helping the client to rebuild trust with residents of the Borough.

### The Southport inquiry

Acting for the Inquiry itself, providing document review, redaction, material provider liaison, witness statement redactions and general support to the Inquiry legal team.

We are working at speed and under pressure to ensure the Inquiry is able to proceed quickly, supporting the Inquiry in its work alongside the document platform provider EPIQ in ensuring documents are properly uploaded for CPs and anonymity orders are adhered to for sensitive material.

We have scaled up and down our paralegal and solicitor team as and when the workflows are peaking. This provides a flexible support to the Inquiry legal team.

# Sustainable Finance / Green Finance

## How we can help you

We regularly advise a variety of central and local government, Combined Authorities, LEPs, government special purpose vehicles and other stakeholders and bodies (and importantly also act for entities looking to utilise such finance) on the following key areas all linked to sustainable, green and/or renewable assets and technologies:

- traditional and specialised asset classes and technologies including renewables, power storage and generation and "electrification" infrastructure;
- Carbon and environmental finance including green bonds;
- project finance (including PFI and PPP projects);
- environmental, social and governance (ESG) aspects of lending and investment transactions;
- Renewable and Low Carbon Fuels: We support innovative green fuels project developers and technology companies on low carbon fuels from waste to X (WtX), hydrogen and sustainable aviation fuel;

- loans, lending and borrowing generally;
- guarantees and security arrangements;
- prudential borrowing;
- equity investment and grant funding;
- Subsidy Control and the market economy operator principle;
- trade and export finance;
- transfers of loan assets; and
- restructuring of loans, insolvency, security enforcement and recoveries.

Our expertise in public sector finance enables us to deliver a wide range of services linked to lending, borrowing and investment transactions by local and combined authorities, government departments and agencies and other public sector bodies – and our work for financial institutions enables us to adapt private sector funding solutions for public sector finance transactions and processes.

## GET IN TOUCH



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## Case studies

### Aberdeen City Council (ACC)

Following on from their procurement of an energy from waste facility during 2019, ACC with our support is now developing a significant district energy scheme to supply council owned buildings and housing association and care home properties. We are also instructed to advise on the development of the role of ACC in this part of the scheme; looking at ACC's role as energy supplier and the financing of such projects.

### Department for Transport

Advised the Department for Transport on a loan investment to enable the remobilisation of a biofuels commissioning plant following the failure of the original project operator. Our work included advice on the structure and documentation for secured loan facilities and subsidy control compliance, alongside private sector investment.

### Manchester City Council

Advised the Council and GM Combined Authority on the structure and documentation for a mixed equity, loan and grant investment in a medical joint venture start-up as part of a strategic partnership with regional health authorities and education institutions.

Our project management capabilities

ensured the efficient delivery of legal, financial and commercial services across multiple work streams in line with project timelines and cost parameters.

### Cambridge University

On the creation of the "biofuels done well alliance", including participation by Shell, BP, NovoZymes including the possible financing of such projects.

### Cabinet Office

The development of the strategy and structure for, and delivery of HMGs programme to decarbonise the public estate and help departments become prosumers. Advised on pilots including RAF Lyneham's c.70MW PV project which was recovered post the discovery of fatally flaws post due diligence.

### Government and regulatory bodies

CCUS and Hydrogen (of all colours) – DWF leads the market in advising clients on CCUS projects and transactions, for developers, public bodies and funders including, sequestration and utilisation and direct air capture. We work on all aspects of CCUS and hydrogen projects, from storage space, permitting, and, sale and purchase, and injection agreements and hydrogen supply.



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