



Legal Services for Fire Service

A bespoke legal support service

Fire Services are in a unique position with the need to maintain operational effectiveness and public confidence in the services that you provide. Public scrutiny of those decisions means that you need to ensure that you follow the correct processes wherever possible and take a robust stance to claims where it is appropriate to do so. You also need to take an early view where things have gone wrong, to ensure that you avoid unnecessary costs and protect public money.

In order to do this, you need a legal team that understands your needs, is able to hit the ground running and works seamlessly with your internal teams. A core part of our client approach is to pre-empt and minimise legal issues so that clients can focus on the delivery of a high quality service.

Capsticks is a national law firm with offices in London, Birmingham, Leeds and Winchester. Over 90% of our work is in the public sector. Our team of over 200 lawyers is led by top-ranked legal experts who will use their recognised expertise and experience to get the best result for you.

Value for money and reputation management is key to every piece of work we do. We will always provide you with clear estimates, regular updates and gain budget approval at key stages so there are no nasty surprises.

We design induction processes for all new clients to ensure that our teams fully understand your strategy and ways of working, and so that you can meet the team and get the most from your relationship with us.



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What services can we offer you?

Employment: including employment law, advice Employment Tribunal hearings and TUPE issues.

Governance: including constitutional matters, powers, public law duties and managing reputation.

Commercial: including managing contractual obligations, projects and integrated working.

Procurement: including compliance with EU procurement requirements, co-commissioning and framework agreements.

Inquests: including reviewing witness statements, managing disclosure, providing witness preparation and representation at court.

Property: including new developments, refurbishments, landlord and tenant advice and management of specialist properties.

We also provide regular training and briefing notes in these key areas.

Employment law

Our expertise in handling sensitive police claims means that we can provide you with the support you need to deal effectively with the most difficult and public of cases.

Our approach to Employment Tribunal work is to:

- provide you with an early assessment of costs and likelihood of success
- design a litigation strategy so that you have confidence in how the claim will progress
- keep you updated on important developments
- provide you with lessons to be taken from the issues in the claim

Our robust approach often leads to the withdrawal of claims which can save significant amounts of money for our clients.

Discrimination claims will be a particularly sensitive area for you, and our team has real expertise in handling discrimination claims across the public sector. These claims are often lengthy and complex, involving a number of witnesses, and you need to ensure that your internal and external reputation is protected as far as possible.

Employment law continued

Our lawyers have advised on disciplinaries against fire officers at every level, as well as providing training to disciplinary panels. This includes using case scenarios to tease out the real issues affecting fire officers. We have also worked with fire services to help reduce their sickness absence rates and improve their approach to equality and diversity.

Our experience in this area means that we understand the sensitivities of the job and the unique, collegiate working environment. We also understand the need for clear standards and a consistent approach. We know that it is important to develop a clear plan for every case, to deliver consistency, value and a robust outcome.

Our advice and assistance will allow you to:

- focus resources effectively to investigate and conclude cases
- avoid costly and unnecessary delays or difficulties
- ensure that standards, integrity and your reputation are upheld



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Governance

We are well used to working within the changing policy and statutory framework of the public sector.

For you, this will require a full understanding of the statutory framework and its implications for you (and other emergency services).

We know that you face challenges every day in relation to:

- the requirement to ensure that money is spent in the public interest, particularly at a time of unprecedented budget constraints
- the need to manage the threat of potential reputational damage
- ensuring stringent compliance with your public law duties, for example under the Equality Act
- managing information security and data protection issues – we have a specialist team dealing with those issues for a wide range of public sector bodies



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Commercial and procurement

A core part of our client approach is to pre-empt and minimise legal issues so clients can focus on the delivery of high quality care.

Our lawyers have dealt with a number of complex and innovative commercial projects. On most of our project work, as well as providing expert commercial advice and assistance our role includes taking a pragmatic view of risks and risk management:

Our commercial advice includes:

- compliance with procurement rules
- integrated working and commercial/partnering agreements;
- formation of bodies corporate including advice on setting up shared services operations and new business ventures
- advice on and negotiation of contracts including alternate contracting models, service level agreements and advice on IT, IP and social media matters
- performance management and enforcing contractual obligations
- assignment of, or novation of, existing contracts



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Inquests

Our Inquest team provides both an advisory and advocacy service. Cases are typically handled by the same lawyer from the outset through to representation in court and we only use counsel if we think this is appropriate in the circumstances and with your agreement. We support clients and their staff through all aspects of the inquest process, giving initial advice on whether legal representation will be needed, preparing statements, guiding witnesses and providing advocacy at the inquest itself. This approach provides reassuring continuity, and it saves time and money.

Our inquest experience is second to none. We have acted for clients in the two biggest and most complex inquests in England – the 7/7 bombings and the Hillsborough inquest.



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Public law

Our Public Law team consists of 17 lawyers, all experts in their field, who work daily providing legally robust but practically focused advice on public law functions, as well as representing public authorities in a range of inquiries and judicial review proceedings. We act for a large number of regulatory authorities, including statutory regulatory bodies, NHS England and the Care Quality Commission, and for a wide range of other bodies exercising public functions, including local authorities, emergency services and charities. In conducting this work, we recognise the importance of safeguarding the reputation, confidentiality and morale of our public authority clients, as well as ensuring that public expenditure is minimised.

We offer straightforward, pragmatic advice that balances the need to control costs with the importance of protecting reputations and upholding decisions on matters of principle. We have a strong track record of successfully defending unmeritorious applications for judicial review, often at the permission stage, and where possible recovering significant costs. We have also helped public bodies to prepare for major public inquiries, and represented some of the key parties in recent high-profile inquiries including those relating to the death of baby P, and the historical abuse by Jimmy Savile.



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Estates

We are one of the largest team of property lawyers dedicated to the public sector in the country. The depth of our experience combined with our team's extensive knowledge of the public and private sectors, means that we can provide unrivalled legal advice on the variety of operational and strategic property issues that fire services may face. Our advice is guided by the need not only to get things done, but to get them done properly, on time and within budget.

We are, for example, experienced in advising on the collaborative use of your estate when you are now required, as never before, to think strategically about how to work with other emergency services and share premises.

Our experience in estates and construction work ranges from support on planning, building contracts and development matters, through to joint ventures and sale and leaseback arrangements. We appreciate the importance of reputational and accountability issues that fire services face on any transaction and we will work with you to manage these aspects successfully. Our close and longstanding links with government and regulators ensure we keep you up to date with the latest policy and legal developments that are relevant to you. We are aware of your unique requirements regarding security and storage.

Our expertise in estates and construction work includes:

Estates rationalisation: we can help you rationalise your estate, develop a practical strategy to create efficiencies, maximise income, and spot opportunities. We can produce a full estate audit for you, as an invaluable estates management tool.

Development and construction: we can advise on town and country planning, construction and building contracts and development agreements, excluding fit-out and refurbishment.

Buying and selling: we can work with you to identify property for disposal, negotiate the sale of surplus land to maximise sale proceeds, or act on the purchase of a new site or premises.

Property leases: whether you are tenant or landlord, owner or occupier, we can negotiate your lease or licence, help you minimise risks, manage on-going obligations and advise on Carbon Reduction Commitment requirements.

Regularising your estate: we can assist in putting the arrangements you have with the people who use your property on a formal footing, to give certainty, reduce risk exposure and maximise return.

Strategic estates solutions: we can explore with you options for achieving your estate objectives whether geared towards capital redevelopment or establishing joint venture or partnership arrangements with the wider public sector.

Resolving disputes: our property litigation team can guide you through and assist with resolving disputes or disagreements which arise under your property or construction arrangements.



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“Their client service is the best that I have received out of any firms in this area: proactive, forward-thinking and always coming up with new ways to make our lives easier. They are by far the best firm we use at the moment.”

Chambers 2017

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