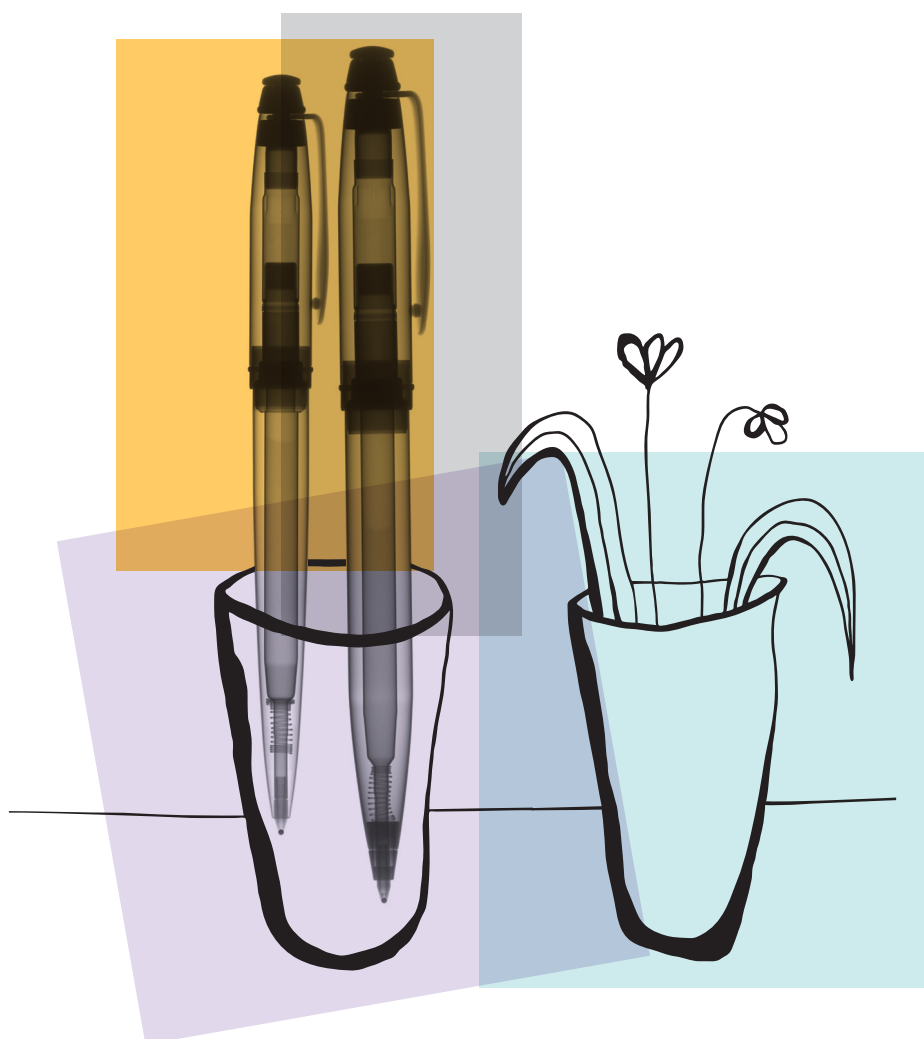
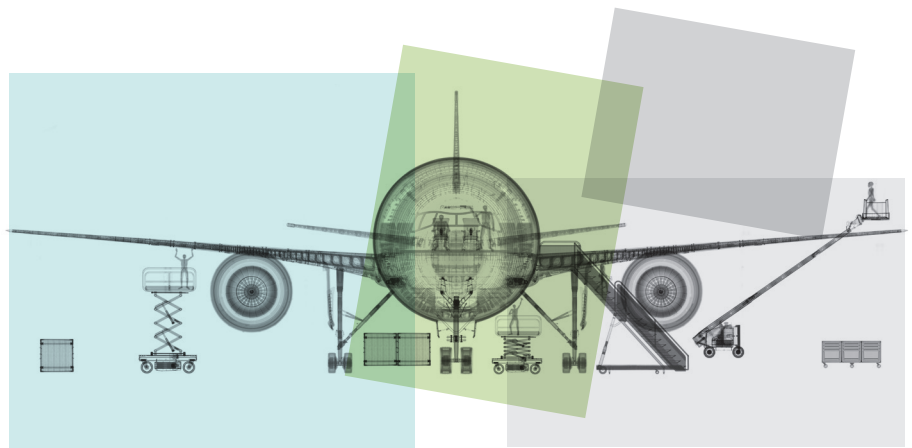


# Specialist legal support for GPs and Practice Managers

More than just the law







General Practitioners and practice managers are being asked to do more than ever before – from the commissioning of services, federating of practices, preparing for CQC inspections, dealing with underfunded premises, applying for grants under the Primary Care Infrastructure Fund, and negotiating leases with third party developers and NHS property companies. At the same time the GP day job is also under severe strain, as patient demand rises inexorably, and a fully-fledged recruitment crisis takes hold across the profession.

At such a challenging time, GPs need lawyers who understand the stresses and strains that they are under, provide practical solutions, and robustly protect their legal and commercial interests.

Capsticks is in a unique position to support GP practices and practice managers by providing a comprehensive range of legal and (through Capsticks' Consultancy Services, which includes practising GPs) business services.

We are the leading healthcare law firm in the country, and have specialised in the healthcare sector for more than 30 years. We are a national firm with over 200 lawyers and have offices in London, Birmingham, Leeds and Winchester. We are at the forefront of primary care policy work, having developed several of the most widely used national primary care contracts.

Our efficient working practices, which have been developed over many years through our experiences of working in a niche market across the country, also allow us to offer exceptional value for money to GPs.

In recognition of our experience and expertise we are proud to have been named 'Legal Team of the Year' at the General Practice Awards in 2015.

## What we can do

Our in-depth sector knowledge and experience gives us an unparalleled edge in delivering legal and strategic commercial advice to GPs. It allows us to identify problem areas early and apply consistent, practical and cost efficient solutions in an ever changing market.

Whether you have a GMS, PMS or APMS contract, if you are a practice manager, a senior partner, a sole practitioner, a salaried GP, an individual GP that is being asked to sign a new partnership agreement, or a large corporate provider of primary care services, we will be able to help you.

### Core legal services

- partnership agreements, including our simple health check service on new agreements that you are being asked to sign
- all types of property work, including new surgery developments, sales and leasebacks, the grant of leases to third party occupiers, disputes with adjoining landowners, trust deeds (or declarations of trust) and general landlord and tenant law
- the formation of robust GP federations and collaborations
- practice mergers and acquisitions, including all associated regulatory issues
- employment law queries, including changes to terms and conditions (for example to harmonise terms following a practice merger, on managing absence effectively, or on issues of discipline and grievance)
- all types of primary care contracts including GMS, PMS and APMS and all types of other commercial contracts including with suppliers

### Specialist legal services

- partnership dispute resolution, including a comprehensive mediation service to help partnerships resolve disputes without resorting to expensive litigation
- property dispute resolution and litigation via our specialist property litigation team

- setting up joint ventures and community interest companies
- construction law advice via our specialist construction law team
- succession planning issues and solutions
- applications for financial assistance under the Premises Costs Directions and the Primary Care Infrastructure Fund
- all advice in relation to CQC inspections, including vital training sessions prior to inspection and, if necessary, assistance in challenging erroneous findings afterwards
- health and safety issues
- advice in relation to mental capacity issues
- Data Protection Act and information law advice

### Additional services

- our new specialist employment law support package "CapFix", provides a range of flexible HR support packages for GPs at fixed, competitive, monthly rates.

Various packages are available via Capfix to suit the specific needs of your practice. All packages provide an expert legal helpline accessible by telephone 24/7, a database of FAQs, templates, policies and procedures tailored to your practice and unlimited access to 'hot off the press' HR bulletins, training, seminars and networking opportunities. For peace of mind these packages are coupled with legal expenses insurance (arranged through Temple Legal Protection Ltd) so that your legal fees are covered in the event that an employment law claim is made against you. Please see our Capfix brochure for more details.

- business support services for GPs via Capsticks' Consultancy Service (CCS) (which includes senior practising GPs) on a comprehensive range of issues including but not limited to establishing and running federations
- governance advice from Capsticks' specialist governance team

## Our clients tell us that they value us for:

- total immersion in the healthcare sector
- unrivalled insight with joined up commercial and practical advice, translating our deep knowledge of publicly funded health to support GP and private sector business success
- delivering maximum value on legal spend

## Examples of our work

### Proposed development of a new surgery building

We advised a three partner GP practice on all aspects of its proposed development of a new surgery building in South Yorkshire. We provided support to the practice in its negotiations with both its current landlord and with NHS England. We also advised on funding and partnership issues and the acquisition of the development site.

### Succession planning

We acted on behalf of two GPs who were joint freehold owners of practice premises and joint PMS contract holders in the sale of the premises to a newly formed special purpose vehicle ("SPV"). The SPV was jointly owned by one of the GPs and a private provider of primary care services. We then dealt with the grant of a lease back to the private provider, which is now carrying on the primary care services with the remaining GP, both as an employee of the service provider, and shareholder of the property owning company.

This has allowed the release of the respective capital shares of the GPs in the building, allowing one GP to retire, and the other to reinvest its released capital in the practice premises whilst also continuing in practice as an employee in accordance with their respective objectives.

We acted for the GPs on all legal aspects of this transaction which included:

- the property sale documents, including advice on regularising third party occupancy arrangements for providers of ancillary services, regularisation of previous transfers of the property from previous retired partners to document succession arrangements which had not been recorded ahead of the onwards sale, and a conditional sale arrangement pending purchaser funding
- advice on the retirement arrangements of the existing partners
- the setting up of an interim partnership arrangement with the new provider and the legal aspects of the transfer of the PMS contract including NHS England consent to the structure
- all employment law and associated TUPE implications relating to the setting up of the SPV and shareholders agreement
- satisfying the requirements of the purchaser's funder including sub-ordination arrangements

### Ownership after retirement

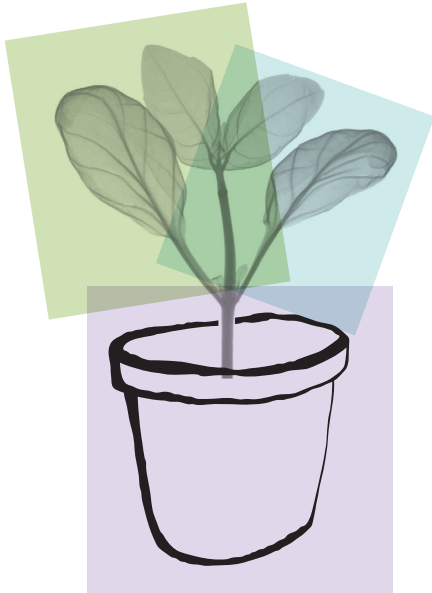
We dealt with the grant of a lease by three GPs who retained ownership of their practice premises after retirement to a different partnership of GPs who were contracted to continue providing primary care services from the premises.

### NHS LIFT Sub Lease Plus Agreements

We acted for six different GP practices entering into sub Lease Plus Agreements at a major LIFT development in Yorkshire.

### Special purpose company

We helped a group of approximately 20 GP Practices to federate via a special purpose company. We provided advice at the outset in relation to possible corporate and partnership structures and establishing non-binding heads of terms between the potential participating practices. We advised throughout the project on the detailed constitutional documents, capital structure options, governance and membership of the company as well as related matters including continued access to NHS pensions.



## Federation agreement

We established a federation agreement between 26 member practices following agreement of heads of terms, which enabled the practices to cooperate in the generation and exploitation of intellectual property without requiring the formation of a separate corporate entity. This included advice on governance principles, conflict management and decision making as well as funding arrangements and revenue distribution.

## Out of Hours services

We established a provider entity for a federation of practices that proceeded successfully in a bid to provide Out of Hours services. This included advice on establishing the constitution of the corporation, governance and the structure of its bid and further advice relating to procurement and in establishing a consortium with another provider organisation for a further bid for provider services.

## Don't take our word for it

*“A completely painless and remarkably quick service. I believe the first email I had from you was on 1st July and the sale was completed on 1st August. Your communications were simple and clearly explained in a language which I could understand. Your manner on the phone was friendly, unhurried and courteous. Modern communication was used efficiently and correspondence via email and text message was a great help.”*

Dr Paul Rasor, GP, Rowhedge Surgery, Essex

*“Having worked with Capsticks over the past few years I can confidently state that their advice is indispensable to us and our GP clients, as a result of their in-depth knowledge of the issues affecting primary care. Their lawyers are excellent communicators and always keep us informed throughout our dealings with them, which have been on various transactions ranging from the most straightforward to the highly complex.”*

Jonathan Dunn, Business Manager, GP Surveyors

*“We have had to manage complex property issues on retirement of several GP partners. The team at Capsticks have provided us with a very efficient and professional service. We would have no hesitation in using them for future legal work.”*

Dr Paul Jackson, Boundary House Medical Centre.

*“Barndoc Healthcare Ltd is a company providing GP out of hours services to around 1 million residents in North London and has a turnover of £7m per annum. Capsticks has provided Barndoc with outsourced HR advice and support since April 2013. The quality, responsiveness and cost effectiveness of the service provided by Capsticks both in terms of operational and strategic support has been excellent and I would fully recommend Capsticks to organisations such as ourselves who are looking for a high quality, value for money HR service.”*

Alan Levett, Chief Operating Officer, Barndoc Healthcare Ltd

# Like to know more?

Please visit our website: [www.capsticks.com](http://www.capsticks.com) or if you would like to speak with us, please call one of our team on the attached teamsheet.



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