

Specialist legal support for GPs and Practice Managers



As a GP or practice manager, you're not just providing medical care, you're running a business.

As legal specialists acting for GPs across the country, we're experts at understanding the commercial challenges you face. We know you've got to keep on top of rising patient demand, commissioner requirements and regulatory changes – and still find time to manage your property, your partners and your employees. You're also being asked to invest and engage with the national agenda to upscale: from informal alliances through to full practice mergers.

We understand commissioning arrangements, funding, policy and primary care contracting better than any other law firm. This allows our specialist team to provide practical, cost effective solutions that let you focus on what is important.

Capsticks' specialist GP legal team acts for hundreds of GP practices of all different shapes and sizes including individual practices, super partnerships, federations and all other types of collaborative alliance. We've been working in the healthcare sector for over 30 years providing a national service from our offices in Birmingham, Chorley, Leeds, London and Winchester. Our teams are led by people who are nationally recognised by clients and sector professionals as market leading individuals dedicated to providing innovative solutions within the GP legal sector.

We've been recognised for our expertise having won 'Legal Team of the year' at the General Practice Awards twice in the last three years and nominated for four consecutive years.

How Capsticks can help

Our specialist GP lawyers provide concise, clear, practical, commercial legal advice on all types of legal issues affecting your practice or organisation.

Partnership agreements and declarations of trust

We are experts in preparing robust new partnership deeds, as well as documenting the engagement of new partners. If you are a new partner who is looking to join a partnership or a practice that has undergone changes, we can conduct a 'Health Check' of your partnership deed.

We assist also property owners by preparing a new declaration of trust to govern the ownership of GPs premises.

Practice mergers, acquisitions and incorporations

We advise practices on mergers, acquisitions and incorporations. Whether you are a practice taking over a retiring single handed practitioner, a small number of practices coming together or dealing with a corporate restructuring of a practice, our sector knowledge means we can help you navigate through the regulatory and commercial issues and provide you with practical advice and guidance through this often complex process.

Collaboration

The national agenda has put primary care in focus like never before. Funding and new income is being directed to "at scale" working. We have advised many groups of practices looking to collaborate either by forming informal networks or coming together to form a federation or a super partnership. We will tailor the collaboration to meet the requirements of the group and guide the practices through the complex regulatory and commercial issues.

Property

We have a large specialist team that acts on all types of GP property issue. Specialist advice is essential in this area because your lawyers need to understand the Premises Costs Directions, the relationship with commissioners and the regulatory environment in which you operate and factor all of this into your property transactions. We deal with new surgery developments, third party development schemes, sales and leasebacks to all the major specialist investors, grants of leases to third party occupiers, changes in property ownership due to the admission/retirement of partners, disputes with adjoining landowners, and all landlord and tenant matters.

Partnership disputes

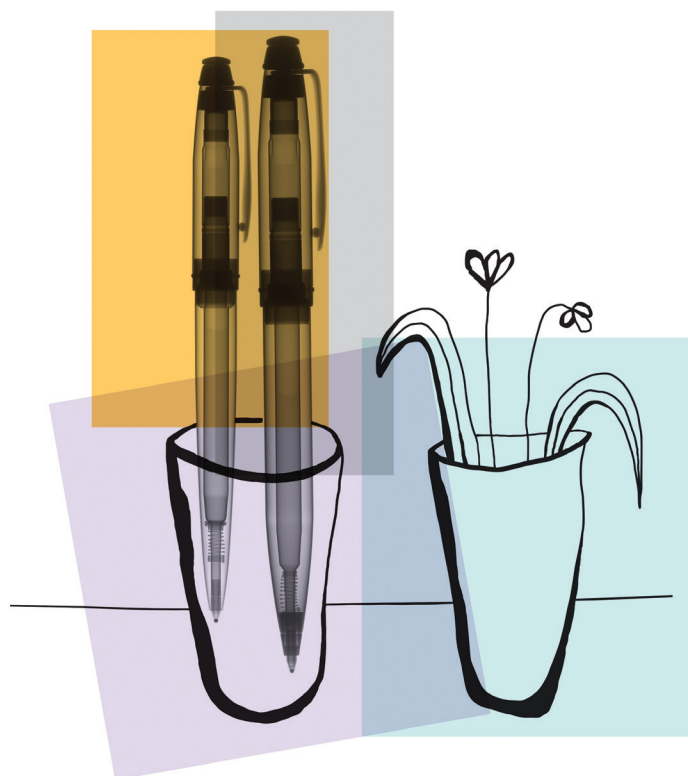
Partnership disputes are stressful, time consuming and expensive. We advise on a range of disputes, and act for either the individual partner or the partnership. We provide a comprehensive mediation service to help partnerships resolve disputes without resorting to stressful and expensive litigation. If this is unavoidable, we are experienced in handling court hearings and will always have regard to the implications for your contractual relationship with NHS England.

Employment

We deal with all employment law queries, including reviewing employment contracts and procedures, the application of TUPE on practice mergers and acquisitions, together with advising on disciplinary and redundancy procedures.

HR advisory

We understand that dealing with day to day employee relations can be time consuming. Our HR specialists support practices, reduce sickness absence, conduct investigations and can support you through change management programmes. Because our HR advisory service is embedded in a law firm, we provide joined-up solutions that incorporate human resources best practice and employment law compliance.



"The team at Capsticks is very proactive in supporting GPs and practices throughout England and has a wealth of sector knowledge and understanding. They also support the profession with numerous free events covering a wide range of topics connected to legal issues, commissioning etc. Capsticks are active in advising a range of primary care functions but our main involvement is with GP Practices including mergers, partner changes and funding. We have worked closely with Capsticks to run practice managers meetings in the Yorkshire area and they have also provided 'expert' briefings for inclusion on our bank website accessible to all our clients.

The Bank has been impressed with your sector focus and understanding of the transformations underway in general practice. We share the view that practices, and individual doctors, have the need to be supported by dedicated specialists who can cut through many of the business and legal technicalities. It is also important that practices can have total trust that their advisors know what is required and will deliver – I know this is clear with Capsticks. A practice's primary concern is its patients and business issues, structural changes etc. can detract from this important necessity.

We have supported Capsticks' excellent and well received seminars on GP mergers, federating, property ownership etc. These are always well attended and answer many of the questions practices ask. They also go further in making them aware of the "unknown – unknowns" i.e. the important issues they didn't know they needed to address. There are many firms I come across in my role who say they are sector "specialists". In some cases I have my doubts but in the case of Capsticks I can confirm that there is no doubt at all!"

Ian Crompton, Head of Healthcare, Lloyds Bank

Examples of our work

Case study 1

We advised on the merger of two practices to form a new 14 partner partnership in Cambridgeshire. We provided specialist input on the partnership agreement, including the treatment of the two premises (one freehold and one leasehold). We advised on a potential sale and leaseback to a specialist investor, and drew on our extensive experience of investor leases nationally to persuade NHS England to agree a longer term lease, which made the deal viable. We also dealt with a re-mortgage which allowed capital to be released for retiring partners, and the sharing of liability and cost under a partnership mortgage. We're now advising on the addition of a further practice so that the merged group will comprise a 17 partner practice.

Case study 2

We advised a large GP partnership in the North West of England on the sale of their surgery premises to a specialist investor, and the simultaneous grant of a lease back. We obtained NHS England consent to the terms of the lease, including the negotiation of an appropriate "armageddon clause" so that the partners could terminate the lease if their GP contract was terminated or if premises cost reimbursement ceased. The sale enabled the practice to discharge the mortgage, buy out the retiring partners, and put in place a more flexible arrangement to attract new partners to the practice without the need to make a capital contribution. We worked collaboratively with the partnership's surveyors throughout to ensure a joined up approach.

Case study 3

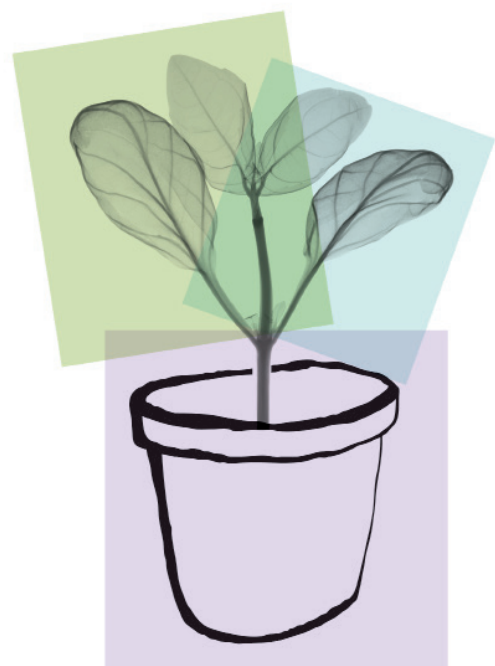
We dealt with the sale of a Hertfordshire practice's old and cramped premises and the development and subsequent acquisition of brand new surgery premises. The partners were initially asked to sign up to a 20 year commercial lease but had reservations about entering into such a long term commitment. As a result we negotiated an option agreement with the developer which gave the partners an option to buy the freehold after practical completion. We then assisted the partners in obtaining funding for the acquisition which they obtained from a commercial lender and via a SIPP held by one of the partners. We also dealt with a declaration of trust between the property owning partners, in order to set out the basis upon which each partner would hold his or her share in the premises, as well as a lease between the property owning partners and the medical partners (which required approval from NHS England, the pension fund and the bank). We also dealt with a put option agreement between the pension fund and the partner who invested via his SIPP, and all consequent updates to the partnership deed. All of the work was completed successfully and the partners are now the proud owners of brand new freehold premises.

Case study 4

We acted for this GP federation comprising 28 GP partnerships which provides services across the North West of England and was established as a Community Interest Company (CIC). We dealt with the acquisition of a further practice by the CIC which was unable to continue providing services following the death of one of the partners. We dealt with a bespoke partnership arrangement between the remaining GP partners and the company and also dealt with all of the associated property work which included the acquisition of two surgery premises.

Case study 5

We acted on a partnership dispute following the departure of partners from the practice. The dispute related to the level of drawings that the departing partners were entitled to. The departing partners claimed that they were entitled to 18 months' worth of drawings but following a detailed review of the partnership agreement we were able to successfully challenge this. The departing partners eventually settled the matter and received three months' worth of drawings.



Like to know more?

Please visit www.capsticks.com/our-expertise/gps or if you would like to speak with us, please call one of our team.



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