

Legal services for the health sector

- advising clients on all types of construction documentation including building contracts and agreements, as well as collateral warranties, JCT contracts, guarantees, and appointment letters. ■

Healthcare

Our healthcare team has extensive experience in all aspects of medical and public law. We provide services to a whole range of clients from NHS bodies to private healthcare providers. As such, we are well aware of the costs pressures under which the health sector operates and the need to ensure that valuable funding is not diverted from the provision of vital health services.

Our experience covers all areas of medical and public law, but specifically includes:

- defending challenges with regard to a refusal to commission medical treatment for specific patients, including judicial review;
- providing advice and representation at inquests and professional disciplinary hearings;
- defending health and safety prosecutions;
- advising in relation to continuing care and funding, including eligibility criteria;
- advising in relation to clinical governance and poor clinical performance by contracted providers;
- advising and defending challenges brought under the Disability Discrimination Act legislation, and Human Rights Act with specific reference to the provision;
- running training programs for clinical and non-clinical staff on new changes in the law, including the Deprivation of Liberty Safeguards, and the Mental Capacity Act;
- advising on all aspects of prison health including challenges as to the service provided, and providing representation at complex article 2 inquests following death;
- advising a wide range of clients on corporate governance issues including NHS structures, power, and guidance;
- advising on all aspects of clinical trials;
- advising on capacity and consent issues including applications to the Court of Protection; and
- defending all types of personal injury litigation in the healthcare setting.

We provide advice to help in response to sensitive complaints and incident investigations. BLG was personally selected by the Secretary of State for Health to act for the Bristol Royal Infirmary with regard to the multiple baby fatality claims. ■

At the heart of the health industry

Barlow Lyde & Gilbert LLP ("BLG") is a leading international legal practice with over 80 partners and more than 300 lawyers in London, Oxford, Hong Kong, Singapore, and Shanghai.

We advise NHS bodies, local authorities, government bodies, corporate organisations, and financial and other institutions in all spheres of business activity. We are a full service firm and provide a wide range of legal services including in specialist areas such as health, litigation, IT, environmental, employment, and commercial.

Our approach is very much to build close, long-term relationships with our clients and to find ways in which we can add value beyond the simple provision of legal services. In order to become more responsive to client needs, and to be able to deliver cost-effective results, we invest time and energy with our clients to become completely familiar with their business, culture, and strategy. We strive to make the relationship between in-house resources and external advisors as seamless as possible. ■

Employment and pensions

Our employment and pensions team has extensive experience in all aspects of employment and pensions law. We provide services to a whole range of clients from small companies and partnerships with fewer than 20 employees, to substantial organisations in the public and private sectors employing many thousands of employees.

Employment

Our team has a proven track record of running major employment litigation and advising on the full range of employment matters. Our expertise in employment-related disputes includes unfair dismissal claims, wrongful dismissal, all forms of discrimination, and breach of contract. We have particular expertise in handling complex and high profile discrimination, whistleblowing, and equal pay claims.

The group acts for public sector clients such as NHS bodies, local authorities and police authorities. We are also one of three firms appointed to the NHS's inner circle in respect of Equal Pay Claims.

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www.blg.co.uk

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Our expertise in the team includes handling major projects that are specific to the public sector, such as:

- advising several NHS Trusts on the employment implications of the Independent Sector Treatment Centre (ISTC) programme and in particular the operation of the Retention of Employment Model;
- advising on redundancy policies;
- advising on the enforcement of the two-tier workforce rules in the context of outsourcing, including the effect on equal pay claims;
- advising on the possible TUPE consequences of the sale of publicly-owned land;
- advising education bodies on the disciplinary procedures contained in their statutory instruments and defending them in subsequent proceedings; and
- managing the merger of regulatory bodies in order to set up a new regulatory body, including the interpretation of TUPE-related legislation implemented specifically for that project and large-scale redundancies.

Pensions

Our pensions team has wide ranging experience in advising employers and trustees of occupational pension schemes.

Recent experience includes:

- advising on the interpretation of scheme rules;
- advising on admission agreements for the LGPS;
- advising on member complaints, including on appeal from the Pensions Ombudsman; and
- advising on investment powers under the LGPS, and drafting and negotiating investment management, and custodian agreements. ■

Commercial and procurement

Our commercial and procurement team has specialised experience in acting for both customers and suppliers in the healthcare sector. We can assist in the drafting and negotiation of an array of commercial agreements and advise on any accompanying legal and commercial issues. We frequently advise our healthcare clients on contractual terms regarding the NHS Standard Contracts, and other healthcare specific contracting relationships.

We cover all aspects of legal advice required by healthcare providers and suppliers including:

- contract law advice;
- Freedom of Information Act advice;
- Data Protection Act issues;
- EU/UK procurement law issues; and
- EU/UK competition law issues.

Our experience includes:

- advising a NHS Foundation Trust on various facility agreements to provide chemotherapy services in other hospitals;

- advising Mölnlycke Health Care and Genus Pharmaceuticals on a variety of contractual, regulatory, and other issues;
- advising a large retailer on its provision of pharmaceuticals online;
- advising a large pharmaceutical goods supplier on various contractual arrangements with healthcare bodies;
- advising a government department on its purchase of over £30m of IT equipment for healthcare service; and
- advising a global software provider on the licensing of its software to a variety of NHS Trusts. ■

Real estate

The real estate team's experience in the healthcare sector spans a very broad range of transactional, advisory, and contentious matters, and extends to the peripheral issues that can arise in the commercial property context, for example, tax, construction, environmental, and health and safety issues. The team also works closely with the property litigation team advising on matters such as lease renewals, dilapidations, and service charge disputes.

We are familiar with the requirements of the NHS Estate Code and work with our clients in ensuring compliance with the Department of Health's requirements in dealing with the ownership, management, and disposal of Trust owned property.

Our experience covers the full range of our clients' property-related needs. We regularly advise on a wide variety of commercial property transactions, such as:

- the acquisition, development, and disposal of all types of commercial property from offices to industrial sites, either individually or as a portfolio;
- disposals of surplus property;
- the grant, acquisition, assignment, and sub-letting of leases; and
- development finance on property investment acquisitions.

Recent experience includes:

- advising the Royal Marsden NHS Foundation Trust on a joint venture of further hospital facilities at its Surrey site for the development and production of a radio pharmaceutical unit with an international property development company;
- engaged to deal with real estate law and commercial contracting matters involved in documenting the arrangements for providing chemotherapy services in UK satellites by the Royal Marsden Hospital at hospitals around the country;
- advising on real estate matters arising out of acquisitions by companies in the life sciences, and pharmaceutical sectors;
- property advisory practice for institutional clients such as British Waterways, The Work Foundation, Export Credit and Guarantee Department;
- advising various London boroughs, including on the disposal of sites for a private residential development (London Borough of Barking and Dagenham);
- advice in relation to premises affected by local authority redevelopment projects, including liaising with developers regarding options to acquire land and compulsory purchase orders; and