

CHOOSING THE RIGHT  
LEGAL SUPPORT FOR  
YOUR FOUNDATION  
A Mini Guide

Certified



Corporation

# Introduction

**There is a misconception that you only need a litigation lawyer when all else has failed; the ‘distressed purchase’ to use as a last resort.**

But this couldn't be further from the truth. Finding and building a relationship with a crack litigation team can be one of the most important things a charitable foundation can do.

Yes, you need to find a team that will fight your corner, but you also need a team who will help you avoid disputes in the first place. Along with outstanding commercial and strategic advice – that isn't stuffy or full of legalese – our knowledge and experience of the UK charity sector is unparalleled. Not only will we represent your best interests, we will do so with total understanding of the challenges your organisation faces.

Whether you're already dealing with a difficult situation, or safeguarding against future disputes, it's never too early to find the team with the right fit for your foundation. This mini guide aims to pass on a few suggestions of the key things to look for.

# #1 Understanding your priorities

**We appreciate that conflicts can quickly become complex in organisations where operational priorities are expected to run smoothly in line with a founder's original vision or the priorities of the founder's family.**

We understand the dynamics, the nuances and the reputational concerns that all play into managing disputes in a foundation.

We know how to handle the situation sensitively. Our team has years of experience, for example, in dealing with conflicts on boards – and advising on any delicate situations arising. We will draw on tried and tested methods of resolving board issues, working closely with a nominated individual or committee to resolve and regularise the position.



## #2 Technical expertise

**When you're faced with a challenging situation, you need advisors with an intuitive understanding of the legal and regulatory environment in which you're operating.**

Bates Wells is home to the leading experts in the law as it applies to charities. Whether that's preparing bespoke policies to ensure smooth operations, to managing a serious incident report, we have the expertise to guide you through. We can advise on all aspects of governance, constitutional issues, and partnerships and collaboration.

While we draw on our experience in advising countless other foundations, we also appreciate that every organisation has its unique requirements. Our approach is always individual and flexible.

**“[Bates Wells] achieved an outstanding result and their clients were able to leave court with their heads held high and their reputations intact.”**

***The Lawyer Awards 2021 Judging panel  
in awarding Litigation Firm of the Year***



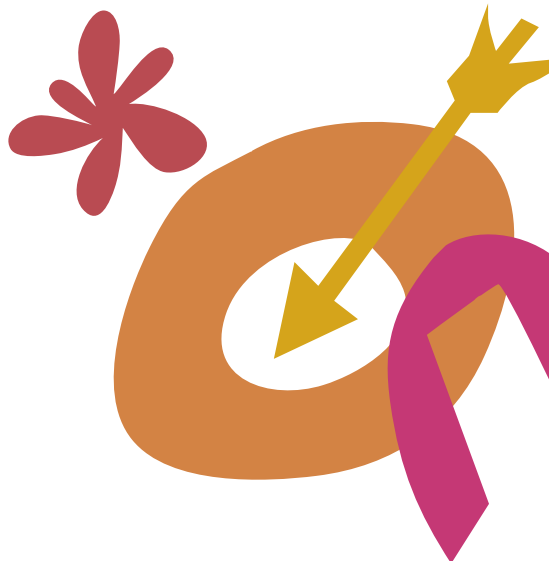
## #3 Value

**We fully understand that you want disputes resolved quickly and cost effectively. We understand the financial and reputational challenges a dispute can bring and we know how to manage those aspects.**

We also know how much you value issues being identified and addressed before they turn into a full-blown dispute. As the leading advisors to the charity sector, our deep understanding of the unique challenges you face means we can guide you through disputes in the right way.

We work in small teams to ensure value for money and so that you can know and trust those working for you. We give clear, commercial and completely tailored advice to help solve your problems – out of court wherever possible.

We negotiate. We mediate. But if court proceedings are necessary, our extensive experience of the High Court, Court of Appeal and Supreme Court, as well as our track record of winning some of the most prominent cases in both the charity and responsible business sectors, means you will be in safe hands.



## #4 Aligned with your values

**Disputes are contentious, but that doesn't mean that the firm that represents you needs to be.**

If you're looking for a legal team that can best represent your values, you should consider the first UK law firm to certify as a B Corporation – fulfilling rigorously audited standards when it comes to people, the environment, and positive impact on society. A firm that is proudly net zero on all scope 1, 2 and all measurable scope 3 carbon emissions. A firm that dedicates a percentage of all profits to its own philanthropic foundation.

Making a profit is core to all businesses but our goal is to combine this with a real social purpose. Our values are pivotal to us, they shape our decisions and the way we live and work.

We focus on positive social impact as much as we focus on being a successful law firm. Our top tier legal advice is coupled with a real desire to drive change. Bates Wells is proud to be a values-driven organisation and is proud to work for organisations that share a commitment to positive impact.

## Other ways we can help

- **Interaction with the Charity Commission and complying with Commission guidance** (including its guidance on public benefit, trustee duties, conflicts of interest, and making difficult decisions).
- **Supporting trustee boards** on complex issues and decision-making such as trustee disputes, the charity's relationships with third parties, the public benefit requirement, reputational issues and "serious incidents" (that require reporting to the Charity Commission).
- **Contract and grant agreements**, such as high value donations, collaborations and partnerships, trading agreements, and loans and deeds of gift of cultural assets.
- **Attending trustee meetings – and running trustee discussion sessions** – to discuss trustee duties, compliance with charity regulation, conflicts of interest, governance, and current challenges/risks.
- **Intellectual property, and the protection and licensing of cultural and heritage IP** – for both charitable and commercial purposes.



# Get in touch



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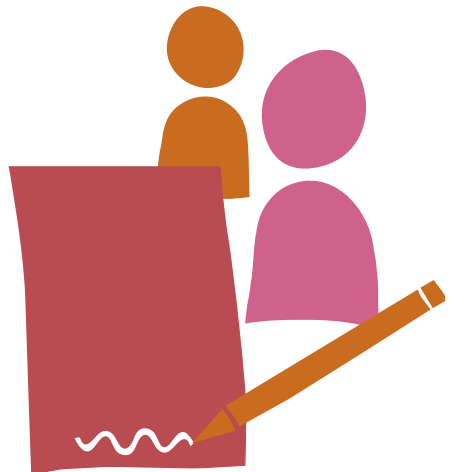


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Today, our clients are diverse – from corporate household names, to public bodies, to start-ups. We're also the firm of choice for thousands of charities and social enterprises. We continue to lead the market we helped to shape.

Bates Wells challenges what is possible in legal expertise delivery.

**Get in touch:**

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