



Outsourcing



About us

Field Fisher Waterhouse LLP is a full service European law firm with offices in Brussels, Hamburg, London and Paris. In addition to our European offices, we have exclusive relationships with Spanish firm Jiménez de Parga and Italian firm La Scala. We also have strong affiliations with firms in France, the Czech Republic, Hungary and Poland.

Our reach means we attract a broad range of clients throughout Europe, Asia and the US. We advise our international clients on domestic and EU law and have extensive experience advising on multi-jurisdictional matters.

With more than 110 partners and over 220 other lawyers, we assist a wide range of international clients, advising across the full range of legal issues.

Our main areas of practice are corporate and commercial, IP and technology, banking and finance, regulatory and real estate. We also have particular expertise in competition & EU law, dispute resolution, employment, pensions and tax.

Our team

Our Outsourcing Group is one of the largest in the UK and is involved in ground-breaking projects such as its role as legal adviser to the Government on procurement and delivery issues concerning the Identity Cards Programme. We have over 35 dedicated outsourcing lawyers who have a wealth of experience acting for a range of blue-chip customers and suppliers in the private sector. We have unique strengths as an outsourcing adviser to central government and non-departmental public bodies and are recognised, by the UK legal directories, as a market leader in outsourcing.

We believe our strengths go beyond hard work and technical excellence in achieving our clients' goals. The great majority of our team have experience gained in industry or have been seconded to clients for significant periods. We employ a number of lawyers who have been technology consultants, programmers or commercial managers and who are able to make significant technical, financial and commercial contributions to our clients' projects.

We frequently work on cross-border, near-shoring and off-shoring deals. Through our European network we are able to provide a complete cross-border service. Our relationships with firms in the US, India, China and elsewhere around the globe, coupled with first rate international project management experience, allows us to serve any international project wherever needed.

“...meticulous, pragmatic and responsive...”
Chambers UK, 2008

Our clients



Identity and Passport Service



“ Having invested in the area and taken on good people in recent times, this practice is especially noted for its work in...large outsourcing matters”

Chambers UK, 2007

“ This group deserves credit for its public sector work, advising the Home Office on mammoth projects such as the ID Cards Programme and on the outsourcing of the national DNA database. In addition, the group represented the United Kingdom Passport Service on the £350 million ePassport outsourcing deal. ”

Chambers UK, 2007 - Outsourcing

How we can help

Our role

Our team advises on all kinds of outsourcings - BPOs, financial services, government, offshore, supply chain, desktop, IT, HR, telecommunications, real estate services, warehousing and logistics. For highly strategic work and transformational outsourcings, we frequently field large team on some of the most challenging projects there are. At the same time we provide project support and day-to-day advice on more straightforward transactions, where criticality of the outsourced function can still demand thorough analysis and pragmatic solutions. We recognise that outsourcing relationships need to be collaborative, clear and successful. We work with the parties throughout the outsourcing life-cycle, including advice on mid-term reviews, re-negotiations of outsourcing arrangements and exits.

Solutions-driven

Our work keeps us at the forefront of current developments facing the industry.

Our contributions include:

- Promoting more effective use of governance in multi-partite deals
- Developing methodologies for accelerated negotiations including time-boxing discussions and ensuring focus by both parties on key issues

- Pioneering practices in “competitive dialogue” for the first time under the latest Government Procurement Regulations
- Developing pan-European models for data export when offshoring
- Developing the post-NPfiT government procurement model to take on board market practice. Through our work, we are influencing policy to innovate and improve current practices for the benefit of both the public and private sectors
- Introducing methodologies to mesh legal services with overall project goals, including team building and negotiation training sessions to set objectives, running status reports and issues logs and our own total quality management systems

Technology outsourcing

ITO remains the predominant market segment. We have a vast array of experience in the team of advising on desktop, call centre, applications support, break-fix, data centre and other pure IT outsourcing.





BPO

The business process outsourcing market continues to expand with our lawyers taking a notable role in thought leadership, advice on procurement strategy and contract negotiation. Our practice has an extremely strong presence in both public and private sector BPOs. Staying apace with developments in these fields is the preserve of a small number of expert firms, of which we are at the forefront.

We are active on a range of BPO work including finance & accountancy, payroll, financial services back office systems, PFI and private sector projects, facilities management, offshore HR and call centre work.

Financial services outsourcing

Most financial services businesses outsource some elements of their business including back and middle office, human resources, finance and accounting functions and call centres.

We have substantial expertise on financial services regulation as well as outsourcing in the sector. We completed our first transactions under the new Financial Services Authority (FSA) outsourcing rules for common platform MiFID/CRD regulated firms in 2006 as soon as the new rules were published. We regularly provide thought leadership on this area through events, client workshops and advice.

Our work involves FSA regulated firms such as banks, building societies, investment managers and third party administrators. We regularly advise both regulated firms and suppliers on the FSA outsourcing rules including issues such as FSA approval, procurement and contractual requirements, audit and business continuity.

“ On the private sector side, one highlight includes advising Accenture on a bid to provide HR and payroll services to the Northern Ireland Civil Service in an outsourcing transaction worth £50-100 million.”

Chambers UK, 2007 - Outsourcing

Real estate outsourcing

Increasingly, companies are recognising that they can reduce costs or realise value by outsourcing their real estate assets, as well as their business processes and support systems. As well as the more conventional real estate outsourcing models, such as facilities management, we advise many clients on warehousing and distribution, property outsourcing and the sale and lease-back of individual buildings and portfolios of properties.

Telecommunications outsourcing

We regularly close both industry facing and customer facing transactions. We act for suppliers and communications companies on outsourcing of telecoms infrastructure, call centres, support and maintenance and systems hosting. We also act for telcos and their customers on corporate network outsourcings.

TUPE and outsourcing

We also advised on complex TUPE/employment issues relating to outsourcing projects. It is essential that employment remains with an organisation following the completion of such a project. With this in mind, we advise on the application of TUPE and possible innovative employment models, as well as advising on the process for informing and consulting unions and employees.

Outsourcing disputes

We are experienced in resolving disputes in relation to BPO transactions which have gone wrong. It can be key in many situations to preserve the long term customer-supplier relationship or secure a clean exit for both parties without sacrificing business continuity. Our dispute lawyers work closely with our commercial outsourcing team to provide pragmatic solutions over SLA failures, transitioning services to new suppliers, termination advice, IP ownership, and other problems. We apply our experience and judgment to assist clients with renegotiations, escalation, informal dispute resolution and where required litigation.



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