

# Mariel Irvine Solicitors

**M**ariel Irvine Solicitors is a small, specialist firm with particular expertise in police law. Praised by Chambers and Partners for offering sound advice, an impartial view and never pulling punches, Mariel regularly speaks at conferences and seminars as well as writing for the leading legal periodicals. She discusses the formation of her firm and the difficulties small firms face in competing for tenders.

When I resigned from the partnership of an insurance litigation firm in the City, a police force was keen to keep me on board at a reduced hourly rate and had suggested I leave. A train operating company made encouraging noises, and two insurers began sending the odd case when I had left. Work was slow to begin with, and I did a substantial amount of complex agency work for the Treasury Solicitor's Prisons Team.

I worked hard on cases that would have been given to junior assistants at my old firm, met deadlines and provided a responsive service. Rather than work for myself, I was working for my clients and I gave them clear, simple advice. After two years, I moved into an office in Smithfield, EC1. Two years later, I engaged my first assistant, so as to help with a pre-action disclosure scheme I had devised for an insurer. The Prison Governors Association joined our client list and we took on great cases over the next few years.

## Growth and specialisation

We were the nominated solicitors on the policy wording for the Rugby Football Union's new stand at Twickenham, and successfully defended 'beat knee' test cases from dockyard workers. Insurers instructed us on assault claims in care homes, psychiatric hospitals and juvenile detention facilities. We continued to develop our expertise in defending stress at work claims.

By 2010, the number of police instructions had overtaken our insurer cases, and we were retained in the London Bombings Inquests. Later, we advised on the Leveson Inquiry. The police regularly instructed us on legislative, operational and data protection issues. We were involved with the implementation of a new firearms capability and defended judicial reviews of search warrants. In the early hours of one morning, I responded to a call and took part in a desktop exercise following a terrorist attack.

After we had assisted with drafting an initial version of the Scrap Metal Dealers Act 2013, we were retained by The British Metal Recycling Association. We advised and represented members on licensing applications under the new regime.

When prisons were privatised, we attended workshops and advised on the transfer of terms and conditions of employment. We brought successful claims for stress at work and breach of the right to privacy against the prison service. At inquests into deaths in custody, governors cut loose by their employer instructed us. We regularly advised on claims under the Equality Act 2010, particularly age and sex discrimination.



Mariel Irvine,  
Founder and Principal

## AT A GLANCE

### MARIEL IRVINE SOLICITORS

- » Headed by Mariel Irvine
- » Established in 2002
- » Based in Clerkenwell, London
- » Provides clear, effective advice and representation
- » 3 employees
- » Mariel Irvine is writing a short book on vicarious liability
- » [www.marielirvine.com](http://www.marielirvine.com)



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Seminars on areas of specialist interest grew in popularity, and we gave a number of in-house seminars to Lloyds syndicates, the police, and the Prison Governors Association.

### Procurement and tendering: discrimination against SMEs?

After years of punching above our weight and providing a responsive and effective service, we began to feel the dead hand of procurement professionals. They had infiltrated and formed powerful teams in many large organisations, including our insurer and police clients.

A handful of national City firms now dominated the legal services panels of the insurance market. After excellent results in several insurance audits, we were told that a firm our size could never tick all the boxes. Expertise, experience and results were simply three items on a long list of other requirements.

We applied twice for inclusion on the Metropolitan Police Legal Services Framework Agreement, when our police force client asked us to do so. It took several weeks to prepare the documentation, although we tendered for only two areas of work; civil actions and employment. On each occasion, the procurement contact at the Metropolitan Police assured me there was a realistic prospect of a firm our size being successful. We were unsuccessful twice. Our request for feedback on both occasions was ignored. At the last tendering exercise, the same three national firms were appointed as previously, one of which was soon to go bust.

The procurement department within our own police force client had been agitating for change. It gave the impression that European procurement rules require public bodies to put litigation services, valued over a certain amount, out to tender. In fact, litigation is an exception to this general rule. After changes within the police and the authority, however, the procurement professionals won the day.

Our client decided to switch to Framework solicitors, save where our specialist expertise was required. I was informed we could have applied for the last tender round by putting together a consortium of other firms. In practice, this would have meant advertising and then proceeding to tender with complete unknowns.

Public bodies are failing to comply with government policy to support small and medium-sized enterprises (SMEs) through ignorance, risk aversion or idleness. Or does supporting SMEs mean “when you form consortia and are big enough, then we will deal with you”?

### Now and the future

We're adapting and continue to receive high profile and interesting cases from the Prison Governors Association and others. The Police Superintendents Association has recently retained us. We advised a member on the High Court proceedings arising out of the Daniel Morgan murder. A new insurer client instructed us on the Home Office review of the Scrap Metal Dealers Act 2013. Our police force client wishes to retain us in relation to the Manchester Arena bombing.

The looming implementation of the General Data Protection Regulation has provided an opportunity to build upon expertise in this area and advise on compliance. We've been able to reconnect with clients in the insurance and metal recycling sectors through seminars and training as well as winning compliance work from both current and new clients, such as Aspen Insurance and the British Security Industry Association. Over the next three years, we plan to broaden our expertise to privacy law, while refocusing on insurers and directing our specialism in police law and related areas towards the private sector. We're gradually diversifying our client base in employment law and aim to do so in inquests also.