

THE IN-HOUSE TRAINING COMPANY

Contract law – a practical introduction

Overview

Every business on the planet depends on contract law. As do a host of public sector organisations, local authorities, VCSEs, etc. Every exchange of goods or services for money is underpinned by a contract of some sort.

So it's important that everyone in business understands the nature of contract law – the basic principles as much as any detailed terms and conditions.

This course is designed to introduce people to the key concepts that underpin English contract law. How contracts are made. The seven elements of a binding contract. How to use express terms in an agreement to protect your position. Pitfalls to avoid. The cost of getting it wrong. All this and more is explained in plain English by a nationally recognised authority on procurement and commercial management.

Learning objectives

By the end of this course, participants will be in a position to add value to your organisation by being able to:

- Understand the key sources and principles of the English legal system and how it was developed
- Appreciate the impact of various famous legal cases on the legalities of contract management
- Understand the elements needed for contract formation, whether written or verbal
- Understand the concepts of offer and acceptance and counter-offer, legality, capacity and intention to create legal relationships
- Appreciate the need for consideration to be sufficient, but not adequate
- Understand how terms are incorporated in the contract and interpreted by the courts to ensure their organisation's interests are protected
- Differentiate between express and implied terms and conditions and warranties
- Understand the ways in which contracts can be ended
- Understand ways to optimise added value through the duration of the contract
- Discuss and evaluate key contractual terms and conditions

Who should attend?

This course is designed for anyone in a procurement or contract / commercial role who needs to understand the nature of the risks involved in their agreements with suppliers and contractors.

And for anyone in a sales or customer-facing role involved in negotiations with clients, customers or, sub-contractors.

Course format

This one-day programme can be delivered on-site or virtually.

The expert trainer takes a proactive, participative, and participant-centred approach with an emphasis on the practical application of the tools, techniques and templates discussed. The creation of Action Plans by the participants is a key element in the experiential dimension to all our courses. The learning needs to be embedded into the fabric of the organisation and the trainer uses context-based case studies and other tasks to achieve this.

Special features

The content of this course has been cross-mapped with established competency frameworks and other international standards.

Certificates of attendance are provided on request (for CPD purposes: the programme qualifies for six hours, which for most professional bodies translates as six points).

The majority of the training we deliver is either tailored or completely bespoke. This workshop can therefore be delivered entirely as advertised, or it can be tailored to your particular requirements, or we can simply take it as a starting point for a conversation with you before we draft a completely bespoke programme for you – the choice is yours.

Expert trainer

Dr Ray Carter, a UK-licensed contracts paralegal, runs his own international training and development consultancy, specialising in procurement. A prolific author, his books include *Practical Procurement*, *Practical Supplier Selection and Relationship Management* (with Sharon Croome), *Practical Contract and Commercial Negotiations* (with Kenny Campbell) and *Practical Contract Management* (with Steve Kirby, Alan Oxenbury and Geoff Kontzle). He has also had numerous articles and papers published in journals such as *Supply Management* and the Centre for Advanced Procurement's *Praxis* publication. Ray is Chairman of the Procurement Best Practice Forum, which is made up of many large blue-chip organisations, the purpose of which is to identify and disseminate supply chain management best practices. Ray's now famous '10 Cs' of supplier evaluation model, first published in 1995, has become an accepted model for the evaluation of suppliers and contractors and has been adopted by many organisations. It is also part of the CIPS level 3 syllabus. Ray is an external examiner for Salford University and a Fellow of Leicester University.

In recent years, he has undertaken training and consultancy assignments across the UK and around the world for organisations such as Prudential, Virgin Media, Cobham, The Home Office, Ministry of Justice, Low Carbon Contracts Company, IBM, Ministry of Defence, NHS, Royal Botanic Gardens Kew, Bapco, AA, Coca-Cola, Foster Wheeler, Pfizer, British Nuclear Group, Honeywell, Total, Qinetiq, John Lewis, DeLaRue, Serco, Williams F1 Team, Hitachi Rail Europe, Rolls-Royce, Boots, RBS, DWP, NHS, Lucas Engineering and Systems, Abu Dhabi Company for Onshore Oil Operations (ZADCO), NDC, Ericsson, BAe, Marconi, BBC, Magnox, Ordnance Survey, Chevron, Caspian Pipeline Consortium, Tengzichevroil Company, Coca-Cola, Shell International BV, IMechE, African Development Bank, United Healthcare, MLM, SEPA, Yorkshire Water, East Lothian Council, Medway Council, Wigan Council, National Grid, City of Bradford MDC, London Fire Brigade, etc, etc, etc.

Workshop outline

1 Introduction

- Course aims and objectives
- Learning styles
- Plan for the day

2 The peculiar nature of English contract law

- Common law – made by judges
- Statute law – made by Parliament
- Equity – to fill in the gaps

3 How contracts are made

- Offer
- Acceptance
- Counter-offer
- Invitation to treat
- The vital difference between offer and invitation to treat
- Impact of famous cases

4 The seven elements needed for a binding contract

- Certainty
- Offer
- Acceptance
- Consideration
- Legality
- Intention
- Capacity

5 The 'battle of the forms'

- How to prevent it
- Using express contract terms to reduce the risk
- Impact of famous cases

6 Consideration

- The difference between adequate and sufficient consideration
- Exceptions to the rules
- Public duties

7 Termination

- Performance
- Breach
- Frustration

8 Legal risk

- The cost of legal actions:
 - Court fees
 - Legal fees
 - Publicity
 - Uncertainty (judges are legal experts, not subject-matter experts)

Feedback from this course

'Great interactive course with lot of useful real-world examples of legal cases. The trainer was extremely knowledgeable and held everyone's attention for the whole of the two days.'

'The use of case studies was particularly useful, and the way the tutor would draw upon his own experiences and his use of anecdotes really helped me understand the course a lot better.'

'Excellent and interesting delivery of the course material. The course gave me confidence in the knowledge of contract law and many applicable examples to affect change to our current templates and processes.'

'Very informative course and I felt I received significant learning which I will 100% use in my day-to-day function within my workplace.'

'I found the course very helpful and definitely beneficial to building my knowledge of the subject of contract law and drafting contracts. I thought the content was excellent content and the course itself very engaging with case studies and breakout sessions.'

'I have had very positive feedback from the attendees of the in-house course. The course gave a really good insight to the legal precedents that a lot of our contracts are based on.'

Any questions?

Please just give us a call on 01582 463463 – we're here to help!
Or visit www.theinhousetrainingcompany.com

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