

be connected - Spring 2023

28 February 2023  Mark Blois

Welcome to **be connected**, our termly update for schools, academies and trusts. As always, this issue is packed with the latest legal updates, insights from the sector and experts' support and guidance from our team.

Remember - **be connected** is your space – what would you like to see in future editions?

[Get in touch and let us know!](#)

Policy and legal updates

Widespread industrial action impacts schools across England

With NEU members' strikes already causing significant disruption and other trade unions potentially following suit, industrial action poses a significant, ongoing challenge for schools and trusts.

Effective planning, preparation and management are essential, particularly as the DfE require academy trusts to engage in appropriate contingency planning to minimise any disruption to pupils' learning and to keep schools open as far as possible.

[Teachers' strike - lessons learnt so far](#) →

[Access our industrial action essentials webinar](#) →

[Download industrial action support resources](#) →

What does Provider Access Legislation mean for schools?

The new 'Provider Access Legislation' came into force in January 2023. The provisions require that schools (maintained and academies) must provide at least six encounters with providers of technical education or apprenticeships for all their students during school years 8-13.

In this article we set out the requirements for these encounters and advise on what schools should be doing now.

[Read more](#) →

Case law

ESS breaks against the CMA's intervention

The Consumer and Markets Authority's (CMA) intervention into the allegedly anti-competitive behaviour of Education Software Solutions Limited (ESS), has come to an end in favour of ESS' signed commitments.

The CMA intervention reviewed ESS' moving of schools into 3-year contracts from initial contracts of 1-year, giving schools little opportunity to look for alternative management information service providers.

[Read more](#) →

High Court dismisses Welsh RSE right to withdraw claim

In late December, the High Court handed down judgement in *Isherwood v Welsh Ministers*. This was a judicial review claim about the new relationships and sex education (RSE) law in Wales.

The law makes it a requirement of the curriculum that all secondary pupils study RSE with primary pupils studying relationships education, both without any right of withdrawal for parents.

Five parents brought the joint claim, arguing that parents had a constitutional right to excuse their children from RSE and that the teaching would breach their human rights, specifically the right to education. The High Court dismissed all the claims.

[Read more](#) →

Term-time worker entitled to national minimum wage for unworked basic hours

The Employment Appeal Tribunal decided in the case of *Lloyd v Elmhurst School Limited* [2022] that the Employment Tribunal had erred by finding that a term-time salaried hours worker was not entitled to the National Minimum Wage for hours worked outside school term-time.

The appeal found that a worker's basic hours do not depend on the hours actually worked, and basic hours can include periods of absence where contractual salary is due to be paid.

Employers should identify a worker's basic hours by using their employment contract, not the actual hours that they work.

[Read more](#) →

Employment

Consultation: holiday entitlement for term time workers

A new consultation has been launched by the Government aimed at addressing the issues arising from the *Harpur v Brazel* judgment. The consultation closes on 9 March 2023.

The government is seeking to address the disparity caused by the Supreme Court's decision that meant holiday entitlement for part-year workers on permanent contracts should not be pro-rated, resulting in them receiving a higher percentage of annual earnings as holiday pay.

Employers in the education sector may wish to consider whether to spend significant amounts of time reviewing their calculations when a change to the legislation may be on the horizon.

[Read more](#) →

Flexible working in schools webinar

Wednesday 29 March 2023, 10-11am

There have been reports that teacher and school leadership vacancies last year were two-thirds higher than in pre-pandemic 2019. Never has recruitment and retention been so challenging.

In this webinar, we've partnered with Timewise to bring together a panel of leaders who will share with you their experience of embedding flexible working practices, considering the practicalities and the impact on staff engagement.

During the webinar we'll look to address many of the concerns and common misconceptions school leaders share regarding flexible working. We'll share ideas, tips and examples to show how you can build flexible working into your workforce strategy.

[Read more](#) →

Guidance

Safeguarding at scale

A new report 'Safeguarding at scale' has been published setting out strategic approaches for school trusts to develop excellent practice in keeping children safe.

The report highlights the need for all staff in schools and trusts to be clear on the importance of safeguarding and the role they have to play as well as recognising a growth in complexity brings an increased need for taking a considered, strategic approach.

[Read more](#) →

Cyber security and data breaches

The BBC recently reported that 14 schools had been hacked with confidential information about pupils, staff and parents being leaked onto the dark web.

Data controllers are required to notify the Information Commissioner's Office (ICO) without undue delay and within 72 hours of becoming aware of the data breach. There are also implications for safeguarding, so now is a good time to check and ensure you're up-to-date and confident in your ability to mitigate and handle data breaches effectively and compliantly.

[Read more](#) →

Support and resources

New support to manage school complaints

Many schools have experienced a significant increase in the workload generated by the volume and complexity of complaints they receive, particularly from parents. With budgets now tighter than ever, a recruitment crisis and ongoing industrial action, there is a risk of an influx of complaints at a time when staff capacity is at an all-time low.

That's why our team has prepared a support pack of resources to enable academies and trusts to handle complaints efficiently and effectively.

The new Complaints Management Support Pack is a comprehensive range of resources that includes model complaints procedure and policy documents to ensure legal compliance and a suite of editable letters and best practice resources to manage your end-to-end complaints process.

[Download the support pack now](#) →

EdCon virtual event hailed a success

#EdCon2023, our annual virtual conference proved to be our biggest and best yet, with a record-breaking 1,500 registered delegates and even greater levels of engagement than during the pandemic.

We're pleased you found so much of what was on offer useful and we've collated all of your feedback to make next year's event even better.

Here are a few quotes from some of this year's attendees:

- **"Many thanks for all EdCon elements, I found them highly valuable. A great learning tool."**
Louise Johnson, Deputy CEO, HEARTS Academy Trust
- **"It was a really impressive and clear format that worked extremely well from a user perspective"**
Sophie Venables, Head of thinking Horizons
- **"...it has been really good to be able to access recorded sessions of around 5 minutes that have been much easier to fit it"**
Amy Wright, Clerking Development Manager, NGA.

We're looking forward to #EdCon2024!

[Read more](#) →

Why join a trust?

Our partners at the Confederation of Schools Trusts (CST) have published a new paper that sets out the case for the school trust, and a trust-based system. The paper 'Starting with Why: Why join a trust – and why a trust-based system?' explains why a group of schools working together in a trust is so much more than changing the legal structure of the school.

[Read more](#) →

Training and development

Upcoming training and professional development opportunities

As well as providing day-to-day support to help you focus on managing your settings, we also provide training and professional development on a range of topics to keep you and your staff up to date.

Here are some of the upcoming courses:

- **Safeguarding for trust DSLs** ***March 2023***

To meet demand, we've added an extra cohort for trust lead designated safeguarding leads and directors of safeguarding with modules spread over five months, starting in March.

- **HR Pathways for trust leaders*****March 2023***

Continuous professional development designed to equip professionals operating within an educational setting with the skills, knowledge and confidence needed to proactively manage employees in accordance with HR best practice and employment legislation.

You may also be interested in...

Browne Jacobson retain ranking as UK's leading social mobility employer

We're proud to have retained our ranking as the UK's leading employer in the latest Social Mobility Employer Index, the leading authority on social mobility workplace best practice in the UK.

We're the first law firm in the history of the index to top the rankings as a result of a series of initiatives and partnerships we've launched to open up the legal profession for young people of all backgrounds, especially those from socially disadvantaged groups and regions across the country.

[Read more](#) →

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