

Be Connected: Schools and academy trusts, May 2025

13 May 2025

Welcome to the latest edition of Be Connected for schools and academy trusts, featuring the latest legal updates, sector insights, expert advice and guidance from our dedicated team of education lawyers and HR consultants.

This issue explores the implications of the Supreme Court's ruling on interpretation of gender, changes to Ofsted inspections, data protection advice and support for effective governance of AI in schools and lots more:

- [Sector developments.](#)
- [Case law.](#)
- [Employment.](#)
- [Support and guidance.](#)
- [Events and training.](#)
- [And more!](#)

Sector and regulatory developments

Changes to Ofsted inspection, school accountability and intervention

There are two consultations which have been running concurrently, the outcomes of which will likely have significant implications for schools and academy trusts.

The first is Ofsted's consultation on changes to inspection and the second is the Department for Education's consultation on school accountability and intervention. These consultations closed on 28 April 2025.

In this article, we draw out the key changes and considerations of each, provide additional context and signpost to the consultation materials for further insight.

[Read more](#) →

Addressing the diversity deficit in school governance

We're working with the National Governance Association (NGA) to address the critical lack of diversity in school governing boards.

Diversity on school governing boards is crucial. For headteachers and governors, diversity brings new thinking, challenging conventional processes to enable continuous improvement.

Yet the NGA's Annual Governance Survey has consistently highlighted a diversity deficit in school governing boards, with under-representation in age, race, religion and sex. Find out what you can do to support and to improve diversity in school governance.

[Read more](#) →

The rise in schools-based nurseries and the practicalities for growing trusts

The Department for Education recently committed funding and approved 300 new school-based nurseries in a bid to boost early education.

In this article we explore what's required and the key considerations for academy trusts considering taking on a nursery.

[Read more](#) →

Unpacking the new guidance for alternative provision

The recent overhaul of the Arranging Alternative Provision (AP) guidance has given education leaders plenty to think about. As we unpack the new guidelines, we reflect on what these changes may mean for those leading education institutions and providers.

[Read more](#) →

An opportunity to share your views on policy, priorities and financial sustainability

The latest edition of our bi-annual [School Leaders Survey](#) is now open and we're inviting you to take part.

We're keen to capture and share insight on the evolving policy landscape, so please do share your experience to help give us all a clearer picture of how things are changing this academic year.

While the latest edition of the survey remains tightly focused and easy for you to respond (it still only takes ten minutes to complete) we've managed to include a deeper dive into financial sustainability, exclusions and funding for early years education.

The survey will remain open throughout May and we'll share the results with all participants in late June.

[Complete the survey now](#) →

Case law

The concept of sex is binary: Supreme Court case explained

The Supreme Court has ruled that for the purposes of interpretation of gender terms under the Equality Act 2010, the sex of a person is either biologically a man or a woman, but stressed that this was not a "victory" of one viewpoint over another on gender identity and also the fact that trans rights remain protected under the gender reassignment and, in certain instances, the sex discrimination provisions of the Equality Act.

[Find out more](#) →

Trans matters in UK schools

The Supreme Court Decision in *For Women Scotland v The Scottish Ministers* UKSC/2024/0042 (FWS) has clarified the definitions of 'sex', 'man', and 'woman' for the purposes of the Equality Act 2010 (EqA) as being based on biological sex (i.e., sex at birth).

This interpretation contrasts with the previous understanding endorsed by the Equality and Human Rights Commission, so decision marks a significant shift, as many educational institutions have developed policies under the former interpretation. In this guide we advise schools on the key implications, considerations and available support.

[Read more](#) →

New case has implications for school exclusions and legal aid

A landmark High Court decision recently shed light on the intersection of legal aid, human rights, and school exclusions. The case, related to the decision not to grant exceptional case funding for legal representation in an independent review panel.

The student, who was of Black Caribbean heritage with special educational needs and on free school meals, was excluded for alleged acts of physical violence. One of the grounds upon which ECF funding can be made available is where without it, the person's human

rights would be breached.

[Read more](#) →

Employment

The Employment Rights Bill: What the new amendments mean for employers

The Employment Rights Bill (the Bill) is now with the House of Lords and has been through its First and Second Readings. At the end of April 2025, the committee stage of the Bill in the House of Lords will commence.

A number of amendments are under consideration, which start to give more detail about the Bill's proposed changes. In this article we set out the headline amendments and key considerations for employers.

[Find out more](#) →

Avoiding disputes over recruitment agency fees

The sector continues to grapple with the challenge of increasing recruitment demand with staff vacancies at multi-academy trusts (MATs) at an all-time high and staff retention rates continuing to decline year on year.

We've seen MATs becoming increasingly reliant on a wide variety of recruitment agencies to help combat this issue which regularly results in disputes surrounding recruitment agencies fees. We delve into the common issues surrounding these fee disputes equipping you with the knowledge and sharing a free, downloadable tool to help you avoid these disputes.

[Find out more](#) →

Support and guidance

New guidance for novel, contentious and repercussive transactions

Since the DfE introduced the NCR provisions in the Academy Trust Handbook a number of years ago, there has been some uncertainty as to how they would be interpreted.

The guidance reiterates and provides more details on the three categories that require DfE consent, which we explore in this article while providing the wider context, given the Secretary of State has mooted more collaboration and a rising regulatory expectation on academies.

[Read more](#) →

Top tips for schools handling AI generated complaints

We support many schools to effectively manage complaints from parents and stakeholders and there's been a noticeable rise in their use of generative AI tool to create some of this correspondence.

Schools are increasingly receiving correspondence that, while appearing comprehensive and technically sound at first glance, can sometimes lead to confusion and intimidation. We explain why this can be problematic and what to look out for.

[Read more](#) →

Enhancing your school's approach to data protection

Do you have the up-to-date knowledge and expertise to ensure your school meets the latest data protection requirements?

With so many schools handling increasing numbers of subject access requests (SARs) and new risks posed by pupil and staff data being used to train AI-based systems, getting a handle on data protection is more important than ever.

We're here to help. Our team of [data protection expert education lawyers](#) offer a wide range support to give you the peace of mind that you're handling your pupils' data safely and operating compliantly.

Latest guidance

- [Reinvigorating data protection in schools.](#)
- [How should AI be deployed in schools?](#)
- [AI adoption in schools: Meeting ICO expectations.](#)
- [How schools can avoid costly FOI mistakes.](#)
- [Mitigating the impact of school data breaches.](#)
- [Navigating SARs in schools.](#)

Best practice resources for schools

- [AI governance support pack.](#)
- [Data protection support pack.](#)

[Find out more](#) →

Fair Access Protocols for school admissions: Addressing common issues

In this guide, we consider Fair Access Protocols (FAPs) for school admissions based on some of the issues we've seen recently, and the basis on which concerns can be raised and placements challenged.

[Access the guidance now](#) →

When can schools refuse admission due to challenging behaviour?

In this guide we delve into the use of Para. 3.10 of the School Admissions Code 2021 and consider when this ground can be relied on to refuse an in-year application.

[Access the guidance now](#) →

Gain real-life educational leadership perspectives

In the latest episode of our popular EdInfluence podcast, Nick MacKenzie chats with Dr. Caroline Whalley and Hugh Greenway, founder and CEO of the Elliot Foundation Academy Trust respectively, who share their most transformative experiences and leadership insights.

Check out the podcast to hear from them and subscribe to future episodes via [your preferred podcast channel](#).

[Listen now](#) →

Events and training

School exclusions: a review of the latest developments and looking to the year ahead

Thursday 26 June 2025, 10am - 11am, Online

With a series of developments and learnings from recent exclusions cases, this webinar offers school and trust leaders the opportunity to ensure their school exclusions governance is up to date, efficient and fair in readiness for the next academic year.

[Read more](#) →

EdCon2025: Top five takeaways

EdCon2025 was our biggest virtual conference yet, we hope you enjoyed the conference and gained some valuable insights by attending. The month-long event brought together HR experts, legal specialists, educators and special guests from across the sector to explore some of the most pressing topics facing schools and trusts today.

So, a huge thank you to everyone who joined us, whether for our live sessions, on-demand content, or exclusive content. Your engagement continues to make EdCon a success.

[Watch the catch-up video](#) →

Expert-led data protection training and development

With emerging risks of pupil and staff data being used to train AI based systems, data protection concerns continue to grow in significance and the Information Commissioner's Office is urging schools to take a proactive approach.

We can help ensure you and your staff are up-to-date and confident in your data protection practices, AI governance and that you're effectively mitigating risk.

- **Data Protection Officer CPD:** Foundation and advanced programmes.
- **Empower DPO:** Bespoke one-to-one mentoring, coaching and supervision.
- **EduCompli:** Online staff training app (inc data protection and cybersecurity).

[Find out more](#) →

In the media

- [Teachers worried about court ruling on definition of a woman](#) | Tes
- [Why we need a mandatory safeguarding qualification](#) | Tes
- [Children's privacy: The data watchdog warning schools need to hear](#) | Tes
- [More redundancies expected as school funding storm brews](#) | Tes
- [What a recent High Court case ruling means for school exclusions](#) | Tes
- [Should schools be able to remove pupils for parental abuse?](#) | Schools Week
- [RPA insurance update schools should know about](#) | Tes
- [Leading safeguarding effectively in schools](#) | Headteacher update
- [Building bridges in edtech: The convergence of AI governance and educational needs](#) | Tech For Good
- [Implementing biometric technology in schools](#) | Sec-Ed
- [Double win for Browne Jacobson at Legal 500 ESG Awards](#)
- [Browne Jacobson announces partner and legal director promotions 2025](#)
- [Browne Jacobson appoints new lead for Exeter and South West education team](#) | The Exeter Daily

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