

Be Connected higher education - Winter 2023

12 January 2023

Welcome to be connected, our quarterly update for higher education institutions and the first of 2023.

We aim to provide content that offers you real value and relevant, useful information from our national team of legal and HR experts.

be connected is your space. Please help us to help you by providing your feedback and letting us know what you would like to see featured in a future edition.

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Legislation

The Subsidy Control Act — putting the new regime into practice

After a long period of waiting, the substantive provisions of the Subsidy Control Act 2022 finally came into force on 4 January 2023.

While the Subsidy Control Act replaces the prior EU state aid regime, it contains new concepts which capture a much broader range of measures than the prior regime, so it is vital that universities receiving subsidies understand when the rules apply and how to navigate them.

Subsidy Control experts Alex Kynoch and Angelica Hymers are delivering a webinar on 17 January, which will highlight the key changes in the new regime and discuss how organisations are applying this in practice.

[Find out more](#) →

The Building Safety Act — what does secondary legislation mean for university campuses?

In the run up to Christmas, the government published its response to its consultation on the Higher-Risk Buildings (Descriptions and Supplementary Provisions) Regulations and laid these out to parliament.

In this article we summarise the government's response to major items arising out of the consultation.

[Read more](#) →

Understanding transitional provisions under the Electronic Communications Code

Many landowners remain unaware — until they're approached by a telecoms operator — of just how draconian the powers conferred by the Electronic Communications Code are. There is now little opportunity for landowners to negotiate the terms of the occupation of any telecoms operator, as the code prescribes so much of what goes into the lease.

In addition to the introduction of these rights, the code also fundamentally changed the way in which the rent for a site is calculated. The rent payable by telecoms providers has fallen significantly, sometimes by as much as 90%.

[Find out more](#) →

Sustainability

Biodiversity Net Gain: positive for nature and an opportunity for landowners

Biodiversity Net Gain (BNG) is, at its heart, a basic concept whereby development and/or land management aims to leave the natural environment in a measurably better state than it was beforehand.

This concept will be given a statutory footing when parts of the Environment Act 2021 come into force which will, in turn, amend the Town and Country Planning Act 1990. Currently, the expectation is that this will be the latter part of this year — and that, from November 2023, there will be a mandatory requirement for all developments receiving planning permission to deliver at least 10% BNG.

In this article, we explore some of the considerations and opportunities for university estates and look to how BNG will be measured when this becomes a statutory requirement.

[Read more](#) →

The UK's green agenda — the outcomes of COP27 and actions since COP26

Our public law experts recently came together to discuss the outcomes of COP27 and review the UK's actions post COP26 in terms of:

- the Retained EU Law Bill
- the challenge to the Net Zero Strategy
- failure to set out the targets for the 25 Year Environment Plan as required by the Environment Act 2021
- investment zones

You can access this free webinar on demand, which is suitable for senior leaders across the public and private sectors and those with specific responsibilities for the governance of their organisation's carbon neutral and green policies.

[Watch webinar on-demand](#) →

Electric vehicle charging points: contractual and liability issues

We look at some of the practical contractual and liability issues involved in installing, owning, operating and maintaining electric vehicle charge points. We aim to equip you with a list of practical points to look into when considering installing/operating vehicle charge points and some suggested solutions.

[Watch webinar on-demand](#) →

Employment law

Tribunal serves as cautionary example to employers

The recent outcome of the Starling Bank Employment Tribunal claim brought by Gulnaz Raja against Starling Bank and Matthew Newman should be of significant interest to employers, including universities, in relation to Covid and medical conditions in general.

The case found Miss Raja was unfavourably treated in relation to her disability when she was dismissed. It also upheld her complaint that her employer had not held a meeting to discuss her health prior to dismissing her.

This judgment shows how an employer should treat a disabled employee to minimise legal risk by complying with applicable laws and good practice.

[Read more](#) →

Age discrimination

Official statistics show that 15,336 claims which included a complaint of age discrimination were received at the Employment Tribunals between March 2020 and March 2021. This is a remarkable sixfold increase on the number of age discrimination claims presented the previous year.

In this article, we consider the causes of this sharp increase, look at relevant cases, and advise employers on how best to avoid and effectively handle tribunals.

[Read more](#) →

Rising Employment Tribunal backlog

Employment Tribunal statistics have been published showing a further increase in the number of tribunal claims which remain outstanding. The annual statistics also show the amount of compensation awarded in successful unfair dismissal claims is on the rise.

[Read more](#) →

Equality, diversity and inclusion

Knowledge Transfer Partnership to promote greater equality in the legal sector

We are collaborating with the University of Nottingham to launch a ground-breaking Knowledge Transfer Partnership to develop long-lasting equality, diversity and inclusion (EDI) principles. We will embed these learnings into our practices, amongst our key client-bases, and share more widely across the national legal sector.

Thanks to funding from Innovate UK and the expertise of the University of Nottingham's Centre for Research in Applied Linguistics (CRAL), we're changing the way we use written, spoken and digital language to ensure it is more diverse and inclusive as an employer.

[Read more](#) →

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 Social Mobility Employer Index 2022, the leading authority on social mobility workplace best practice in the UK. We were the first law firm in the history of the index to top the rankings in 2021.

Over the past six years, we've launched a series of initiatives and partnerships 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](#) →

You may also be interested in

Education team win sixth Education Investor Award

Browne Jacobson's education team were named winners of the Legal Advisors to Education Institutions category at the Education Investor Awards 2022 for a record sixth time. The awards celebrate commercial successes in the business of education, recognising those that have made an outstanding contribution to the industry in the preceding year.

We were judged the winner by a panel of high-profile independent industry experts, who praised the firm's "depth and breadth of sector experience across the board" and our positive impact, saying that we're "changing the dialogue in policy issues impacting the education sector in so many ways".

Mark Blois, National Head of Education at Browne Jacobson, said:

"It's a huge honour for the firm and its education team to be awarded this accolade for the sixth time. This year's award reaffirms our status as a genuine powerhouse in the sector and, over the years, these awards have provided ongoing recognition of the exceptional service we always strive to deliver for our education sector clients."

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