

# Be Connected – Higher education Spring 2024

08 May 2024  Bettina Rigg

Welcome to Be Connected, our quarterly update for higher education institutions.

We aim to provide content that offers you real value together with 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 future editions.

[Get in touch and let us know](#) →

## Legislation and regulatory - Procurement reform

### The new Procurement Act - are you ready for reform?

We've been publishing a series of articles exploring the impact that the Procurement Act 2023 will have for public bodies and universities alike, when new provisions come into force this October.

[Keep up to date with procurement reform](#) →

### Making poor performance a thing of the past

New rules relating to contract performance mean you must measure and report on suppliers' performance and introduces a 'debarment list' of excluded suppliers.

[Read now](#) →

### The evolution of sub-contracting

The procurement act brings greater emphasis on testing the capability and reliability of sub-contractors and ensuring they are subject to strong contractual obligations.

[Read now](#) →

### Landmark judgment in procurement dispute

The recent judgement in OCS Group UK Limited v Community Health Partnerships Limited has implications for procurement and the disclosure of documents in English Law.

[Read now](#) →

### The new carbon reduction contract schedule

A new procurement policy note (PPN 01/24) introduces an optional standard carbon reduction contract schedule that can be included in contracts. Universities are not within scope but may still wish to apply the approach.

[Read now](#) →

## Further legislation and regulatory developments

### OFS on freedom of speech guidance

On 26 March 2024 the Office for Students (OfS) opened its consultation on new guidance for registered higher education providers on the new free speech duties.

The proposals include amendments to the OfS regulatory framework in connection with the new free speech complaints scheme.

[Read now](#) →

### Updated OIA guidance for collaborative learning delivery

The Office of the Independent Adjudicator (OIA) has published revised guidance for higher education providers delivering learning opportunities in collaboration with others.

The revised version of their 'Good Practice Framework: Delivering learning opportunities with others' offers numerous benefits such as broadening offers to students, more diverse learning experiences, and achieving economies of scale, particularly in the case of highly specialist modules with high delivery costs.

In this article we share more detail on the latest guidance, consider the opportunities it creates for universities and share practical advice on how to set-up new partnerships.

[Read now](#) →

### Understanding the ICO's new fining guidance

The Information Commissioner's Office (ICO) has published new guidance for issuing fines for data protection breaches. It provides a detailed framework for determining the level of fines that should be issued, considering factors such as the severity of the breach, the number of people affected and the level of co-operation from the organisation in question.

The guidance also explains the legal framework that gives the ICO the power to impose fines and the methodology the ICO will use to calculate the fine.

[Read now](#) →

### Charity law updates

The Charity Commission recently updated over a dozen guidance documents on matters affected by the Charities Act coming into force.

These changes provide additional flexibility for charities and help to simplify procedures.

The Commission also issued new guidance on accepting, refusing or returning charitable donations.

In this article we break all of this down and explain what it means for higher education providers with registered charity status.

[Read now](#) →

## Support and guidance

### Preparing for the new Digital Information Act and other data protection trends

It's expected that the Data Protection and Digital Information Bill will become law in 2024. The Bill proposes some significant changes, which will provide universities with greater flexibility over the use of personal data and reduce the burden of complying with UK data protection laws.

The Information Commissioner's Office (ICO) is expected to publish specific guidance on the development and use of generative AI models, the use of biometric data, the processing of employment records, and the journalism code of practice.

Effective preparation is key, that's why we offer bespoke support, so that you're well informed and well equipped to manage the new rules effectively while ensuring compliance.

[Read now](#) →

## Cyber-attacks: Failing to prepare is not an option

As universities increasingly rely on technology to conduct their operations and with the rising value of research and personal data, the threat of cyber-attacks looms large.

In this article, we explore the challenges faced by universities in responding to cyber threats and how to take a proactive stance in anticipating cyber-attacks and implementing measures to protect against them.

[Read now](#) →

## Changes to the fixed recoverable costs regime

The fixed recoverable costs (FRC) regime, sets the amount of legal costs the winning party can claim from the losing party in civil litigation. It was extended in October 2023 and further revisions come into force this month.

We've set out the key changes and what they mean for you, in a handy reference guide.

[Read now](#) →

## Upcoming and on-demand events

We're always happy to share practical legal advice, expertise and good practice so we regularly run events which are free to attend, both online and in-person, in support of the sectors we serve.

### Strategies for handling cyber attacks and data breaches

This online event delves into the complex world of breach management - 13 June 2024.

[Find out more](#) →

### Solar panels guide: contractual and liability issues

We discuss the practical, contractual and liability issues involved in installing and operating solar panels - 25 April 2024.

[Watch on-demand](#) →

### Procurement Reform - change is coming, are you ready?

As a part of our Ready for Reform campaign we ran a two part webinar series focusing on various topics - 15 November 2023.

[Watch on-demand](#) →

We're also supporting a range of sector events in the months to come, so if you're in attendance, do come and say hello!

- [UHR Conference \(14 – 16 May\)](#)
- [BUFDG Annual meeting 2024 \(21 May\)](#)
- [PraxisAuril Conference 2024 \(4 – 5 June\)](#)

- [LUPC & SUPC Conference 2024 \(5 June\)](#)
- [ALARM National Conference \(16 – 18 June\)](#)
- [AUDE Summer School \(17 – 20 June\)](#)
- [UHR Senior HR Summit 2024 \(18 – 19 June\)](#)
- [AULP Annual Conference 2024 \(19 – 21 June\)](#)

## You may also be interested in...

### In conversation with inspiring leaders

The #EdInfluence podcast features a wide range of influential leaders from across the education sector and beyond. Guests share their stories, insights and explore the human side of leadership with executive coach and leading education lawyer, Nick MacKenzie.

Hear from Professor Edward Peck, Vice-Chancellor of Nottingham Trent University and Deputy Chair of UCAS. Edward talks about how his childhood, time as a graduate trainee and the early years of his career in the NHS, helped shaped him as a leader:

#### Professor Edward Peck

Vice-Chancellor of Nottingham Trent University and Deputy Chair of UCAS

*“When I was a graduate trainee, I went to spend time in a Victorian asylum, and thought ‘blimey, they’re still doing this to people!’ I got very interested in liberating people. [...] some of the most marginalised people in our society.”*

Listen now →

</insights/edinfluence-podcast-series-3>

## Key contact

Bettina Rigg

Partner

[Bettina.Rigg@brownejacobson.com](mailto:Bettina.Rigg@brownejacobson.com)

+44 (0)330 045 2268