


Be Connected - Winter 2023

27 November 2023  Mark Blois

Welcome to the last edition of 2023 for Be Connected – for schools, academies and trusts.

As always, this issue is packed with the latest legal updates, sector insights and support and guidance from our expert team.

Remember, Be Connected is your space; what would you like to see in future editions?

[Get in touch and let us know](#) →

#EdCon2024 – the power of people

Live online Jan 28 – Feb 1

Explore our annual virtual conference for inspirational ideas and practical guidance on the challenges facing the sector. It's free to attend and learn, with a range of content for all, including:

- Keynotes on trust leadership and measuring success.
- Workshops on managing staff sickness, safeguarding and exclusions.
- Live Q&A on using AI to streamline school workload and processes.
- Tips on de-escalating complaints, SEN admissions, data breaches, TUPE, teachers' pay and more!

[Register now](#) →

Legal and regulatory updates

Transgender pupils in single sex schools

It's not uncommon for single sex schools to ask what position they should take on transgender pupil admissions where the young person is of the opposite sex to the one the school selects.

In the absence of a court decision on this point, this article seeks to explain the law and its different interpretations with the expectation that the Department for Education (DfE) will shortly publish guidance for state schools on this topic.

[Read more](#) →

Is RAAC just the tip of the iceberg for school building safety?

As issues with the presence in schools of Reinforced Autoclaved Aerated Concrete (RAAC) hit the front pages in late summer, discussions were sparked within the education sector around the wider issue of the deteriorating condition of the school estate.

Concerns are widespread. The National Audit Office recently reported that around 24,000 school buildings are beyond their initial estimated design life, and around 700,000 pupils are being educated on a site likely to require significant refurbishment.

It was inevitable that sector leaders would be expecting a swift and decisive response to RAAC concerns, which has proved to be the case. The National Education Union (NEU), has stated that RAAC is just “the tip of the iceberg,” and is actively gathering evidence to lobby for a general increase in spending on school estates.

[Read more](#) →

School exclusions: an update on managed moves

The updated Exclusions and Suspension Statutory Guidance came into effect on 1 September 2023, but the Department for Education (DfE) didn't take this opportunity to change the previous provisions on managed moves, and so it still does not cover the mechanics of how a managed move should operate.

With such a lack of clarity, we receive many questions about how managed moves should operate in practice.

What the Statutory Guidance does say is that a managed move should only be used where it is in the pupil's best interests and where initial interventions have been put in place prior to considering a managed move. Information sharing is required too (including on attainment and risk management) so that the new school is able to support pupils from day one.

[Read more](#) →

Guidance

Education sector contracts – top 10 tips on how to get it right

Contract disputes can be time consuming, stressful and expensive. We see a lot of contractual disputes for schools and trusts relating to catering, cleaning, energy and IT services, as well as the provision of uniforms and other products, many of which could have been prevented by a little pre-contract planning.

Effective contract management can ensure parties minimise risks and avoid disputes arising. In this article we have set out our top tips for avoiding contract disputes.

[Read more](#) →

New guidance published: ‘Understanding faith academy trusts’

We recently published new guidance to provide information about what it means for a faith school to become an academy or to join a trust.

Developed jointly with the National Association of Head Teachers (NAHT), this guidance entitled ‘Understanding Faith Academy Trusts’ is designed to provide senior leaders in faith schools with factual information about the implications and mechanics of academy status – aiming to assist anybody involved in conversations around legal and governance structures relating to their faith school.

[Read more](#) →

Learning, development and insight

#EdInfluence: In conversation with influential leaders

Our podcast is proving to be more popular than ever this year, with conversations exploring the human side of leadership with:

- Sir Julian Hartley, CEO of NHS Providers, sharing his experience leading cultural change in the face of adversity.
- Dame Ann Limb, a philanthropist, mover and Quaker, trying to navigate her way through life by doing least harm to people and planet’.
- Catherine Baker, the Chair of O Shaped and former corporate lawyer, sharing ideas on how to inspire belief to enable progress and the importance of personal connection.

And coming next week we have John Murphy, former CEO of one of the country's largest MATs, Oasis Community Learning.

[Listen now](#) →

Employment

School staff pay survey

Our annual Teachers' Pay Survey is live until the end of the month and for the first time, also encompasses support staff pay.

Each year, we distribute a survey to capture what trusts intend to do in relation to national decisions on teacher pay. Whilst academies do not have to follow the nationally agreed increases, most usually do, reflected in our 2022 survey results.

Obtaining this information allows us to track results over time, to identify trends in pay and pay arrangements across the sector which we share with you. This is vital information that will help trusts understand the national picture and determine pay strategies for the future.

[Complete the survey](#) →

Are parental complaints to schools undermining staff retention?

An article recently published in the Daily Telegraph "Teachers are leaving in droves - and pushy parents are to blame" suggests that the rise in parental complaints is having an impact on staff retention.

We frequently hear from schools and trusts concerns of an increasing 'complaints culture' with parents escalating complaints prematurely, filing claims with the tribunals/courts, escalating to third parties and taking to social media. There is a clear surge in the volume and complexity of parental complaints.

So what toll is this taking on staff? The results of this year's DfE workforce survey showed nearly 10% of the total school workforce - almost 40,000 teachers - resigned last year – that's the highest number on record and parental complaints clearly aren't helping.

It's a significant challenge for many schools and trusts, but we have advice, support and resources that are helping to offset the overhead, stress and reputational risk this can pose.

[Read more](#) →

Holiday entitlement and pay: reforms ahead

The Government has published its response to the previous Retained EU Employment Law consultation. This response has been extended to include not only this consultation but a previous consultation on calculating holiday entitlement for part-year and irregular hours workers.

Draft legislation has also been produced, giving further information as to how these proposals are intended to operate in practice. In this update, we take a look at the proposed holiday entitlement and pay reforms in more detail to see how these may in fact affect existing rights.

[Read more](#) →

Changes to flexible working webinar: opportunities for schools

With changes proposed to legislation around flexible working, we recently held a webinar to explore what this means for schools and consider how it could be a catalyst for change in the sector.

Discussions focused on the proposed legal changes and how these will impact the process for handling flexible working requests and decision-making at schools and trusts.

As always, we provided practical advice and guidance, but we also considered how these changes may pose an opportunity to bring about changes in mindset and culture, whilst ensuring that students and their outcomes remain at the heart of decision-making.

[Watch on-demand](#) →

You may also be interested in...

The latest legal directories have been published and the results showed that we achieved:

- [Top tier across 27 practice areas in the Legal 500](#)
- [Ranked leading specialists across 38 practice areas in Chambers 2024](#)

Our education expertise recognised in latest legal directory rankings

The latest directory rankings from the Legal 500 and Chambers & Partners have been published and we're proud to once again be recognised as one of the country's leading firms advising the education sector. These annual directories reflect extensive research and analysis by the respective teams, who conduct thousands of interviews to select the very best law firms in the UK.

This year, the firm's Education team has again been ranked in the Legal 500 top tier nationally, and all of our regional teams are also again ranked in the top tier for Education.

We would like to express our gratitude to our clients for the fantastic set of testimonials published this year which included:

"As an education client the key for me is getting timely, robust and sensible legal advice that enable my organisation to judge risk and taken informed decisions. Brown Jacobson as our lawyers provide these requirements at an exceptionally high level, with clarity and a great deal of common sense".

"All team members are super approachable and extremely knowledgeable."

"All individuals I have had contact with have been superb."

"The Browne Jacobson education team is exceptional."

"Every single colleague with whom we work in both the legal and HR teams provide an outstanding level of service."

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