


# Be Connected higher education - Spring 2023

 27 April 2023

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 a future edition.

[Get in touch and let us know](#) →

## Legislation

### Data Protection and Digital Information Bill (No.2)

The government has relaunched its efforts to reform the UK's data protection regime by reintroducing the Data Protection and Digital Information ('DPDI') Bill, along with a new set of explanatory notes.

Although the Bill builds on the UK's existing data protection framework, the proposed legislative changes should help reduce the administrative burden on universities and make the processing of personal data more straightforward.

[Read more](#) →

### New proposals to expand network security regulations

The government has published proposals to expand the scope of the Network and Information Systems Regulations 2018 (NIS Regulations), the main legislative vehicle for promoting the security of networks underpinning the UK's essential and digital services.

This article provides a summary of the proposed amendments to the NIS Regulations in respect of:

- its extended application to digital service providers
- the establishment of a risk-based supervisory regime
- the potential implications of these proposals for higher education (HE) and further education (FE) institutions.

[Read more](#) →

### New provisions for higher-risk residential buildings

New provisions for higher-risk residential buildings (HRRB) came into force this month, as the next phase of the Building Safety Act 2022 (BSA) (Commencement No. 4) became law.

This brings into force provisions that are relevant for all persons involved in the construction of higher-risk residential buildings, from initial design to management of the building.

As this will likely have implications for student halls of residence and other accommodation we break down the changes this brings about, what it means for you and how to comply.

[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 customers in the education sector into 3-year contracts from initial contracts of 1-year, giving limited opportunity to look for alternative management information service providers.

[Read more](#) →

## Guidance

### Regulating harassment and sexual misconduct in higher education

The Office for Students (OfS) is proposing a new approach to the regulation of harassment and sexual misconduct affecting students at registered higher education (HE) providers in England. A consultation was issued on 23 February 2023 which runs until 4 May 2023 – the consultation and the associated guidance is lengthy.

The proposals are intended to deliver increasing protection for students, but their impact would extend beyond the student body and place greater obligations on registered HE providers and their staff, moving from a self-regulated regime to a much more prescriptive approach.

In this update, we take a look at the key proposals of the proposed new general ongoing condition of registration (E6) and what these proposals may mean for HE providers.

[Read more](#) →

### What part do HE employees have to play in public inquiries?

With the recent increase in the call for public inquiries in the UK — particularly the Covid-19 Inquiry — we consider the role of Higher Education (HE) institutions and its employees in the inquiry process.

Many within the HE sector have recently been contacted in relation to the Covid-19 Inquiry, due to their role as independent experts to SAGE or similar think tanks, with requests to provide evidence relating to advice they gave, interpreted or disseminated during the pandemic.

So, it's important — now more than ever — for those in the sector to understand the purpose of a public inquiry, how it operates and what to do if called upon to provide evidence.

[Read more](#) →

### Regeneration: what role can universities play?

Universities can play a vital role in the regeneration of their local areas; they reflect and are adapted to their local areas, with a blend of skills, resources, land, and infrastructure.

But how best to go about a regeneration project, one that goes further than a relatively straightforward building project?

In this article we offer guidance on how you might handle regeneration projects to deliver outcomes that go beyond the bricks and mortar – in terms of jobs, homes, economic benefit, and all manner of other social and environmental goals.

[Read more](#) →

## Solar panel projects for higher education institutions

Most higher education institutions (HEIs) will already have introduced the benefits of renewable energy to its campus or estates and if not, will likely be considering how to do so.

The benefits are obvious, from cost savings to appealing to students and potential students who are often quite rightly champions of sustainability and simply doing the right thing for our environment. Uswitch have even started publishing Green University league tables from November 2022.

In this article we focus on one type of renewable energy: solar. We advise on how it may be best implemented within an HEI's estate and detail what assistance is available from the government.

[Read more](#) →

## Higher education projects – the end is nigh?

Since the government announced it will no longer support Private finance initiative (PFI) contracts to finance public sector infrastructure and capital equipment projects, the bulk will start to expire from 2025.

Many higher education (HE) institutions have 'PFI-like' projects with similarities to PFI: a private sector investor which agrees to build, finance and maintain an asset in return for a unitary payment - handing it back to the institution at the end.

Though not strictly PFI, many of the issues raised by the Infrastructure and Projects Authority (IPA) in its guidance on PFI expiry will also apply to HE projects, so in this article we advise on the associated risks and opportunities so you can get ahead of the curve.

[Read more](#) →

## Terminating student lettings: a guide

It's always hoped at the outset of any landlord/tenant relationship that the arrangement will run smoothly, the tenant will pay the rent due, and the parties will comply with their respective obligations.

Unfortunately, this is not always the reality, so it's important for landlords to be aware of their ability to terminate residential lettings and the protection afforded to tenants. This is particularly the case when the tenancy is not a 'standard' residential tenancy, such as student lettings.

[Read more](#) →

## Employment law

### A pandemic legacy: flexibility

Whilst the right to request flexible working has been available for some time, for many employers and employees, the pandemic resulted in a large-scale forced trial of flexible working.

In some cases, this may have been flexibility over hours – particularly for those attempting to take on the role of home-school teacher at the same time; for others, it was a change in location, with homeworking taking centre stage.

This article, written as part of a series of blogs for Universities Human Resources (UHR) considers the challenges and opportunities posed by flexible working in light of the recent four-day week trial and the implications for recruitment and retention at higher education institutions.

[Read more](#) →

## Events

### Knowledge Exchange Framework Conference 2023

This year's Knowledge Exchange Framework (KEF) Conference was an opportunity to share a range of practical insights on knowledge exchange delivery with case studies from higher education (HE) providers.

Among the key speakers at the conference were Browne Jacobson lawyers Nick Smee and Rob Northall who delivered a presentation on Intellectual Property (IP) commercialisation and spinouts.

Find out what was covered and access useful resources for commercialising your IP in this article, as well as learning more about the KEF's IP metrics and how your organisation can benefit from these resources.

[Find out more](#) →

## Upcoming events

With the summer quickly approaching, there are a range of sector events coming up which present plenty of opportunities for collaboration, sharing experiences and good practice and learning to pave the way for the next academic year.

Here is a small selection where we'll be in attendance to share practical advice and support, so we hope to see you there!

### **UHR Conference 2023: Working Well**

**9 - 11 May**

A virtual event taking place on the Hopin platform for UHR member universities. #UHR23 should be a strong source of CPD for everyone working in Higher Education HR.

### **PraxisAuril Conference 2023**

**7 - 9 June, East Midlands Conference Centre, Nottingham.**

The #PrAConf23 agenda is brimming with knowledge exchange themed plenaries and workshops and is to be opened by keynote speaker Professor Dame Jessica Corner.

### **AUDE Summer School Residential**

**12 – 15 June, University of Northampton**

This residential programme will nurture emerging talent in higher education estates and facilities management with delegates hearing from current estates directors and sector experts.

### **NWUPC Conference**

**Wednesday 14 June 2023, University of Manchester**

#NWUPCConf23 is a day packed full of topical sessions, an exhibition of over 50 framework suppliers, and the chance to catch up with other members from across the sector

### **UKUPC Conference 2023**

**6 – 7 September, University of Exeter**

The only HE-specific national conference on procurement, offering a line-up of professional development sessions, an exhibition of 70+ framework suppliers and networking opportunities.

## Key contact

Bettina Rigg

Partner

Bettina.Rigg@brownejacobson.com

+44 (0)330 045 2268

---

## Related expertise

### Sectors

Education

Higher education institutions and  
universities