

Be Connected (schools and academy trusts) - May 2024

21 May 2024

Welcome to the latest edition Be Connected - for schools, academies and trusts.

As always, this issue is packed with the latest legal updates, sector insights, expert advice and guidance from our dedicated team of education lawyers and HR consultants.

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

[Get in touch and let us know](#) →

Sector insight and developments

School leaders survey findings Spring 2024

We've published the results from our latest survey, which shows the detrimental impact the increased volume of parental complaints is having on staff wellbeing and widespread dissatisfaction with government education policy.

Over 200 school leaders completed the survey, which we estimate represent leadership of over 1,800 schools, collectively responsible for nearly 1 million pupils from across all regions of England.

We report on the findings and offer some insights and ideas on how schools and trusts can tackle some of these challenges.

[Read more](#) →

SEND capacity issues leading to non-compliance

The Office of the Schools Adjudicator (OSA) has recently highlighted a growing trend of non-compliance from schools when they are named on a child's Education Health and Care Plan (EHCP).

In this article we examine schools' reasons for non-compliance more closely, in the context of what is being described as a special educational needs 'capacity crisis'.

[Read more](#) →

New leadership for our education team

Our education team is now under new leadership, as Nick MacKenzie has taken over the reins from Mark Blois, who continues his work as a senior partner at the firm.

Nick has been recognised as a leading expert in education by The Legal 500 and Chambers for more than 10 years. Over the past two decades, Mark has led the team through a period of significant growth in both its client base and breadth of work.

Hear about Mark's decision and Nick's vision for the future.

[Read more](#) →

Condition Improvement Funding (CIF) – latest figures released

Latest figures have been released by the Department for Education (DfE) in relation to their Condition Improvement Fund (CIF). The CIF is only available to standalone academies or trusts with fewer than five schools. Of the 4,363 schools eligible, so far only 42% have applied.

Overall, 826 projects at 733 schools been awarded CIF funding, and this funding covers a range of works including roof replacements, boiler replacements and fire safety works.

Don't miss out on the opportunity for some much-needed financial support. Find out if you're eligible via the DfE's CIF portal.

[Read more](#) →

Legal and regulatory updates

Not quite a blanket ban on mobile phones in schools

The Department for Education (DfE) recently released new guidance in relation to mobile devices in schools and prohibiting the use of them through the school day.

It had long been anticipated that the DfE's guidance would advise a ban on mobile devices from schools but the guidance falls short of imposing a blanket ban.

Instead, the non-statutory guidance provides advice and examples as to how schools can ban mobile phones if they wish to do so. As non-statutory guidance, schools and academy trusts are not legally obligated to follow this, but they should consider it when drawing up or amending any policy.

[Read more](#) →

All change at Companies House – Corporate Transparency Act

The first tranche of changes are now in force as part of the Economic Crime and Corporate Transparency Act (ECCTA) and represent a significant shake-up. Alongside providing the Registrar of Companies with new and enhanced powers there are a raft of new functions that companies will need to be alive to.

In this article we explain the changes and what it means for academy trusts.

[Read more](#) →

Changes to academy conversion funding

Schools considering converting to academy status by joining or establishing a multi-academy trust should be aware of the latest eligibility criteria for the £25,000 academy conversion support grant, offered by the Department for Education (DfE).

From 1 September 2024, the terms and conditions for the grant will be updated. It will continue to be paid only to schools approved to join or form a trust as part of a group of three or more schools.

If you've not already started your conversion application and would like it to be considered under the current eligibility criteria, you must register your interest by 26 April 2024 and submit your application by 7 June 2024.

[Read more](#) →

Case law

Can teachers be dismissed for having personal beliefs?

A teacher that held the belief that sex is binary and immutable and should not be confused with gender identity was recently dismissed having failed to follow the college's policy on gender reassignment.

In this article you can find out more about this case and the results of the subsequent Employment Tribunal claim, where the teacher claimed he was subjected to unfavourable treatment for having gender critical beliefs.

[Read more](#) →

High Court dismisses prayer ban challenge

The High Court has dismissed a challenge from a pupil at the Michaela Community School, a secondary school in Wembley, London, who argued that a ban on prayer in the school was a breach of the Equality Act as well as her Human Rights.

There was also a related challenge to two suspensions that the pupil had received on the basis that they were not procedurally fair.

[Read more](#) →

Guidance and resources

Holiday pay: Government change clarifies treatment of term time only workers

On 1 April 2024 the government's Department for Business and Trade (DBT) updated the non-statutory guidance relating to holiday pay and entitlement reforms, providing helpful clarification.

- Carer's Leave Regulation 2024: entitles employees to take one week's unpaid leave in any 12 month period to provide or arrange care for a dependent with a long-term care need.
- Family leave changes: there are extended protections against redundancy which mean that employees on family leave have priority in respect of being offered a suitable alternative role.
- Flexible working update: flexible working is now a day one right, employees no longer need 26 weeks service to request changes. Further changes are expected for summer 2024.

Education employers should now ensure their contractual arrangements with their term time only workers (TTOs) are clear that TTOs are not paid for unworked periods unless they are on holiday.

[Read more](#) →

Revisions to Ofsted's complaints procedure

Ofsted's revised complaints procedure is now fully implemented with the second batch of promised amendments published on 5 April 2024. Where inspection activity has taken place after 4 April 2024, the revised procedure will apply in full.

In this article we provide a practical summary of these changes and consider what this means in practice as well as share some reflections for the future.

[Read more](#) →

Handling parents' unacceptable behaviour

Along with the rise in the number of complaints schools are receiving from parents, schools also report an increase in unacceptable behaviour from parents towards school staff.

This includes communication in person, by telephone, via email or on social media and takes several forms, including swearing or personal attacks, aggressive or intimidating behaviour, excessive or overly complex correspondence or making covert recordings of staff without consent.

We've developed a Parent Behaviour Support Pack to support academy trusts and maintained schools to manage unacceptable behaviour from parents of pupils.

[Read more](#) →

Learning and development

Equip your team to handle complaints effectively

Join the next cohort of our managing complaints in schools CPD training, where you can gain the skills, knowledge and confidence to effectively manage parental complaints.

Over the course of this five-month CPD programme, you'll gain a clear understanding of the legal framework governing complaints, take away best practice advice and make valuable new connections along the way.

Cohorts are limited to a maximum of 30 delegates and fill up fast, especially with group discounts available offering savings of up to £500, so please secure your places now to avoid disappointment.

[Read more](#) →

#EdInfluence: in conversation with influential leaders

Our podcast continues to offer extraordinarily personal insights from some very special guests. Hosted by our head of education and executive coach Nick MacKenzie, recent guests include:

- **Janice Kay CBE**, Director of Higher Futures, Chair of the Board of Trustees for University Maths Schools (U-Maths) and Special Advisor to the Vice Chancellor at the University of Exeter.
- **Dan Kayne**, Founder of O Shaped, whose people-first approach to leadership development creates a much more human and personable way of engaging with colleagues.
- **Professor Edward Peck CBE**, Vice-Chancellor and President of Nottingham Trent University shares insight from social impact projects such as the Mansfield Initiative.

You can access the podcast and subscribe via your [preferred podcast channel](#).

[Listen now](#) →

Upcoming events

Our team of education lawyers and HR consultants are delivering webinars throughout this term to support you with some of the key challenges and emerging issues you face.

These events are free to attend and open to all, just register using the links below and please share with any colleagues you feel would also benefit from attending.

Procurement reform roadshow

The Procurement Act 2023 will 'go live' on 28 October 2024. In anticipation of this date and to assist our clients with the transitional arrangements and the changes the Act brings, we're running events at our Birmingham, Manchester, London, Nottingham, and Exeter offices this summer.

[Find out more](#) →

School complaints: handling problem parent behaviour (webinar)

Along with a rise in the number of complaints schools are receiving from parents, schools also report an increase in unacceptable behaviour from parents which is having a severe, detrimental impact on the wellbeing of school staff.

[Find out more](#) →

The role of company secretary for academy trusts (webinar)

With significant changes in company law and the DfE requirements, it's more important than ever academy trusts gain a good understanding of the changing role of company secretary.

[Find out more](#) →

Getting your school's single central record up to scratch (webinar)

Your single central record (SCR) is a statutory requirement so it's imperative that you get it right. Recent audits have highlighted a range of issues so we're going to share examples of common pitfalls and good practice that will help you to ensure compliance.

[Find out more](#) →

Gender questioning in schools (webinar)

With new DfE guidance on gender questioning children due to be published this summer, now is the time for schools to ensure that their understanding and policies align with the recommended position, in readiness for the next academic year.

[Find out more](#) →

You may also be interested in...

Three newly qualified lawyers appointed to our Education team

Our education practice continues to grow as we welcome three newly-qualified solicitors, Alice Wheatley, Chantice Kyle and Georgina Hall have joined our team after completing their training contracts with us.

Mark Blois, Partner and former Head of Education, explained: "It has been wonderful to welcome Chantice, Alice and Georgina to our education team as our latest newly-qualified solicitors. As our market-leading education practice continues to grow, it is vital we maintain a strong pipeline of young talent to ensure we can continue meeting all our clients' needs".

[Find out more](#) →

Browne Jacobson wins Social Mobility Initiative award at Legal 500 ESG Awards

We're proud to have been recognised for the Best Social Mobility Initiative to Attract and Retain Talent (Outside London) at the Legal 500 ESG Awards. We won the award for our landmark social mobility programme to increase diversity and inclusion across the firm.

The inaugural Legal 500 UK ESG Awards celebrate the very best Environmental, Social and Governance (ESG) initiatives across the UK legal market, with organisations and individuals recognised for their efforts to bring about change across all aspects of ESG; including diversity, equity and inclusion and environmental and sustainability strategy.

[Find out more](#) →

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