

Be Connected: Higher education Autumn 2024

25 October 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.

In this edition we have updates, support and resources covering:

- [Sector developments](#).
- [New legislation and regulatory developments](#).
- [Case law](#).
- [Support and guidance](#).
- [...and more!](#)

Don't forget, 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](#) →

Sector developments

Opportunity, growth and partnership: Reflections on UUK's report

Universities UK (UUK) recently published 'Opportunity, growth, and partnership: a blueprint for change from the UK's universities' which reports on the state of the sector and looks to opportunities for a sustainable future. In this article, we break down the key themes of the report, consider the challenges facing the sector and share our views on the recommendations and what we believe needs to happen next.

[Read more](#) →

Professor Janice Kay CBE appointment

We've strengthened our growing higher education practice by appointing Professor Janice Kay CBE as our special adviser. Her deep sector experience includes two decades in senior positions at the University of Exeter.

Professor Kay said: "This is an important time to be collaborating with Browne Jacobson as the higher education sector is going through significant challenges right now amid a broad range of external headwinds. The sector's requirement for support from its legal advisers is more important than ever."

Hear more from Janice about her ambitions in her role with us and the launch of Higher Futures, a company she's co-founded to deliver support to universities in challenging financial circumstances.

[Read more](#) →

University partnership to investigate ESG impact

Environmental, social and governance (ESG) issues affect all organisations, so through our longstanding Knowledge Transfer Partnership with the University of Nottingham we're conducting research to explore how organisations manage their ESG impacts.

Together, we aim to provide valuable insights into how organisations across both public and private sectors address ESG challenges, set priorities, and implement solutions.

As part of this research, we're inviting you to participate in a brief survey. Please do get involved, the findings will help shape best practice guidelines for effective ESG communication, helping you to achieve your ESG goals and obligations.

[Read more](#) →

Pressure on universities to divest in fossil fuels

In recent years, a growing movement has emerged urging western universities to divest their endowments and pension funds from fossil fuel companies. This movement is driven by the urgent need to address climate change and the significant role that divestment can play in this global effort. However, the path to divestment is fraught with legal, financial and ethical complexities. In this article we explore the issues related to the divestment in fossil fuels by universities and consider where universities fit into tackling the climate crisis.

[Read more](#) →

New legislation and regulatory developments

Procurement Act delay: What's the impact?

If you've been following our [Ready for reform series](#), you'll know that the Procurement Act 2023 should have come into force on 28 October 2024, but has been delayed until 24 February 2025. The delay is a relief for many, especially those not fully prepared for the significant changes the Act introduces.

You now have an additional four months to get acquainted with the new Act. This period is crucial for updating policies, processes, and systems to align with the new public procurement regime. In this article we recommend how you can prepare for these changes.

There are also areas which we've covered since the last edition of Be Connected, which you can access here:

- [Modifying contracts in readiness for the new procurement act](#)
- [The Procurement Act 2023: what's changing and how to prepare](#)
- [The Procurement Act – are you ready?](#)

[Read more](#) →

What does the UK Covid-19 Inquiry mean for universities?

The UK Covid-19 Inquiry was set up to examine the UK's response to, and the impact arising out of, the Covid-19 pandemic. The Inquiry will consider what decisions were made that related to and impacted upon young people and whether and to what extent they were considered during the decision-making process.

The Inquiry has already started to gather evidence and will hear from witnesses during Autumn 2025. The evidence and recommendations will have implications for all those involved in the higher education sector. In this article we share what you need to know.

[Find out more](#) →

Preventing sexual harassment at work

The new Sexual harassment and harassment at work guidance marks a game-changing shift in employer duties, demanding immediate action to prevent sexual harassment and protect staff.

The Equality and Human Rights Commission (EHRC) has now published its final version of the Sexual harassment and harassment at work: technical guidance, which makes it clear that an employer is unlikely to be able to comply with the preventative duty unless it carries out a risk assessment to identify risks and what control measures could minimise the risks. Therefore, all universities should be conducting risk assessments.

The EHRC has also published a new eight-step guide for employers on preventing sexual harassment at work. The guidance makes it clear that whilst this is not an exhaustive list, it is intended that following the steps will help employers to comply with their new preventative duty.

[Find out more](#) →

Labour's employment law reforms: Employment Rights Bill unveiled

The government has published its Employment Rights Bill which sets out 28 employment law reforms. Alongside the Bill, the government has also published a Next Steps document which provides commentary on the Bill together with details of future reforms. In this article we give an overview of the Bill's key provisions and how they may impact employers.

[Find out more](#) →

Case law

Navigating the new norms of flexible working and reasonable adjustments

In the recent case of Pryce v Accountant in Bankruptcy, a civil servant successfully argued that his employer's refusal to allow him to work from home full-time constituted discrimination against him due to his disability.

[Find out more](#) →

Support and guidance

10 top tips for universities handling judicial review cases

Universities regularly face judicial review challenges to their decisions, policies and practices. These can come from a variety of sources – students, staff, guest speakers and lobby or special interest groups.

These challenges can have a substantial impact, draining financial resources and staff time, as well as carrying reputational risks. That's why we've curated these 10 top tips that can help to alleviate this impact, providing practical approaches that are built on our extensive experience acting for universities in a variety of judicial review challenges.

[Read more](#) →

Commercialising university research and innovation

With international student numbers in decline and home student fees often not covering the cost of teaching; diversifying and generating new sources of revenue is now more important than ever. Capitalising on research, innovation and partnering with industry will be integral to universities' growth ambitions and that's where the innovation lifecycle comes in.

The innovation lifecycle is a resource designed to take university projects from research concept to commercial success, with step-by-step expert guidance from our experienced lawyers.

[Read more](#) →

Working together to support student wellbeing

For students, the transition to university, while exciting, can also be fraught with stress, anxiety, and other mental health issues. Following the Abrahart v University of Bristol decision, universities are increasingly aware of their obligations to identify students' mental health needs and to provide appropriate support, and early intervention and support can be critical in ensuring successful support of students.

In this article we consider the limits on the nature and level of support which can be offered by a university and how collaboration with primary healthcare providers is becoming increasingly important.

[Find out more](#) →

New resource to ready you for procurement reform

Are you ready for reform? The new Procurement Act comes into action this academic year and brings significant changes, so it's crucial that HE providers prepare in advance so you can comply with the new rules when making purchases.

With this new legislation introducing new requirements and regulations you'll need to update your processes and procedures so that you can procure services compliantly. That's where we can help.

We've prepared a comprehensive suite of resources which will enable you to prepare, including detailed guidance, risk and impact assessments, checklists, flowcharts, FAQs, and advice on how to populate the government's standard templates that have been issued.

Take the hard work out of getting ready for procurement reform, saving time and avoiding costly mistakes. Get in touch to find out more.

[Find out more](#) →

You may also be interested in...

Top employer for social mobility

We're proud to have secured the number one position in the Social Mobility Foundation's prestigious Social Mobility Employer Index for 2024, marking our third time in the top spot and fourth consecutive year as the leading law firm for social mobility.

The Social Mobility Employer Index is widely recognised as the definitive benchmarking tool for social mobility. The judges were particularly impressed by our innovative approach, commitment to continuous improvement and to having a dedicated social mobility team.

Richard Medd, Managing Partner at Browne Jacobson, commented: "We've long believed that talent can come from anywhere – it should never be defined by background or postcode, and this recognition validates our innovative approach to breaking down barriers in the profession."

[Learn more](#) →

Leadership insights from education influencers

Our popular #EdInfluence podcast is back this year for its fourth series and will again feature some very special guests and valuable leadership insight.

We're particularly excited to hear from Professor Sir Chris Husbands, former Vice-Chancellor of Sheffield Hallam University, Jisc board member and former Universities UK board member who is currently on the HEPI Advisory Board.

We also get to hear personal and professional insights from Cathie Paine, CEO of REAch2 who has grown the trust from four to 62 schools, and United Learning's Chief Transformation Officer Lauren Thorpe, who will be sharing her reflections on the strategic use of AI in education.

[Listen now](#) for leadership insights from across the sector, including past series' episodes (such as [season 3, episode 10](#) featuring our new special HE advisor, Professor Janice Kay CBE) and subscribe to future episodes via [your preferred podcast channel](#).

[Find out more](#) →

Key contact

Bettina Rigg

Partner

Bettina.Rigg@brownejacobson.com

+44 (0)330 045 2268