


Be Connected: Higher education Summer 2024

30 July 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:

- [What does the election result mean for universities?](#)
- [The new Procurement Act: getting ready for reform.](#)
- [The future of higher education regulation.](#)
- [What does Martyn's Law mean for university venues?](#)
- [Court refuses students' Group Litigation Order COVID claims.](#)
- [Procurement challenges: Brookhouse Group Limited v Lancashire County Council.](#)
- [The Innovation Lifecycle.](#)
- [How green leases can help universities reach Net Zero.](#)
- [Commercial contracts – top tips to get the basics right.](#)
- [Managing serious and fatal incidents.](#)

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 and let us know](#) →

Sector developments

Our reflections on the election result and the impact on universities

Bettina Rigg, our head of higher education and Nick Smee, who specialises in intellectual property law said: *“Despite the valuable role that universities can play in the UK's industrial strategy, future skills needs and place-shaping within communities, higher education has not featured significantly in the Labour manifesto.*

“But if Britain is to realise its ambitions of becoming a global science and technology superpower, it must harness the knowledge capital that exists in its universities.”

“This means we ensure those institutions are equipped with the right tools to turn their world-class research into innovative products and services that can power growth in the UK and be exported overseas.”

In this article we recommend where the new government can start and identify the potential opportunities and challenges we face ahead.

[Read more](#) →

Legislation and regulatory developments

The new Procurement Act: get ready for reform

We've been publishing a series of articles and running events exploring the impact that the Procurement Act 2023 will have for public bodies and universities alike, when new provisions come into force in October 2024.

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

What impact will the Procurement Act have on resolving contractual disputes?

A key change is the focus on the entire lifecycle of a procurement, with contract management now within the very definition of "procurement" which means "the award, entry into and management of a contract" under the new Act.

[Find out more](#) →

Bids from overseas suppliers under the Procurement Act

Contracting authorities cannot currently discriminate against overseas suppliers in above-threshold procurements... with the exception of Russia and Belarus.

[Find out more](#) →

'Getting ready to reform – preparing for the new Procurement Bill' webinar

Transformation is just around the corner (hopefully!). A simpler, more flexible and transparent public procurement has been promised, with the new Bill nearing its final stages, anticipation is building.

[Available on demand](#) →

The future of higher education regulation

"Fit for the Future: Higher Education Regulation towards 2035" by Sir David Behan constitutes a deep and thoughtful review of the state of the English HE regulator, on the back of "Must do better: the Office for Students and the looming crisis facing higher education".

The Independent Review contains 32 recommendations on how to improve HE regulation in England. The appointment of the independent reviewer as the new interim chair of the Office for Students by the Secretary of State has provided us with the strongest steer to date on our new Labour government's position on HE.

Our team has reviewed the Independent Review and share their observations, reflections and some key considerations.

[Read more](#) →

What will 'Martyn's Law' mean for university venues?

The Terrorism (Protection of Premises) Bill, also known as Martyn's Law, is a draft piece of legislation that was proposed in the UK following the tragic terrorist attack at the Manchester Arena in 2017. The law is named after Martyn Hett, one of the victims of the attack, and seeks to improve public safety by requiring venues and public spaces to have a clear plan for dealing with potential terrorist threats.

While the law has not yet been passed, Sir Kier Starmer has pledged to introduce it under the Labour government. In this article you can find out what it means for events venues and university campuses and consider the steps to prepare for this new legislation.

[Read more](#) →

Case Law

Court refuses students' group litigation COVID claims

At a case management conference last month, the High Court refused the claimants' application for a Group Litigation Order (GLO). The claims were made by current and former students against University College London (UCL) and concerned an alleged breach of contract

arising from in-person tuition being disrupted due to COVID-19 and strikes.

The claimants argued that a GLO would effectively manage the claims in terms of being an effective means of resolving common issues whilst still enabling individual issues to be determined.

[Read more](#) →

Time limits for procurement challenges

The High Court has handed down Judgment in the case of Brookhouse Group Limited v Lancashire County Council. In the case, the challenger issued its claim, seeking a Declaration of Ineffectiveness, four months after contract execution.

The decision hinged upon the fact that, during correspondence, the council informed the challenger of the contract award and shared its view that a procurement procedure was not necessary on the basis that the Development Agreement in question had arisen out of an agreement procured ten years earlier.

As more than 30 days had elapsed from provision of this information to the challenger issuing its claim, the Council sought to have the challenger's claim struck out in its entirety.

[Read more](#) →

Support and guidance

New resources to aid university innovation

This year's annual PraxisAuril Conference saw the launch of the Innovation Lifecycle, a new resource that we've designed to take university projects from research concept to commercial success, with step-by-step expert guidance from our team of experienced lawyers.

Launching at the PraxisAuril Knowledge Exchange Conference 2024 in Blackpool, the Innovation Lifecycle aligned closely with the event's theme of 'Change – The Impact of Knowledge Exchange in a Changing World'.

Designed to support universities to capitalise on the latest support and funding that's available, the Innovation Lifecycle will help to translate research into commercial opportunity, maximising impact, improving commercial sustainability, driving growth and in the long term, helping to reduce dependency on student fees.

[Find out more](#) →

How green leases can help universities reach net zero

We recently delivered a session at this year's annual Association of University Legal Practitioners (AULP) Conference, advising universities on how they can capitalise on green leases to help deliver on their ambitions to reach Net Zero.

The session explored the 50 shades of green leases, from the light green to the dark green and how they can help achieve Net Zero and provided advice on best practice in cultivating a healthy green lease.

Don't worry if you missed out, you can find out more in our follow-up article.

[Read more](#) →

Commercial contracts: Top tips before signing on the dotted line

When contracting with another party (or parties), it's important to engage in proactive negotiations to ensure that you are happy with the terms of the contract and that they meet your requirements. Unfortunately, disputes often arise somewhere down the line which could be prevented by a little TLC during the negotiation stage.

For anybody keen to get the basics right before entering into a contract, we've prepared a few top tips to minimise risk and avoid disputes arising.

[Read more](#) →

Managing fatal and serious incidents

It's vital that universities manage the duties imposed by legislation to ensure the health and safety of staff, students and visitors.

This includes providing a safe and healthy environment for work and study, identifying and managing risks, and providing appropriate training and information to staff and students.

Effective preparation is key, that's why we offer bespoke support, so that you and your key stakeholders are well informed and well equipped with the plans and processes to manage incidents confidently.

[Find out more](#) →

You may also be interested in...

Reflections on inspirational leadership

In the final episode of this series of our #EdInfluence podcast, Nick MacKenzie hosts a special retrospective with colleagues and fellow executive coaches Emma Hughes and Iain Blatherwick. Together, they reflect on the highlights, recurring themes and hard-hitting ideas shared by guests throughout Series 3 of #EdInfluence.

Hear them discuss different leadership qualities and consider how powerful storytelling can be for effective leadership, building connections and a sense of belonging.

Listen now to hear more reflections on the powerful leadership insights we've gained this series and subscribe to future episodes via your [preferred podcast channel](#).

[Listen now](#) →

Key contact

Bettina Rigg

Partner

Bettina.Rigg@brownejacobson.com

+44 (0)330 045 2268