

Be Connected (Schools) - May 2023

12 May 2023  Mark Blois

Welcome to Be Connected, our termly update for schools, academies and trusts. As always, this issue is packed with the latest legal updates, insights from the sector and experts' support and guidance from our team.

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

[Get in touch and let us know](#) →

Policy and legal updates

How multi-academy trusts are involved in school inspections

Ofsted recently published research and analysis on how multi-academy trusts (MATs) are involved in inspections with the aim to reflect how inspectors and trust leaders view the role of MATs in the school inspection system.

At present, the legal framework only permits inspection of the effectiveness of the school, not the MAT. Whilst MAT leaders are now routinely involved in the inspection of their schools, there is still inconsistency in the extent of this involvement and the precise role MAT leaders play.

Ofsted's latest research recognises that this can cause ambiguity and frustration during inspection as the role of the trust cannot be sufficiently evaluated and reported on.

[Read more](#) →

Unpacking the Academies Regulatory and Commissioning Review

The Department for Education (DfE) recently published the Academies Regulatory and Commissioning Review, which sets out a framework for increasing the impact of the academies system.

As pledged in the Schools White Paper in March 2022, the DfE launched a review of school accountability and regulation in June 2022, intending to “future proof” the role of academy trusts and “pave the way” for the conversion of all schools to academy status.

The review has now been published and is focused on near-term changes to:

- improve regulatory structure to be more proportionate and effective
- make better and more transparent commissioning decisions
- enhance support for trust improvement and growth to facilitate a self-improving system.

Mark Blois, Nick MacKenzie and Katie Michelin recently delivered a webinar looking at each of these three themes in turn, considering the implications for schools and trusts.

[Watch on-demand](#) →

Academies regulatory review and parent complaints

As part of the Academies Regulatory and Commissioning Review covered in the article above, the DfE promised to look at parent complaints. This will be welcome news to many, given how we have seen a steady increase in the number and complexity of complaints, particularly complaints from parents.

In the short term, the DfE has committed to updating the GOV.UK page on complaints to clarify:

- which organisations should be engaged on certain complaints and at different stages
- what is in or out of scope for different organisations
- the ways in which complaints data informs key processes and its limits

The DfE has also committed, by Autumn 2023, to introduce a revised data sharing agreement with Ofsted, to support better information sharing around safeguarding and complaints, alongside continued work to reduce duplication.

[Read more](#) →

DfE statistics on suspensions and exclusions published

The DfE has published the latest statistics on suspensions and permanent exclusions in state-funded schools from the spring term 2021/22. Unsurprisingly, both suspensions and permanent exclusions have increased when compared to the same term in the previous two years (due to the impact of school closures as a result of the COVID-19 pandemic).

Rates of permanent exclusion are still at lower rates than in pre-pandemic years, whereas rates of suspension appear to be much higher. In this article we run through the headline statistics and offer advice and signpost resources for effectively managing school exclusions.

[Read more](#) →

Case law

Safeguarding information in references

Two teachers successfully sued their former employer for defamation in the recent case of *Smith and Anor v Surridge & Ors (2023)*. The reference request from an agency asked, "Have there been any allegations or concerns raised against the applicant relating to the safety and welfare of children or young people or vulnerable adults or relating to behaviour towards children or young people or vulnerable adults?"

The school responded confirming that there had been "some safeguarding issues" during the teachers' employment. The teachers denied that there were any safeguarding issues and no safeguarding findings had been made against them. The teachers' job offers were withdrawn.

The High Court found that the phrasing used meant that something had actually happened that gave rise to a safeguarding issue, rather than there being a mere allegation. Since no particular safeguarding findings had been made by the employer, the reference was determined to be defamatory.

[Read more](#) →

Employment

Industrial Action Update

This update covers three key developments relating to the ongoing strikes across schools in England and Wales:

1) NEU strike action and dispensation guidance

On 3 April 2023 the National Education Union (NEU) announced that their members have voted to reject the Secretary of State's latest pay offer for teachers, with almost 98% of those voting electing to reject the offer. Further strike days were also announced.

2) ASCL confirm ballot

On 20 April 2023 the Association of School and College Leaders (ASCL) confirmed that for the first time in its 150-year history it intends to hold a formal strike ballot with its membership, with just over 50% of its members having previously voted in favour of a ballot being held.

3) Updated DfE strike guidance

The DfE has updated its guidance, 'Handling strike action in schools'. The revised guidance includes further detail regarding prioritisation of places in schools during strike action.

[Read more](#) →

Flexible working in schools

With reports of teacher and school leadership vacancies last year being two-thirds higher than in pre-pandemic 2019, never before has recruitment and retention been so challenging.

In conjunction with Timewise Foundation we recently brought together a panel of leaders to share experience of embedding flexible working practices, considering the practicalities and the impact on staff engagement.

During the webinar we considered the concerns and common misconceptions school leaders share regarding flexible working and shared ideas, tips and examples to show how to build flexible working into your workforce strategy.

[Watch on-demand](#) →

Guidance

The Online Safety Bill – what does it mean for schools?

The Online Safety Bill aims to make the internet a safer place for all users, including children (i.e. those under the age of 18), by prohibiting providers of user-to-user services (i.e. social media platforms) from hosting illegal or harmful content.

When passed, the legislation will mark a milestone in the fight to hold the biggest and most popular providers of social media platforms to account and the legislation is expected to be extraterritorial. This means that the legislation will apply to any site accessed from the UK regardless of where the site is based.

It marks one of the biggest planned changes to date in the way online tech companies are held responsible for content that appears on their platforms.

[Read more](#) →

Government guidance on trans-pupils imminent

Long-awaited guidance on supporting pupils experiencing gender dysphoria is expected to be published by the summer term. This will come as welcome news to schools and colleges, many of whom are trying to navigate complex issues in the midst of an increasingly polarised debate around supporting trans-pupils.

Whilst some reports have stated that the guidance is expected to say that schools 'have' to tell parents if pupils want to change their gender, start using a new name or wear a different uniform, there are likely to be caveats to this based on safeguarding considerations.

[Read more](#) →

RSHE – ready for a review?

Given the importance Relationships, Health & Sex Education (RHSE) plays in the curriculum and as a building block for healthy, respectful relationships the review planned by the government aims to ensure that this is being carried out and taught appropriately at all levels.

The aim is that the proposed review will be completed by the end of 2023 and will be carried out by a team of experts. They will look at how the curriculum is introduced to different age groups and whether age-ratings should be introduced for different topics. The statutory guidance will be reviewed and if necessary updated.

[Read more](#) →

Events, learning and development

Best practice complaints management for schools and trusts

Webinar 10-11am Tuesday 23 May

Have you seen an increase in the number and complexity of parent complaints you have to handle? If so, you're not alone.

Getting school complaints management right from the outset can reduce overall workload and avoid time-consuming and potentially damaging referrals to regulatory authorities.

Hear from education lawyers Victoria Hatton and Tamara Dasht in this interactive webinar on how to effectively manage complaints.

[Read more](#) →

Fit for purpose contracting: enhancing commercial capability

Continuous professional development June 2023

Discover how to procure contracts correctly and legally and achieve effective contract management with our contracting development programme. Devised and led by our team of procurement and contracting experts, this programme is delivered over three consecutive weeks, with six hours of online contact time.

During this interactive programme you'll be in discussion with other schools and academies and we'll ensure all of your questions on contracts are answered.

[Read more](#) →

You may also be interested in...

School Leaders Survey – help build sector insight

We're launching our new termly School Leaders Survey and inviting the leaders of the nation's schools and academies to share their views.

For many years we ran a popular annual school leaders survey so we're delighted to be re-launching on a termly basis. The survey is open to school leaders and trustees/governors and seeks to gather views on a range of key policy issues as well as challenges and priorities of the day. The survey will be anonymous so it's an opportunity for you to tell us what you really think.

We will report the findings to you in an easy access way to help inform your thinking and so we can work together to influence policy and identify priority areas for closer collaboration.

We've kept it tightly focused and easy to respond so it'll take you less than ten minutes to complete. The results should be really interesting – we look forward to sharing them with you soon.

[Find out more](#) →

Team developments

We're pleased to share news that Browne Jacobson has grown its partnership with the promotion of two members of our team. We hope you'll join us in congratulating education lawyer [Katie Michelson](#) and our head of HR Services, [Emma Hughes](#), both of whom have been promoted to partners.

Katie said: "I feel very proud to join the partnership. I was a trainee of the firm (many years ago now!) and so to become a partner at the same place where I started feels particularly meaningful. The education team has gone from strength to strength during that time and I am excited to be part of shaping its future."

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