

Be Connected higher education - Summer 2023

19 July 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

Freedom of Speech — how to prepare for the new statutory duties

The hotly-debated Higher Education (Freedom of Speech) Act 2023 places new duties on the sector, meaning that policies and procedures should be updated and staff trained on the new legal requirements.

Whilst the majority of new provisions have yet to be brought into force by way of secondary legislation, we recommend universities get everything in order ready for the start of the new academic year.

In this article, we set out the core duties introduced by the Act that are placed on governing bodies and students' unions and provide advice on what you need to do in readiness.

[Read more](#) →

New guidance on Subject Access Requests (SARs)

Dealing with requests by individuals to provide obtain a copy of the personal data held by your organisation is a common occurrence in modern life. This includes where you got their information from, what you are using it for, and with whom you are sharing it. With strict time limits it pays to have a good understanding of your obligations up front. To help organisations navigate through the most common problem areas of responding to a SAR, the Information Commissioner's Office (ICO) has recently issued some new guidance for employers. In this article, we run through the key points and share advice relevant to higher education institutions.

[Read more](#) →

[Read the ICO guidance](#) →

Higher-risk buildings — are you ready for 30 September 2023?

There are less than three months to go until the deadline for registration of higher-risk buildings with the Building Safety Regulator set up under the Building Safety Act 2022.

Expected to affect around 13,000 existing buildings in England, registration is a significant undertaking that will affect many landowners such as higher education institutions.

This article examines the key questions building owners and developers should be asking themselves and the consequences of failure to register.

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 your campus estate, and how to comply.

[Read more](#) →

The Charities Act comes into force

New provisions of the Charities Act 2022 came into force 14 June 2023, as [announced by the Department for Culture, Media and Sport](#).

The changes include a couple of new regimes that will be of particular interest to many charities, relating to the disposition of land and permanent endowments.

However, universities registered with the Office for Students remain outside of these new regimes.

[Read more](#) →

Case law

Student suicide and universities' duty of care

Natasha Abrahart took her own life on 30 April 2018. She was in her second year of studies at the University of Bristol. Her bereaved family, understandably, sought answers.

They brought a claim for compensation against the university and the court found that the university had not made reasonable adjustments for Natasha's known mental health illnesses, in breach of the Equality Act 2010.

However, the claim in negligence was not successful, on the basis that the university did not owe a duty of care to her.

In this article we explore universities' duty of care, what you can do to support your students' health and welfare, and consider the implications of the Abrahart judgment.

[Read more](#) →

Subsidy Control — lessons to be learnt from Bulb

The Bulb judgment is one of only two subsidy control cases which have been brought before the UK courts since the UK left the European Union.

While the case related to alleged non-compliance with the subsidy control principles in the Trade and Cooperation Agreement implemented in domestic law, it highlights important principles that are likely to carry over to the Competition and Appeals Tribunal's application of the Subsidy Control Act 2022.

[Read more](#) →

Guidance

Addressing modern slavery in practice

Sadly, severe human exploitation is a very real and longstanding issue in many parts of modern society. Higher education institutions must be vigilant to the risks, in order to spot warning signs early, and manage cases compassionately and within the limitations of the law.

In this short video, we highlight some of the things to look out for and signpost to helpful resources. If you'd like to discuss your obligations under the Modern Slavery Act, please get in touch.

[Watch the video](#) →

Harnessing the potential of knowledge exchange and innovation

We were delighted to sponsor this year's PraxisAuril Annual Conference, which attracted a broad selection of members of the knowledge exchange, innovation and research communities across a wide spectrum of universities and higher education (HE) providers.

In this article we share insights from the conference, including an example of a recent knowledge exchange (KE) partnership with the University of Nottingham's Sociolinguistics team to improve accessibility of policy documents, and share some useful resources for taking Intellectual Property (IP) to market.

[Read more](#) →

You may also be interested in...

Key partner appointment

We are excited to announce the appointment of Nathalie Jacoby-Danesh, who brings extensive experience advising higher education institutions on a broad range of matters, including corporate law, governance, funding arrangements, mergers and acquisitions, and collaborative joint ventures.

Nathalie, a qualified lawyer in England and Wales and an "Avocat à la Cour" in Luxembourg, will also head up the firm's charity and not-for-profit sector team. The team currently advises national, regional and local charities, not-for-profit organisations, social enterprises, membership organisations, community groups, schools and colleges, churches, welfare and professional associations on all areas of charity law.

[Read more](#) →

#EdInfluence podcast — back by popular demand

We are excited to announce that our popular education podcast is to return for a new series.

Hosted by education lawyer and accredited executive coach Nick MacKenzie, the podcast features interviews with influential leaders from across the education sector and beyond to explore the human side of leadership. In his inimitable style, Nick has a knack of unearthing the secrets of good leadership from his guests.

Here is what he says we have to look forward to in the third series of #EdInfluence: "We want to hear stories from a diverse range of leaders from different sectors, at different stages of their leadership journey. The emphasis will be on sharing relatable, human stories that influence listeners' thinking and, hopefully, their actions!"

New episodes of #EdInfluence will be published soon and available across all the usual podcast channels.

[Read more](#) →

A magnificent seventh EducationInvestor Award!

Our education team has won the "Legal Advisor of the Year — to Education Institutions" category at the Education Investor Awards 2023 for a record-breaking seventh time, reaffirming our position as a true powerhouse in the sector.

Judged by a panel of high-profile independent industry experts, the firm was shortlisted alongside an array of national and international firms.

Mark Blois, National Head of Education at Browne Jacobson, said: "*To win this important award for the seventh time is recognition of the strength and depth of the expertise of our people and testimony to the significance, quality and consistency of the work that they do within the Education sector.*"

[Read more](#) →

#BeingBrowneJacobson — fostering a leading education practice

In this series, which explores the culture of the firm and what makes us unique, Mark Blois, our Head of Education and one of the firm's longest-serving partners, has shared his experience of being a leader in the legal sector and the advice he has for young lawyers entering the profession.

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