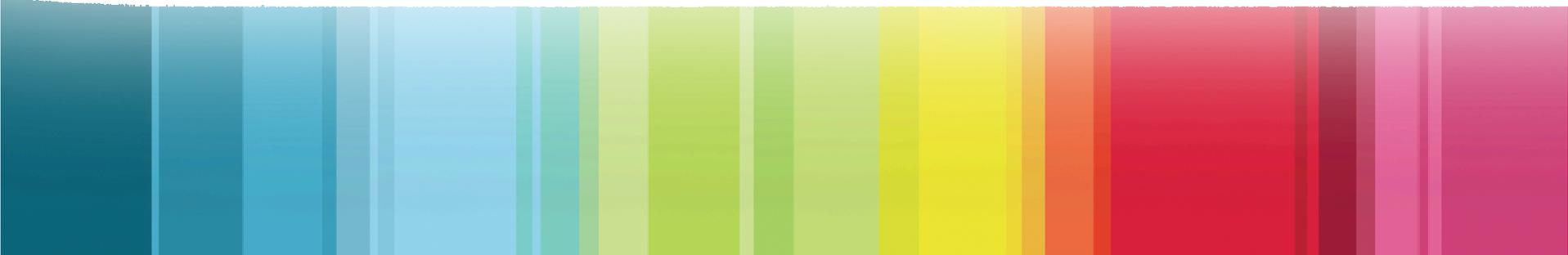


muckle^{LLP}



Diocesan Conference Legal Update

Presented by
Tony McPhillips and Luke Donockley



Looking forward / looking back



- **Looking back:**
 - Employment Tribunal Fees

- **Looking forward:**
 - Gender Pay Gap Reporting - 30 March 2018
 - Tax Changes – 6 April 2018
 - GDPR - 25 May 2018
 - Brexit – 29 March 2019

Looking back



- **Some interesting school / education based cases:**
- *O'Brien v Bolton St Catherine's Academy* - when is it reasonable to dismiss in a long term absence situation?
- *Agoreyo v London Borough of Lambeth*- the risk of a “knee jerk” suspension of an employee
- *Drossou v University of Sunderland*- calculation of a “week's pay” should include employer's pension contribution

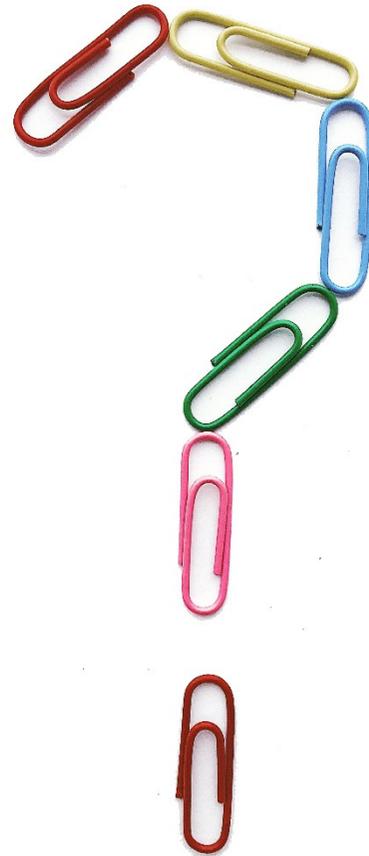
Looking forward

- 6 April 2018 – changes in relation to taxation of termination payments and the application of the £30,000 tax free threshold will come into effect



What's on the horizon?

- Subject access requests
- Ofsted challenge
- Powers of search
- Social media

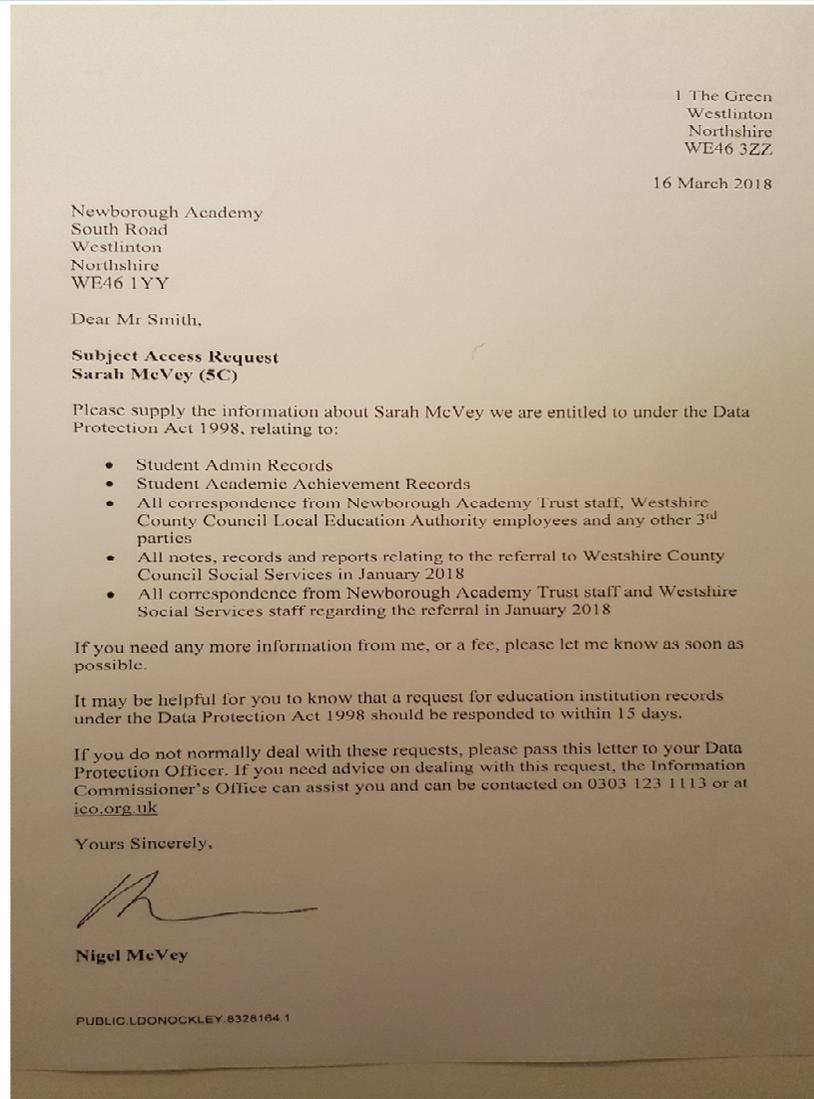


Subject access requests



- What is a 'subject access request'?
- Data Protection Act, GDPR or the *Education (Pupil Information) (England) Regulations 2005 (SI 2005/1437)*?
- Differences:
 - ✓ Whose right is it?
 - ✓ What are they entitled to?
 - ✓ Timescales
 - ✓ Charges
 - ✓ Academy or maintained school?

A little bit of knowledge...



- Newborough Academy
- PIR or Data Protection Act?
- “education institution records”
- “...a request for education institution records under the Data Protection Act 1998 should be responded to within 15 days”
- Why worry?

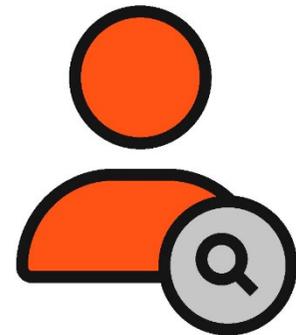
Legal challenges to OFSTED

- Increasing propensity to challenge poor inspections
- Is it really worth it?
- How does it work in practice?
- Legal cost of a challenge?



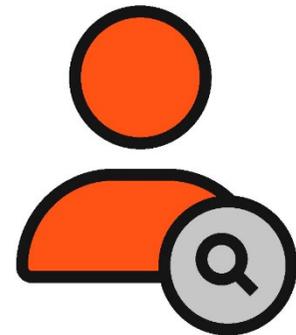
Powers of search

- **Searches with consent:**
 - formal written consent?
 - suspicion
 - behaviour policy and communications
 - disciplinary penalties
- **What is consent?**



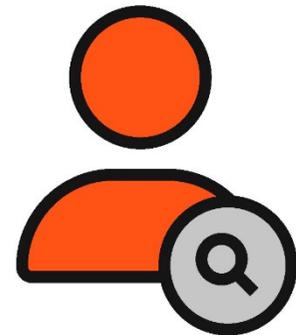
Powers of search

- **Searches without consent:**
 - ‘prohibited items’
 - reasonable grounds to suspect
 - “JOG”
 - reasonable force for prohibited items



Powers of search – some thoughts

- Be sensitive – this is ‘stop and search’
- Excessive powers?
- Some practical points



Social media - parents



- Bad publicity and defamation
- Individuals and harassment
- ‘Click here to report’
- Police?
- The old-fashioned approach

Social media and staff



- Social media policy
 - Relationship with students
 - Anonymous employer
 - Security settings and public profiles
 - Be careful what you like
 - Who should it apply to?

Any questions - contact me



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