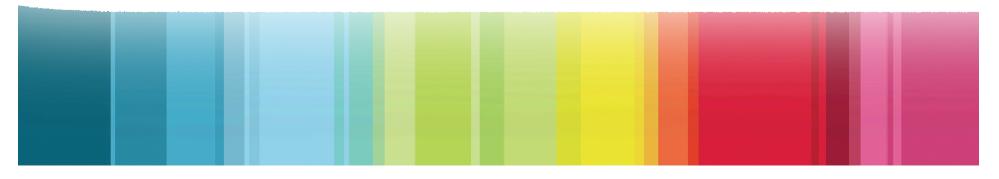
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Diocesan Conference Legal Update

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

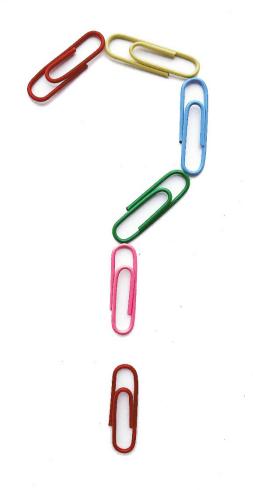
Looking forward

 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...

	1 The Green
	Westlinton
	Northshire
	WE46 3ZZ
	16 March 2018
Newborough Academy	
South Road	
Westlinton	
Northshire	
WE46 1YY	
Dear Mr Smith,	
Subject Access Request	
Sarah McVey (5C)	
Sarah Mevey (SC)	
Please supply the information about Sarah McVey we are	antitled to under the Data
Protection Act 1998, relating to:	entitled to under the Data
Student Admin Records	
 Student Academic Achievement Records 	
 All correspondence from Newborough Academy T 	rust staff, Westshire
County Council Local Education Authority employ	ees and any other 3rd
parties	
 All notes, records and reports relating to the referra 	1 to Westshire County
Council Social Services in January 2018	
 All correspondence from Newborough Academy T 	
Social Services staff regarding the referral in Janua	ry 2018
If you need any more information from me, or a fee, please	let me know as soon as
If you need any more information from me, of a ree, picase	siet me know as soon as

It may be helpful for you to know that a request for education institution records under the Data Protection Act 1998 should be responded to within 15 days.

If you do not normally deal with these requests, please pass this letter to your Data Protection Officer. If you need advice on dealing with this request, the information Commissioner's Office can assist you and can be contacted on 0303 123 1113 or at ice.org.uk

Yours Sincerely,

Nigel McVey

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- 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?

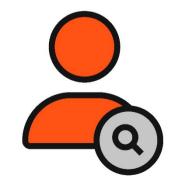
Legal challenges to OFSTED

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



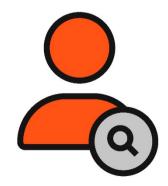
Powers of search

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



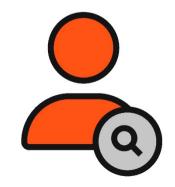
Powers of search

- 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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