



Introduction

Thank you to those who sent notes of appreciation after the first edition last month. These circulars will bring clients and Education Answers users some added value in the form of a 10 issues a year circular with brief digests of relevant information – short, useful, interesting, and up to date.

The Queen's Speech

Everyone knows there wasn't much in it; notable for what was not said about grammars, academies, and nothing very definite about funding either. Some pundits are wondering if something is coming on admissions but we are not hearing anything to confirm this – as yet. A new **Data Protection Bill** and **Digital Charter** were announced – more on this below. The House of Commons Library has published a paper on what may be the [Key Issues](#) in the next two years.

Trending issues

1. Charity and Educational Trusts: We are aware that some provisions of the Trusts (Capital and Income) Act 2013 as it applies to trust funds may have some far-reaching consequences, and not every aspect of the extent to which they may be applied to, e.g. Uniform Statutory Trust monies, is yet clear – nor indeed, the wisdom of seeking to do so. We are working with the Charity Commission and our high-level networks to give clear guidance but in the meantime counsel caution in using these provisions.

2. Accounting for the asset value of trustee-owned church school sites by academy trusts – IMPORTANT NEWS

The latest edition of the **Academies Accounts Direction** (published in the days after the general election results were known) gives guidance on the above. Pages 116 and following are key, and we have updated our [Education Answers](#) paper "[Signing the Church Supplemental Agreement](#)" to describe the correct approach. Our paper says, *inter alia*, at para 2.2.2. "It ... set[s] out the rationale why land used by a school under the supplemental agreement may not be accounted for as a fixed asset and leaves each academy trust to draw a conclusion in that respect. It is our view that the only conclusion that could be drawn is that this land is not a fixed asset, and we suggest that trustees of church school sites, and Diocesan Boards of Education (or Finance) should, either directly or through their Member representation on the Academy Trust, insist that this is the case." Please refer to the [original document](#) (which has statutory force as a supplement to the Academies Financial Handbook) and to [Education Answers](#) for more background.

3. Data Protection legislation

A very big change is coming next May in the form of the **General Data Protection Regulation (GDPR)**. Part of European regulation, the Information Commissioner's Office advise that "The GDPR will apply in the UK from 25 May 2018. The government has confirmed that the UK's decision to leave the EU will not affect the commencement of the GDPR." It has some very major implications for schools and academy trusts, DBEs, (and lawyers!). Reactions to it seem to range from reluctance to very great reluctance – no one is enthusiastic about it – and it will burden administrative staff, charities, and school offices particularly. So our seminars on 19th September ([booking details here](#)) and 14th November will bring some introductory input, which will be **important to know**, to help us discover what these new obligations will mean in practice.

4. Copyright for materials produced in employees' time

LBMW put together [a piece for Schools Week](#) which generated a lot of interest from teachers and others, who clearly believe that they ought to have certain rights over the intellectual property in lesson plans they produce, either in directed hours or outside them. Employers who are concerned about this should check that relevant contracts make the correct stipulations about ownership of copyright in such materials. We have seen examples of contracts which do require employees to work additional hours for the preparation of lessons, teaching material and teaching programmes beyond the stipulated number of days per annum, but do not make clear to whom the copyrights in such material belong. Please call us or email to discuss further.

Forthcoming seminars and events from LBMW

The next Circular, no. 003, will issue in September. On the 19th September our annual EDUCATION AND PROPERTY LAW UPDATE FOR CHURCH SCHOOLS (programme below) will be held at LBMW Offices, 1 The Sanctuary, Westminster, SW1P 3JT. Book now through www.educationansers.co.uk/events.

Programme

- 11:00 Refreshments
- 11:20 Welcome and Introduction
Howard Dellar, Partner and Head of Education, Ecclesiastical, and Charity
- 11:30 Session 1 (with plenary)
School Property - latest thinking and legal progress
Robert Cottingham, Partner and Head of EEC Property and
update on PSCs* and Company Law -
Susan Newell, Associate
- 12:15 Session 2 (with plenary) - Futureproofing Fundraising
for Schools and MATs and Charities
Paul Courtney, Director, Kairos Fundraising Solutions
- 13:00 Lunch
A sandwich lunch is provided
- 13:45 Session 3
New developments and updates in Education Answers
Simon Foulkes
- 14:15 Session 4
Here comes trouble - the new Data Protection legislation
Ed Henderson, Partner
- 14:45 final Plenary
- 15:00 Close



*PSCs - persons of significant control

www.educationanswers.co.uk is now a vital resource for all involved in school organisation, academy conversion, and education administration. LBMW runs [regular seminars and conferences](#) for all involved in the issues affecting schools, universities, colleges, and academies. Please contact simon.foulkes@lbmw.com or call 202 7960 7134 for details.

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