



Education Predictions 2024

For further information or enquiries, please contact:

Andy Crocombe

Partner
ancrocombe@dacbeachcroft.com
+44 (0) 117 918 2283

Becky Lea

Senior Associate
blea@dacbeachcroft.com
+44 (0) 117 918 2739



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1. The number of education related claims will continue to increase substantially

The number of pupils that require special educational needs (SEN) support has increased appreciably over the last few years, with 1 in 5 of all school pupils now requiring SEN support. Given the duties on schools, colleges and universities to provide such support and make reasonable adjustments, it is unsurprising that the increased demand is placing a real burden on all educational establishments, especially those already grappling with stretched budgets. Against this backdrop, it is also unsurprising that there was a 29% increase in Special Educational Needs and Disability (SEND) Tribunal applications in 2021-22 and we predict that the volume of claims and/or applications to the SEND Tribunal will continue to increase substantially for the foreseeable future.

2. The closure of schools, colleges and universities affected by RAAC may result in an increase in claims for failure to educate and discrimination

The widely publicised collapse this summer of three Reinforced Autoclaved Aerated Concrete (RAAC) concrete planks that were previously classified as non-critical prompted the decision to close over 100 schools just before the start of the new term. The number of schools affected has since risen to 214, together with 16 universities. The government has pledged to spend whatever it takes to keep children safe, but there is concern in some quarters that this will come at the expense of the promised investment in special educational needs and disability provision. With the number of students requiring such support only increasing, we consider that an increase in claims for failure to educate and/or discrimination may come as a knock-on effect of the investment required to remedy RAAC issues, as well as claims relating to failure to educate for those students affected by closures and amended timetables.

3. Universities will face more claims arising from failure to protect against harassment and sexual misconduct

In 2020 the Office for Students (OfS) published guidance to Higher Education (HE) providers in England about the effective systems, policies and processes that they needed to implement to prevent and respond to incidents of harassment and sexual misconduct. Following a review in 2022, they identified clear variations in practice and an overriding view that not enough progress had been made. In light of those concerns, OfS have consulted on whether to impose regulations designed to ensure that students are protected from harassment and sexual misconduct. Harassment and sexual misconduct remain a big issue on campus, particularly targeted against females. Given the failure of some HE providers to adopt strong prevention strategies, we predict an increase in the number of cases, including those arising from student on student incidents, being made against HE providers including discrimination claims for breach of the Equality Act 2010.

4. Expect more data breach claims in the education sector

Following the move to online tuition during the COVID lockdowns, recent years have seen a number of education establishments fall victim to cyber-attacks, with threat actors obtaining personal data and seeking to extort ransoms, and as a result some data subjects affected presenting claims for damages. While claims for damages following cyber-attacks may be expected, data breaches also arise where data is disclosed accidentally, as the Information Commissioner's Office has highlighted following recent losses of data by police forces. Despite a number of recent judgments and the extension of fixed recoverable costs, given the financial pressures faced by many claimants, claims for damages following data breaches are expected to continue to be presented.



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5. Increased risk of fires caused by e-scooters in student accommodation

With the increased use of e-scooters and e-bikes comes the challenge of how and where students charge the batteries given the shortage of suitable and secure communal charging points. Where students do not use the correct charging points and instead charge batteries within their own accommodation, this may be in breach of the terms of building insurance cover which the accommodation owner or provider has put in place. Damage to the accommodation or part of the wider building may not then be covered, leaving the building owner with an uninsured loss and potentially having to bear the costs of making good the damage. The increasing risk of such fires, and the resultant claims, is potentially magnified across a large portfolio of properties. Accommodation providers should ensure tenancy agreements reflect the provisions of insurance policies.



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