



EDUCATION PREDICTIONS 2025

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of predictions for 2025.



1. Duty of care owed by universities will remain in the spotlight

Two recent decisions, in the Abrahart and Feder cases, have placed the duty of care owed by universities to their students back in the spotlight. While the High Court declined to make any findings in relation to the duty of care in the Abrahart decision, the judge in the Feder case found that the institution had breached the duty of care it owed to the students concerned in relation to protecting and supporting them as well as in relation to the disciplinary investigation and communicating (as well as enforcing) the outcome. The Feder decision is not precedent setting, but together with the new guidance published by the Office for Students, it is likely there will be an increase in the number of claims by students arising from sexual misconduct and harassment.

2. Protest encampments and direct action at universities is expected to increase

After a summer of high-profile protests at UK university campuses, similar action is likely to increase over the coming year. The political issues giving rise to the protests have not gone away, and activists are becoming ever more organised. Long-term protests can cause myriad issues for staff and students alike: security, health and safety, the risk of intimidation or harassment and possible damage to property versus the right to free speech. Four reported judgments were obtained in July by universities seeking possession of land from occupying protesters, and we see legal action becoming increasingly common as a means to manage and, if necessary, remove protest encampments that have become problematic. We expect more activity in this area as universities review their policies and approach to encampments and look to strike a balance between the right to protest and the protection of staff, students and property.

3. Martyn's law will significantly impact the education sector in 2025

The aim of the Terrorism (Protection of Premises) Bill 2024 (also known as Martyn's Law) is to reduce/mitigate the risk of terrorist attacks. This will apply to the education sector. When the Bill becomes law it will impose 'standard tier' obligations on those responsible for buildings used for childcare or primary provision and secondary or further education. The government recognises that existing safeguarding policies and procedures mean much has already been done to reduce risk and consequently these types of premises will fall within standard tier regardless of maximum numbers of attendance. The Bill, as currently drafted, draws a distinction between these types of premises and those used for higher education. Higher education premises may well be freely accessible to members of the public, representing a greater risk profile. The sector will need to keep a watching brief on the Bill's passage through Parliament to ensure it is best placed to meet its obligations when it becomes law.

4. Financial pressures will impact the education sector

We expect to see increased financial pressure on independent schools, colleges and universities, with the possibility that this will lead to some closing, contracting or merging. We are already seeing steps being taken by some universities to cut costs to deal with these pressures and mitigate the reduction in applications from UK and international students. While the government has confirmed that the new Finance Bill will bring in changes to the VAT status of independent schools on 1 January 2025, legal challenges have been launched, along with political pressure to delay any changes until the next school year. These financial pressures and uncertainties will also likely result in an increased number of student complaints, including about the standard of course delivery and withdrawal of courses, as well as employment claims and third party contractual claims.



5. Injury claims from school environments expected to grow


Growth is expected in a wide range of claims relating to school environments, encompassing both injury claims and those based on the Equality and Human Rights Acts. Such claims cover a wide range of scenarios, from direct physical assaults perpetrated at student/student and teacher/student level to the misuse of equipment and claims arising out of alleged defects in the fabric of school premises. Reinforced Autoclaved Aerated Concrete (RAAC) has been identified in over 22,000 schools and the presence of remedial works, in some cases together with temporary and adapted buildings, is likely to increase risks and the potential for claims.





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