



EDUCATION BRIEF



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INSIDE THIS ISSUE:

Commercialisation of IP	Pg 3
Academic offences	Pg 5
Vulnerable Adults	Pg 7
Influencing the LDF process	Pg 8
Studentification	Pg 9
Education News	Pg 12

GIVING THE VICTIM A VOICE: THE ROLE OF RESTORATIVE JUSTICE IN STUDENT DISCIPLINE

The majority of university and college disciplinary processes adopt a retributive approach to penalties: the miscreant has transgressed and must be punished by a fine, suspension of privileges or, in the worst cases, expulsion. In some cases, particularly those where the “damage” is primarily the injury to the victim’s feelings, both the perpetrator and the victim may be better served by a more creative solution. This is where institutions may be able to draw on the experience of restorative justice in the criminal justice system.

What is restorative justice?

Restorative justice is a process which seeks to encourage the victim of crime and offender to engage with one another, giving the offender

the opportunity to repair harm caused.

Emphasis is placed on the offender accepting responsibility for the offence and, if possible, changing his/her behaviour.

Illustrative methods of restorative justice include:

- **direct mediation** – face-to-face contact between the victim and offender
- **indirect mediation** – victim and offender are able to communicate through letters or emails
- **conferencing** - conferencing programmes involve the victim and offender engaging in extended discussion about the impact of the crime. Conferencing programmes may include supporters of both victim and offender.

What are the benefits of restorative justice?

In the criminal context, restorative justice can offer the following benefits to victims, offenders and society as a whole:

For the victim of crime:

- Through mediation or conferencing, restorative justice can provide the victim with an opportunity to explain to the offender the extent to which they have been affected by the offence. The victim may find comfort in receiving a full explanation from the offender, particularly if the offender shows remorse. This may empower the victim.





For the offender:

Restorative justice can provide the offender with a window of opportunity to apologise to the victim, make amends, and/to be rehabilitated. For instance, the offender may write a letter of apology to the victim or repair damage caused to property.

For society:

Research indicates that participants in restorative justice programs are less likely to re-offend. Not only does this result in financial savings, and fewer new victims of crime, it can help build community confidence that offenders are learning from their wrong-doing.



Restorative justice in the schools sector

Restorative justice methods are also finding popularity within schools. For example, in October 2008, The Independent reported that

How might restorative justice operate in HE & FE?

In universities or FE colleges, traditional penalties are likely to be the most appropriate

- requiring the offending student to repair the harm caused e.g. repair damage to college/university property or write a letter of apology to the victim
- providing written guidance, training or seminars on the benefits of restorative justice to inform students and staff and encouraging the use of restorative justice techniques as an alternative means of resolving conflict.

“Restorative justice is gaining steady momentum”

a sweeping plan to confront disruptive pupils with their victims had reduced exclusion levels in some of England’s toughest schools by as much as 45%. The Restorative Justice Scheme (led by Sir Charles Pollard, former Chief Constable of Thames Valley Police) is currently being trialled in 20 failing schools and a number of academies in Bristol and Sefton, Merseyside. Techniques include making disruptive pupils confront their victims and explain their actions. Offending pupils have been seen to demonstrate genuine remorse.

response to more serious types of student misconduct. However, there may be scope for the use of restorative justice practices in order to deal with lesser offences, such as minor property damage or disruptive behaviour, or in cases where the primary consequence is injury or offence to the victim’s feelings. Actions could include:

- implementing conferencing and mediation programmes involving students and staff, in order to improve communication through open dialogue and to initiate discussion on the causes and consequences of the misconduct, in an attempt to deter future offences

Restorative justice is gaining steady momentum in both the criminal justice system and in schools. It can help young people take responsibility for their actions. It can also map a constructive way forward in resolving student disputes. Institutions may therefore want to consider incorporating these principles into their disciplinary processes, in order to broaden the range of responses open to them in cases of student misconduct.

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COMMERCIALISATION OF INTELLECTUAL PROPERTY

The United Kingdom punches well above its weight in terms of the production of high quality research and academic publications. Nonetheless, HEIs and colleges are still heavily reliant upon public funding, and have at times been criticised for failing to exploit the value of their unique pool of intelligence and creativity.

So are UK institutions really hindered in terms of turning first class research into applied technology and income, and if so, why?

Institutions will possess their own valuable collection of intellectual property, or "IP". IP is a term used to describe a collection of different legal rights which can be owned in creative or innovative works. Applications for the protection of registrable IP rights by education and research institutions are rising significantly.

Although routinely linked with patent rights, commercialisation can involve all other IP rights including copyright, design rights, trade marks, and plant variety rights. By rewarding creative endeavour, IP provides an incentive for the creation and sharing of technical knowledge and expertise. Therefore, IP is naturally complimentary to academic and research activities.

The commercialisation debate

It is not the existence and protection of IP so much as its exploitation which seems to split opinion. Whether research and education institutions should be looking more actively towards commercialisation is not a novel question, but one which is attracting growing and vociferous debate.

Indeed, investment in commercialisation by institutions is increasing all the time, and the survival rate of spin-out companies is very encouraging. It is estimated that the vast majority of UK higher education institutions now have the capability to seek out commercialisation opportunities either independently or through the many knowledgeable and experienced intermediaries available to assist institutions. There is now a wealth of general support and encouragement for commercialisation, which is also paramount in the governmental objectives for research within the UK.

Many institutions are rising to the challenge almost effortlessly. Institutions can work with employees, students, and outside bodies to harness new income streams and the application of IP. Institutions are also collaborating more with commercial partners to develop and apply commercial solutions and applied learning for business.

Is the debate justified?

Perhaps there has been such a discussion concerning commercialisation because of the traditional view of the function of academic research and education, and the perceived inconsistency of commercialisation with the principal drive to publish.

It is certainly true that many academics see their role as contributing to the acquisition and free dissemination of knowledge, and not to function in a commercial environment to raise income. Some academics take a conscious decision to steer clear of commercial research, and can feel uneasy about crossing the apparent division between blue sky



academic research and business. Others take the opposite view, namely that to make a real contribution to the greater good then their research needs to be applied at some stage.

The benefits of commercialisation are multi-faceted, and need not conflict with the primary functions of the institution.

Reconciling commercialisation and academia

Commercialisation should not take a "one size fits all" approach. When the correct weight and support is given to commercialisation within an institution, a proactive approach to seeking partners which fit the institutional expertise and culture can be adopted to give the institution real focus and control of its direction.

Support is required from management level within the institution, as well as from employees and students who are creating



works. Institutions can put in place incentives to motivate commercialisation. Equity or sliding-scale royalty sharing schemes can be implemented to give financial reward for creators who identify innovations which are then exploited.

However, financial rewards are often not the main motivating factor for academics. Instead, or in addition, giving adequate weight to the recognition of commercialisation activities in performance reviews and changing perceptions of commercial exploitation can be powerful measures.

Institutions are rightly keen to publish as quickly as possible to secure placement in the most prestigious publications in order to boost research performance rankings. Although commercialisation often requires confidentiality to protect some pending applications for IP protection, this does not require that publications should be routinely obstructed.

Developing effective recording, reporting, and transparent analysis of potential commercialisation opportunities can quickly identify those worth investigating. A sensible approach can then be adopted in respect of publication on a case-by-case basis.

Further, seeking IP protection is not suitable in all circumstances. For example, CERN made an informed choice not to seek such protection in respect of the World Wide Web, and the patenting of developments arising directly from sequenced parts of the human genome has been widely opposed.

Once potential projects have been identified, it is then possible to develop a clear plan for developing and maintaining a balanced commercialisation portfolio. Any strategy should take into account financial and reputational risks, likely value, and market demand for each prospect. A choice can be made as to routes to market through, for

example, collaboration, knowledge transfer, consultancy or spin-out.

It is worthwhile remembering that it is not only academics who can sometimes feel unenthused by the interaction between business and academia. Perceptions within the business community can also form a barrier to successful commercialisation. Academics can lack the formal business training and experience which gives the business community immediate reassurance.

Again, this perception is often without merit. Individual employees and students can be incredibly commercially savvy, and institutions are developing their own commercialisation expertise. Suitable individuals within the institution can be put forward to raise profile and trust within the business community. Further, the differing experiences and approaches of collaborators should not be undervalued and can be of incredible worth to a project.

The benefits of commercialisation

Commercialisation can develop real benefits for both academia and business. It increases the reciprocal flow of knowledge and understanding between the two, and ensures the application of research to new products and processes. This can bring tangible improvements and developments applicable to society as a whole. Commercialisation is therefore a powerful tool for promoting the work of educational and research institutions, and emphasises the relevance of their work to society.

It should be borne in mind that investment in exploitation of IP does have a long incubation period before economic benefits may be clearly seen, and that not all initiatives will succeed. Nonetheless, a balanced portfolio can ensure that risk is managed and that funds from successful projects are reinvested into new opportunities, protecting relevant IP

rights from challenge, and helping to support public funding into further research and teaching.

The nature of commercialisation is also self-perpetuating. It stimulates the interest of prospective students. Successful projects and general profile-raising can fuel interest and investment from real commercial players with large research and development budgets. Such investment should not reduce the availability of public funding, and can be an important supplementary income stream for institutions. These kinds of relationships should not be shunned lightly, and can really give an institution the competitive edge.

It does seem that more could be done to raise commercialisation to a higher priority within institutions, although progress to date in many is very encouraging and should not be criticised. Changing established attitudes takes time, although institutions and businesses are both starting to realise that interaction is mutually beneficial and should not be seen to conflict with the main drivers of either party.

The sector has posed a question which every institution should rightly start to examine carefully and objectively in light of its own circumstances, as the benefits of a tailored commercialisation strategy can pay dividends in many ways for the institution, business and the public in general.

With such an open community, educational and research establishments should work together with advisors and specialist intermediaries to share knowledge and experiences of commercialisation and to seek the most beneficial way forward.

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ACADEMIC OFFENCES - CONSEQUENCES FOR ADMISSION TO PROFESSIONS

The achievement of a student's degree classification may determine his or her ability to progress in a chosen career. Even if that result is up to the required standard, disclosure of findings involving academic offences may prevent students from entering professions where fitness to practise is evaluated from the outset. This article looks at how these matters are dealt with where students found to have committed academic offences seek to become solicitors. Similar arrangements apply in other professions.

Law graduates, and graduates in other subjects who have done a conversion course, aiming to qualify as solicitors, are required to enroll with the Law Society (soon to pass these responsibilities on to the new Solicitors Regulation Authority) before starting the vocational stage of training, the Legal Practice Course (LPC). The two conditions for enrolment are a good knowledge of English and satisfactory character and suitability to be a solicitor. Enrolment normally lasts until the student is admitted as a solicitor, but may be

withdrawn if character and suitability are put in doubt by misbehaviour during training.

The enrolment application form requires disclosure of criminal convictions and cautions, civil judgments and bankruptcy. It also asks if the applicant has "ever committed an act of plagiarism or cheating in any form of assessment". Where applicants make such disclosures, or when offences come to light from other sources, they are interviewed so that character and suitability may be assessed. The terms on which the LPC is validated requires institutions to notify such offences to the Law Society.

Written reasons are given if enrolment is refused. Dissatisfied students may apply for an internal review, and if still not content they may apply to the High Court, currently to the Master of the Rolls (although this historic jurisdiction will soon be transferred to the Administrative Court). The same procedure applies when enrolment is revoked due to misbehaviour.

The Law Society publishes guidelines on the assessment of character and suitability. Its role is to ensure that people who become solicitors have the expected level of honesty, integrity and professionalism, and do not pose a risk to the public and the profession. The general principles for assessment are based on cases decided by the courts. The guidance asks a series of questions, including whether there is evidence that the applicant is trustworthy and honest. Unless there are exceptional circumstances, convictions for either offences involving dishonesty or attempted deception of others, including academic authorities, will mean that confidence cannot be established and the application will be refused. Clearly to bar someone from even starting out on the career of their choice is a very serious step.

The Law Society says that it takes into account the range of academic offences, and is particularly concerned if they were deliberate and dishonest acts committed in order to achieve personal gain or advantage. To assess whether that was so, they look at the extent to which the student:

- was aware of rules about referencing of material and the use of group work
- could reasonably have been expected to realise the offence was not legitimate academic practice
- acted with intent to deceive
- gained benefit as a result.

Law Society assessment will not reopen the institution's investigation or question its decision, "provided appropriate investigation and disciplinary proceedings were followed", but mitigating circumstances are considered.





Appeals by two students against decisions to revoke enrolment with the Law Society were heard by Sir Anthony Clarke, the Master of the Rolls, in April 2008. Both had law degrees and had progressed to the LPC. After submitting a written research assessment, which contained the usual declaration that it was their unaided work and that they had read the unfair practices code, they were interviewed by staff about possible collusion between themselves and a third student. Both admitted breaching the rules against collusion. They were recorded as failing the assessment and the offences were notified to the Law Society, which revoked their enrolments. The decisions were upheld on internal review.

Neither decision involved a specific finding of dishonesty, although they suggested it. One appellant said she mistakenly believed it was permissible to ask another student to proof-read her work. The other accepted she had

asked another student for help, describing this as a stupid mistake. The judge was critical both of the LPC institution's rules, which did not make it absolutely clear whether proof-reading was permitted, and of the Law Society's inference of dishonesty in the absence of a specific finding that it was proved. He allowed the appeal by the student who said she misunderstood the position on proof-reading. Although he upheld the Law Society's decision in the case of the student who accepted she had made a mistake, he allowed her to be reinstated, on the basis of her references and responsible employment since the decision was made.

These cases illustrate two points. The first is the obvious need for institutions to make crystal clear what is and is not permitted in the submission of academic work, particularly as students from varying cultural backgrounds may have different expectations. The good practice guidelines promoted by QAA and JISC recommend a dual approach, based on both information for students and designing out opportunities for abuse.

The second is that, despite guidelines as to the range of academic offences, professional regulators are likely to view severely any academic offence as involving or appearing to involve deceit and dishonesty, with serious consequences for the student. Plagiarism, cheating, collusion, impersonation, use of inadmissible material, examination misconduct or attempted bribery all sound to the regulator like dishonest attempts to gain an advantage. Many institutions issue guidance on penalties which grade academic offences according to severity, so that the relatively minor offence of plagiarising a few lines may attract only a formal warning, whilst a very severe offence involving copying work in its entirety may result in a student being required to withdraw from the course. Such distinctions may be



lost on regulators, who tend to have a perception that academic offences are dealt with unevenly by institutions.

The courts see a vital distinction between academic offences where dishonesty is proved or admitted, and those which may have arisen due to misunderstanding or inadvertent breach, falling short of proof of dishonesty; and rightly so, given that the whole point of regulation in this area is to provide assurance that applicants are trustworthy and honest. The judge in the cases above found that some of the offences did not necessarily amount to dishonesty and could have been no more than technical infringements of unclear regulations. Institutions should bear this important difference in mind both during internal proceedings and when formulating decisions which may be communicated to regulators.

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THE SAFEGUARDING VULNERABLE GROUPS ACT - PART 2: VULNERABLE ADULTS

In the last edition of Education Brief, we looked at the registration and monitoring regime imposed by the 2006 Act in relation to children. The Act also introduces for the first time a mandatory registration and monitoring regime for work with “vulnerable adults” in the HE and FE sectors.

A vulnerable adult is defined as someone who is over 18 and:

- (a) is in residential accommodation or sheltered housing; or
- (b) receives domiciliary care (i.e. care or assistance provided to that person in his home because of age, health or disability); or
- (c) receives any form of health care, treatment, therapy or palliative care of any description; or
- (d) is detained in lawful custody or is under the supervision of a probation officer; or
- (e) receives certain welfare services; or
- (f) receives any service or takes part in any activity aimed at people with disabilities or special needs because of his/her age or state of health; or
- (g) requires assistance in the conduct of his/her own affairs.

Of these categories, the most relevant for the majority of educational institutions is likely to be (f), services and activities aimed at people with disabilities or special needs.

It is important to recognise that this definition of “vulnerable adult” is concerned with the settings and services listed above, rather than any assessment of whether the service users

are “vulnerable” in the usual sense of the word. Previous definitions of vulnerable adult have required there to be (i) some dependency on others or requirement for assistance from others in the performance of basic physical functions, or (ii) a severe impairment in the ability to communicate with others, or (iii) an impairment in the person’s ability to protect him/herself from assault, abuse or neglect. The need to consider these subjective aspects of a person’s ability to deal with matters has been removed. Anyone over 18 accessing an institution’s disability services will be classed as a vulnerable adult, irrespective of whether they are “vulnerable” in the ordinary sense of the word, and irrespective of whether they regard themselves as “vulnerable”.

The government has already recognised that this could lead to a disproportionate effect in situations where there is very little risk of harm to service users, and proposes to deal with this by excluding certain types of disability (currently dyslexia and similar conditions) from the ambit of the Act. The effect of this will be that adult students accessing services aimed at dyslexia will not be classed as vulnerable adults for the purposes of the Act. Other disabilities may be excluded in this way in the future.

In relation to those who satisfy the definition of vulnerable adults, the following are regulated activities if they are carried out “frequently” by the same person, or for more than two days in any 30-day period, or are carried out between 2 am and 6 am giving the person face-to-face contact with vulnerable adults:



- teaching, training and instruction where provided wholly or mainly for vulnerable adults;
- any form of care for or supervision of vulnerable adults; or
- any form of assistance, advice or guidance provided wholly or mainly for vulnerable adults.

The day-to-day management of people carrying out these functions is also a regulated activity.

Institutions therefore need to review the activities carried out by employees to identify those individuals who are discharging these functions with the designated frequency and intensity. Those who do so will in due course need to be registered with the Independent Safeguarding Authority and be subject to on-going monitoring.

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INFLUENCING THE LDF PROCESS

A central component of the new planning system¹ is community involvement. Local authorities are required to set out how the community will be involved in planning applications and the preparation of planning policies.

The Local Development Framework (LDF) was established by the Planning and Compulsory Purchase Act 2004. It changes the way in which local authorities deliver policy and the extent to which they will consult on policy change and planning applications. As a result of the new planning system, a raft of acronyms have emerged which are set out below.

In addition, the Regional Spatial Strategy (RSS) (formerly Regional Planning Guidance) provides a broad development strategy for a region for a fifteen to twenty year period, determining how much development there should be and how it will be delivered.

The LDF and the RSS are gradually replacing the existing system of Unitary Development Plans and Regional Planning.

Universities and colleges are seen as important institutions, landowners and businesses in their own right. They are regarded as catalysts for encouraging new development and new technology industry in the locality. It is vital that universities and colleges take part in the consultation process in the LDF. The university/college may influence and protect its own development plans for the future as part of this exercise.

Whilst there has been public involvement in the preparation of each region's RSS, most have now been adopted and some are in the closing stages of public consultation on the proposed changes made by the Secretary of State following public examination. However, there is an ongoing duty to review the RSS, and some Regional Assemblies, who are responsible for the RSS, are currently consulting on revisions.

The LDF is a portfolio of documents made up of Local Development Documents (LDDs), Statement of Community Involvement, Local Development Scheme (LDS) and the Annual Monitoring Report. LDDs are broken down further into Supplementary Planning Documents (SPDs) and Development Plan Documents (DPDs), the most important of which is the Core Strategy which is a methodology for development of the plan.

The RSS informs the preparation of LDDs, Local Transport Plans and regional and sub-regional strategies and programmes that have a bearing on land use activities.

The LDS will set a timetable for the preparation of the LDDs. DPDs are statutory documents and are subject to consultation and independent examination. SPDs are not subject to independent examination but are subject to consultation.

The new planning system is an evolving process which encourages the community and stakeholders to become involved at an early stage to shape the policy making that affects the area in which they live and work.

Universities/colleges must take the opportunity to engage with the planning authority to protect their future.

The Statement of Community Involvement will set out the specific and general consultation bodies. In addition local authorities are likely to consult with other bodies such as landowners, developers and voluntary groups. Institutions will need to ensure that they are on the local authority's database in order to ensure they are consulted, if not already identified as a specific or general consultation body.

There will be continued opportunities to get involved in the planning process as policies are reviewed and consultation on planning applications is undertaken. The Statement of Community Involvement itself will be the subject of review to ensure the level of engagement with the community and consultation is effective.

The key message is therefore that universities and colleges should examine emerging LDF documents and seek to contribute consultations on relevant policies. In this way the university or college can seek to promote future development opportunities and to ensure the importance of the institution is recognised in the LDF process.

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¹Please note that the local plan regime is not being mirrored in Wales.



STUDENTIFICATION - NEW GOVERNMENT CONSULTATION

As we reported in our last edition, the government is keen to identify ways in which the problems of studentification in certain university towns across the UK can be tackled more effectively. At the end of September, ECOTEC Research & Consulting Limited prepared a final report for the Department for Communities & Local Government (DCLG), entitled "Evidence Gathering - Housing in Multiple Occupation and Possible Planning Responses". A copy of the report is a must-read for all universities and those colleges with significant reliance on privately rented housing stock, and can be found on the DCLG website at www.communities.gov.uk.

The purpose of the evidence gathering was stated to be:

- to identify good practice in areas that manage to cope relatively well with high concentrations of houses in multiple occupation (HMOs)
- to test whether these good practices could have a wider application where other cities and towns have difficulty coping with issues relating to HMOs
- to determine whether, and if so, what planning policy is a suitable lever to tackle these problems.

While the report mentions the issues surrounding certain towns such as Peterborough where there is a large population of migrant workers housed in a relatively small area, it focuses on housing where students traditionally occupy private rented stock. The traditional concerns of studentification include:



- Anti-social behaviour
- Unbalanced and unsustainable communities
- Negative impacts on physical environment/streetscape (including increased parking)
- Increased crime
- Pressure on local communities
- Restructuring of retail, commercial services and recreational facilities to suit the lifestyles of the predominant population.

ECOTEC provided a rigorous research programme including a series of stakeholder interviews and discussions with planning officers in Northern Ireland (where they have sought to use the planning Use Classes Order as a vehicle for changing student housing issues in the centre of Belfast), and also set

up five focus groups for those cities (Leeds, Nottingham, Southampton, Loughborough and Exeter) where studentification is an issue. Interestingly, other cities such as Birmingham, Bristol, Newcastle and Sheffield were not chosen even though there is a high student population. We believe that there would have been merit in asking them how they have tried to combat studentification.





Critics of HMOs and studentification cite the benefits of the changes brought into the use classes system in Northern Ireland in 2004, where planning permission is required for a change in use from a normal dwelling to an HMO. The aim is to use the planning system to re-balance and protect residential amenity with demands for multiple occupation by re-distributing HMO accommodation across a wider part of cities, especially in areas where it can contribute to regeneration. This and further investment by institutions in their own purpose-built accommodation is to be applauded. However, the report indicates that it is “too early to determine how effective the draft HMO subject plan would be in controlling the level of HMO development in areas of existing high concentration”.



The report helpfully sets out existing initiatives brought into play by principal stakeholders, including universities and student unions, local authorities and other public bodies (such as the police), summarising these at Annex 3:

- the development of university housing and community strategies
- having dedicated officers in local authority and universities to co-ordinate activities to address issues arising from HMOs

- student housing/landlord accreditation schemes - but these deal with qualitative issues and are invariably voluntary as far as landlords are concerned
- HMO licensing - this is mandatory for those premises occupied by five or more people in two or more households where properties are three or more storeys in height, but again addresses qualitative issues
- stakeholder forums

- selective targeting of issues such as environmental matters, parking, anti-social behaviour, crime and community safety
- wider dissemination of good practice
- further purpose built student accommodation
- the use of planning restraint policies to control the concentrations of HMOs to create more balanced and sustainable communities - ECOTEC highlights the beneficial effects where local planning authorities, particularly in Leeds, Nottingham, Oxford and Charnwood (a region of Loughborough) have used existing supplementary planning documents and other policies to either set thresholds for a proportion of HMOs in a neighbourhood or create balanced communities whereby certain types of accommodation are either encouraged or discouraged.

These methods we believe are a much more proportionate response to tackling studentification.





The report proposes a number of options for the DCLG to consider:

Option 1 - Do nothing

There is a case that overall the number of towns and cities affected by studentification “is not widespread across the country and therefore... if changes were made to planning legislation as is currently being lobbied for, this will have resource and policy implications for a number of local authorities who wish to encourage HMOs”. In our view this again highlights proportionality and resourcing issues for local authorities. ECOTEC also state that where there is a particularly high concentration of students the market may well correct itself in the longer term as new purpose-built accommodation comes forward. The predicted demographic decline of 16-18 year olds may also help.

Option 2 - Promote the use of non-planning related mechanisms and policy levers through wider dissemination

As noted above there are a range of non-planning related mechanisms and planning

policy levers which are already being used to good effect across a large part of the country. We would encourage that to continue. When the economy as a whole is grappling with intervention across a whole range of topics and areas, we believe that a period of time should be given for a more concerted approach for these mechanisms to be given the chance to work, rather than resorting to a change of planning policy which, as the Belfast experience has shown, is not yet proven to work.

Option 3 - Amend the Use Classes Order to provide a more uniform definition of HMOs and tighten planning controls

Any change to the Use Classes Order in the manner anticipated will involve a time lag and “any changes are not seen as a quick fix and will only start to make an impact in the long term. However, it is important to note that planning policies cannot be regarded as the only solution to the problem but a range of other complementary initiatives will need to be put in place as well...”.



ECOTEC propose a balanced approach of emphasising good practice for non-planning and other existing planning related mechanisms which are already shown to provide some answers to studentification. They believe the Use Classes Order may still need to be amended in the medium to longer term. Before then a more in-depth assessment of Northern Ireland’s experience is needed to test Belfast’s experience. If that is shown to have worked then Option 3 should be considered as part of an overall package of mechanisms to ameliorate studentification issues.

We will continue to update practitioners on this important issue as the months unfold.

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EDUCATION NEWS

Charities Act 2006 update

The part of the Act which will require students' unions to register with the Charity Commission (unless their turnover is below £100,000) will not be in force until late 2009 at the earliest. Registration of students' unions and other formerly exempt charities (including HEIs in Wales) will be dealt with from the Commission's Taunton office.

Speaking at a seminar organised by the Association of University Legal Practitioners at Martineau's London office in October, Phillip Smith, Director of Business Services at the National Union of Students, confirmed that discussions between the NUS and the Charity Commission about revised model forms of constitution and the registration process are continuing.

Many students' unions which are at present constituted as unincorporated associations, and even those which are now companies limited by guarantee, are likely in future to convert themselves to charitable incorporated organisations, a completely new form of

corporate entity. Also to be introduced under the 2006 Act, CIOs will have the benefits of legal personality and limited liability, but will be registered only with the Charity Commission and not with Companies House.

The Commission is currently consulting on regulations and model constitutions for CIOs. Once these have been finalised, we will report on them in Education Brief.



Top rankings

League tables are an unfortunate fact of modern life, but one that is always more palatable when you are on top of them. We are delighted to have achieved top rankings nationally for education work in both of the leading guides to the legal profession: Legal 500 and Chambers & Partners. Clients who were interviewed for these publications described our lawyers as "really a joy to work with", "exhibiting excellent knowledge of the sector and very good client care".

Education Brief aims to introduce you to legal issues of concern to managers in education. It is not a substitute for taking appropriate specialist advice in individual cases. Education Brief may be photocopied for the use of colleagues within your institution. An electronic version is available on our dedicated education portal:

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