

### Apprenticeship Levy – Plenty to Think About

The introduction of the Apprenticeship Levy in April 2017 brings both challenges and opportunities for Universities. The Levy has been set at 0.5% of payroll for both public and private sector employers with a payroll of over £3 million, and affected employers will receive an allowance to spend on apprenticeships (including higher and degree apprenticeships) of £15,000.

Ironically whilst the Levy represents an opportunity for Universities with the rapid development of apprenticeship degrees (over 70 Universities are now registered with the Skills Funding Agency) as training organisations who can deliver apprenticeship degrees, they may well be in the group of employers who will struggle to spend their own allowance. The government's intention in introducing the Levy was to encourage large employers to invest in the skills of their workforce through greater use of apprenticeships. That doesn't really work for large sections of the HE workforce

For more information on the apprenticeship reforms and levy please read the [attached briefing note](#).

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### Start of a New Term – Watch Those Liquidated Damages on New Student Accommodation Buildings

Liquidated damages (sometimes called LADs) are built into construction documents to cap a contractor's exposure for late delivery. Care should be taken when negotiating documentation for student accommodation to build in provision for potential exposure where the development is covered by the National Codes of Standards.

Here are the links to the two national codes which vary depending on whether the accommodation is owned and/or managed by the University:

- [accommodation owned or managed by educational establishments](#)
- [accommodation NOT owned or managed by educational establishments](#)

Whilst membership of the National Codes of Standards is voluntary, many HEIs and providers of student accommodation are members, with the code enjoying widespread support from the NUS, CLG, ANUK, to Universities UK. Academic term start dates are inflexible, and penalties for late delivery high, and with the protection of the code for students these costs will include rent abatement, provision of alternative accommodation, meal and travel vouchers to name just a few and so the cost of late delivery can soon mount way above a normal commercial loss of late delivery. Make sure the LADs are thoroughly provided for to prevent one or more parties to the deal being left way out of pocket!

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### Changes to TV Licensing for Digital Content

There has been **national** and **local** press coverage recently on changes to TV licensing from 1 September 2016. The coverage focused on household-use, but the new rules may also affect the HE sector. If BBC iPlayer is downloaded or watched on a "TV Receiver" the device must be covered by a TV licence under the provisions<sup>1</sup>. The TV licensing authority has issued guidance and FAQs available [online](#).

In addition to individual liability, any person/organisation with a TV receiver in his possession or under his control who knows, or has reasonable grounds for believing, that another person intends to use it without a TV licence, is guilty of an offence. It is therefore at least arguable that devices made available in the HE sector, for example to University staff and students, will now require a TV licence.

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<sup>1</sup> A TV receiver has a wide meaning and would include: TV sets (including smart TVs); laptops and desktop computers; tablets, mobile phones and other portable devices; digital boxes or PVRs (such as Sky, Virgin Media or BT Vision); games consoles; media streaming devices (such as Amazon Fire TV, Apple TV, Chromecast, Roku and Now TV); and Freeview, Freesat or YouView

### The General Data Protection Regulation (GDPR) – Major Implications for Higher Education Institutions (HEIs) and Their Pension Plans

On 24 May 2016, the GDPR was adopted by the European Union. This is a radical reform which will have a material impact not only on HEIs but also their sponsored pension plans.

Having direct effect in all EEA countries, it extends, in a number of respects, existing laws on data protection, and vastly increases the penalties for non-compliance, up to a maximum of the higher of €20 million or 4% of global turnover. It will replace the Data Protection Act 1998 (DPA) from 25 May 2018. The scale of the changes mean that HEIs need to start their compliance preparations now.

Key changes include new mandatory data mapping obligations on controllers and processors, changes to the required content of privacy notices, and how consent must be obtained and evidenced, as well as additional mandatory terms to be included in processor agreements, and compulsory notification of many data breaches.

Read further details here:

[Client Alert for Pension Trustees](#)

[GDPR Alert for UK Businesses](#)

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