House of Commons

NOTICES OF AMENDMENTS

given up to and including

Friday 2 September 2016

New Amendments handed in are marked thus ★

★ Amendments which will comply with the required notice period at their next appearance

PUBLIC BILL COMMITTEE

HIGHER EDUCATION AND RESEARCH BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order to be proposed by Joseph Johnson.

Joseph Johnson

To move, That the Bill be considered in the following order, namely, Clause 1, Schedule 1, Clauses 2 to 10, Schedule 2, Clauses 11 to 15, Schedule 3, Clauses 16 to 26, Schedule 4, Clauses 27 to 56, Schedule 5, Clauses 57 to 60, Schedule 6, Clauses 61 to 65, Schedule 7, Clauses 66 to 82, Schedule 8, Clause 83, Schedule 9, Clauses 84 to 104, Schedule 10, Clauses 105 to 110, Schedules 11 and 12, Clauses 111 to 113, new Clauses, new Schedules, remaining proceedings on the Bill.

Joseph Johnson

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.
Joseph Johnson

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

Wes Streeting

2 Schedule 1, page 63, line 17, leave out “twelve” and insert “ten”

Member’s explanatory statement
This amendment would maintain the maximum number of OfS members as twelve when taken together with amendment 3.

Wes Streeting

3 Schedule 1, page 63, line 37, at end insert—

“(2A) The members appointed under subsection (1) shall appoint two further members (“the student representatives”) who—

(a) are persons—

(i) enrolled on a higher education course of a registered provider,

(ii) elected as representatives of a students’ union, or

(iii) elected as representatives of the National Union of Students, and

(b) are considered by the members of the OfS able to represent, or promote the interests of, a broad range of students.

(2B) For the purposes of subsection (2A), “course” means any graduate or postgraduate course.”

Member’s explanatory statement
This amendment would require there to be two student representatives as members of the OfS.

Wes Streeting

10 Schedule 1, page 64, line 6, leave out “is responsible for reporting” and insert “must report”

Member’s explanatory statement
This amendment, together with amendments 11 to 14, would require that the Director of Fair Access and Participation reports directly to the Secretary of State and that the report produced be laid before Parliament.

Wes Streeting

11 Schedule 1, page 64, line 7, after “OfS”, insert “and Secretary of State”

Member’s explanatory statement
See Explanatory Statement for amendment 10.

Wes Streeting

12 Schedule 1, page 64, line 9, leave out “may” and insert “must”

Member’s explanatory statement
See Explanatory Statement for amendment 10.
Higher Education and Research Bill, continued

Wes Streeting

Schedule 1, page 64, line 9, after “OfS”, insert “and Secretary of State”

Member’s explanatory statement
See Explanatory Statement for amendment 10.

Wes Streeting

Schedule 1, page 64, line 12, at end insert—
“( ) The Director must prepare a report under sub-paragraphs (1) and (2) at an appropriate time but at least annually.
( ) The Director must send the report to the Secretary of State.
( ) The Secretary of State must lay the report before Parliament.”

Member’s explanatory statement
See Explanatory Statement for amendment 10.

Wes Streeting

Clause 2, page 1, line 8, at end insert—
“( ) Within six months of its establishment the OfS must publish its strategy to ensure fair access and promote wider participation in higher education, which must be reviewed and updated at least every three years.”

Member’s explanatory statement
This amendment would place a statutory duty on the OfS to ensure fair access and promote wider participation in higher education.

Wes Streeting

Clause 2, page 1, line 8, at end insert—
“( ) The OfS must cooperate with the Institute for Apprenticeships to develop a strategy to encourage registered higher education providers and any institution authorised under section 40 of this Act to increase provision of higher and degree level apprenticeship places.”

Member’s explanatory statement
This amendment would place a duty on the OfS to work with the Institute for Apprenticeships to develop more higher and degree level apprenticeship places.

Wes Streeting

Clause 2, page 2, line 6, at end insert—
“( ) The OfS must monitor the geographical distribution of higher education provision and introduce measures to encourage provision where the OfS considers there to be a shortfall in relation to local demand.”

Member’s explanatory statement
This amendment would place a duty on the OfS to monitor the geographical distribution of higher education provision and encourage provision where there is a shortfall relative to local demand.
Higher Education and Research Bill, continued

Wes Streeting

☆ Clause 8, page 5, line 23, at end insert—

“( ) a condition that requires the governing body of a provider to develop, publish and adhere to a Code of Practice on Student Information that must include, but shall not be restricted to, information across different academic departments relating to—

(i) the number of hours of contact time that students should expect on a weekly basis,

(ii) the processes and practices regarding marking and assessments, and

(iii) the learning facilities that are available to all students.

( ) a condition that requires the governing body of a provider to monitor performance against the expectations set by the Code of Practice on Student Information and publish an annual report on its findings.”

Member’s explanatory statement

This amendment would place a duty on governing bodies of all registered providers to develop, publish and adhere to a Code of Practice on Student Information and monitor and report on progress against expectations set by that Code of Practice.

Wes Streeting

☆ Clause 8, page 5, line 23, at end insert—

“( ) a condition that requires the governing body of the provider to appoint as additional members to that body at least two student representatives who—

(i) are persons enrolled on a higher education course at the institution, and

(ii) are considered by the governing body to be able to represent, or promote the interests of, a broad range of students, where “course” means any graduate or postgraduate course.”

Member’s explanatory statement

This amendment would require the governing body of any registered provider to include at least two student representatives.

Wes Streeting

☆ Clause 8, page 5, line 23, at end insert—

“( ) a condition that requires the governing body of the provider to have regard to the Quality Code set out in section 24.”

Member’s explanatory statement

See Explanatory Statement for amendment 7.
Higher Education and Research Bill, continued

Wes Streeting

☆ Clause 8, page 5, line 34, at end insert—

“( ) A condition that requires the governing body of a registered higher education provider to publish on the institution’s website and in its prospectus its policy in relation to contextual admissions, including but not restricted to—

(a) school performance data,
(b) socio-economic markers, and
(c) care background.”

Member’s explanatory statement
This amendment would require the governing body of a registered higher education provider to publish its policy in relation to contextual admissions on its website and in its prospectus.

Wes Streeting

☆ Clause 8, page 5, line 39, leave out “of a prescribed description”

Member’s explanatory statement
This amendment would require all registered higher education providers to have a transparency condition as an ongoing registration condition.

Wes Streeting

☆ Clause 8, page 5, line 40, at end insert—

“( ) A provider fulfils a transparency condition if it satisfies conditions A and B.”

Member’s explanatory statement
This amendment is consequential to amendment 24.

Wes Streeting

☆ Clause 8, page 6, line 1, leave out “A transparency condition is a condition that” and insert “Condition A”

Member’s explanatory statement
This amendment is consequential to amendment 24.

Wes Streeting

☆ Clause 8, page 6, line 14, at end insert—

“( ) Condition B requires the governing body of a registered higher education provider to publish at an appropriate time each academic year information for each academic department in relation to—

(a) retention rate,
(b) the standards attained by students completing a higher education course, where “standards” has the same meaning as in section 13, and
(c) graduate destinations.”

Member’s explanatory statement
This amendment would extend the transparency condition to include retention rates, standards obtained and graduate destinations and require that the information be published for each academic department.
Wes Streeting

 Clause 9, page 6, line 14, at end insert—

“( ) The OfS must ensure that the ongoing registration conditions of each private registered higher education provider include a condition that a student’s union be established, where “student’s union” has the same meaning as in section 20 of the Education Act 1994.”

**Member’s explanatory statement**

This amendment would extend the provisions of the 1994 Education Act to require private providers to have a student’s union as an ongoing condition of registration.

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Wes Streeting

 Clause 14, page 8, line 2, at end insert—

“( ) The list (as originally determined and as revised) must include the principle that the governing body of a higher education provider publish the ratio of pay of the highest paid employee at the institution to the pay of—

(a) the average, and

(b) the lowest paid employee at that institution.”

**Member’s explanatory statement**

This amendment would require, as a public interest governance condition, the governing body of a higher education provider to publish the ratio of pay between the highest, average and lowest paid employees at the institution.

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Wes Streeting

 Clause 14, page 8, line 27, after “documents” insert “and practices”

**Member’s explanatory statement**

This amendment is consequential to amendment 26.

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Wes Streeting

 Clause 14, page 9, line 2, at end insert—

“( ) The list (as originally determined and as revised) must include the principle that the governing body of a higher education provider appoint as members of any committee established to consider remuneration of the institution’s employees representatives of—

(a) persons employed at the institution, and

(b) persons enrolled at the institution.”

**Member’s explanatory statement**

This amendment would require, as a public interest governance condition, the governing body of a registered higher education provider to include staff and student representatives on any remuneration committee.
Higher Education and Research Bill, continued

Wes Streeting

☆ Clause 24, page 14, line 35, at end insert—

“( ) The Quality Assessment Committee must develop, publish and maintain a Quality Code for all registered higher education providers.

( ) The Quality Code must set out the expectations that all registered higher education providers are required to meet.

( ) The Quality Code shall include, but shall not be restricted to, expectations to ensure—

(a) that academic standards are set and maintained,

(b) that appropriate and effective teaching, support, assessment and learning resources are provided for students,

(c) the learning opportunities provided are monitored and that the provider considers how to improve such opportunities, and

(d) that valid, reliable, useful and accessible information about the provider’s provision is made available.”

Member’s explanatory statement
Taken with amendments 8 and 9, this amendment would place a duty on the Quality Assessment Committee to develop, publish and maintain a Quality Code, to which all registered higher education providers must have regard.

Wes Streeting

☆ Clause 24, page 14, line 36, at end insert—

“( ) the function of keeping under review and promoting the Quality Code,”

Member’s explanatory statement
See Explanatory Statement for amendment 7.

Wes Streeting

☆ Schedule 4, page 74, line 39, at end insert—

“Bodies suitable to perform quality assessment functions: student representatives

4A (1) A body is suitable to perform the quality assessment function under section 23 if, in addition to meeting conditions A to D, at least two of the persons who determine the strategic priorities of the body are currently enrolled on a course at a higher education provider.

(2) For the purposes of sub-paragraph (1), “course” means any graduate or postgraduate course.”

Member’s explanatory statement
This amendment would require the board of any body designated to perform the quality assessment function under section 23 to include at least two student representatives.
Wes Streeting

☆ Clause 31, page 18, line 22, at end insert—

“(1A) The regulations made under sub-section (1)(a) shall include goals for ensuring fair access and widening participation, to which a provider will be considered in agreement to achieving once a plan has been approved under section 28.”

**Member’s explanatory statement**

This amendment would require an access and participation plan to include specific goals for ensuring fair access and wider participation.

Wes Streeting

☆ Clause 31, page 18, line 25, leave out “subsection (1)” and insert “subsections (1) and (1A)”.

**Member’s explanatory statement**

This amendment is consequential to amendment 16.

Wes Streeting

☆ Clause 32, page 19, line 12, at end insert—

“( ) The regulations may include a designation of power to the Director of Fair Access and Participation to set specific targets for a higher education provider where the Secretary of State is of the view that the provider is failing to meet the fair access and widening participation goals under section 31(1A).

( ) Where such powers are exercised, the specific targets for a provider set by the Director of Fair Access and Participation shall be considered a general provision of the plan for the purposes of section 21 (refusal to renew an access and participation plan).”

**Member’s explanatory statement**

This amendment would enable the Secretary of State to give power to the Director of Fair Access and Participation to set specific targets when it has been deemed that the institution is failing to meet the goals relating to fair access and wider participation set out in its access and participation plan (see amendment 16). The second subsection would enable the OfS to refuse to renew a plan if a provider fails to meet the targets set by the Director of Fair Access and Participation.

**NEW CLAUSE**

Wes Streeting

☆ To move the following Clause—

“Consultation

(1) In exercising its functions the governing body of a registered higher education provider must have regard to any guidance given from time to time by the OfS about consultation with—

(a) persons who are enrolled on a course at the institution,

(b) persons who are likely to enrol on a course at the institution, or
Higher Education and Research Bill, continued

(c) employees of the institution,
in connection with the taking of any decisions affecting them.

(2) The governing body consults in accordance with sub-section (1) if it consults a
number of persons within a prescribed group that, taken together, appear to the
governing body to represent, or promote the interests of, a broad and diverse
range of persons within that group.

(3) Any guidance under this section about consultation with persons falling within
paragraphs (1)(a) or (1)(b) must provide for the views of such a person to be
considered in light of his or her age and understanding.

(4) For the purposes of subsection (1), “course” includes any graduate or
postgraduate course.”

Member’s explanatory statement
This new clause would place a duty on governing bodies of registered higher education providers
to consult students, prospective students and employees in connection with the taking of any
decisions that affect them.

ORDER OF THE HOUSE [19 JULY 2016]

That the following provisions shall apply to the Higher Education and Research Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously
concluded) be brought to a conclusion on Thursday 13 October 2016.

3. The Public Bill Committee shall have leave to sit twice on the first day on
which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and proceedings in legislative grand
committee shall (so far as not previously concluded) be brought to a
conclusion one hour before the moment of interruption on the day on which
proceedings on Consideration are commenced.

5. Proceedings on Third Reading shall (so far as not previously concluded) be
brought to a conclusion at the moment of interruption on that day.

6. Standing Order No. 83B (Programming committees) shall not apply to
proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill (including any proceedings on
consideration of Lords Amendments or on any further messages from the
Lords) may be programmed.