HIGHER EDUCATION AND RESEARCH BILL
[NINTH AND TENTH SITTINGS]

GLOSSARY
This document shows the fate of each clause, schedule, amendment and new clause.

The following terms are used:

Agreed to: agreed without a vote.
Agreed to on division: agreed following a vote.
Negatived: rejected without a vote.
Negatived on division: rejected following a vote.
Not called: debated in a group of amendments, but not put to a decision.
Not moved: not debated or put to a decision.
Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.
Not selected: not chosen for debate by the Chair.

Gordon Marsden
Angela Rayner

Withdrawn after debate 198
Clause 25, page 15, line 14, at beginning insert “Subject to subsection (3),”

Joseph Johnson

Agreed to 37
Clause 25, page 15, line 14, after “ratings” insert “—
(a) ”

Joseph Johnson

Agreed to 38
Clause 25, page 15, line 15, after “and” insert “the”
Higher Education and Research Bill, continued

Clause 25, page 15, line 15, leave out second “the”

Clauses 25, page 15, line 16, after “rating” insert “, and

(b) to higher education providers in Wales, Scotland or Northern Ireland, in respect of whom the appropriate consent is given, regarding the quality of, and the standards applied to, higher education that they provide where they apply for such a rating.

(1A) “The appropriate consent” means—

(a) in the case of a higher education provider in Wales, the consent of the Welsh Ministers to the application of subsection (1) to the provider;

(b) in the case of a higher education provider in Scotland, the consent of the Scottish Ministers to the application of subsection (1) to the provider;

(c) in the case of a higher education provider in Northern Ireland, the consent of the Department for the Economy in Northern Ireland to the application of subsection (1) to the provider.

(1B) Such consent—

(a) may be given either generally in respect of all providers or in respect of providers of a particular description or named providers,

(b) is given by notifying the Chair of the OfS, and

(c) is valid until it is revoked by notifying the Chair.

(1C) For the purposes of applying the definition of “higher education provider” in section 75(1) to subsections (1)(b) and (1A), the reference to “higher education” in that definition—

(a) in the case of an institution in Wales, has the meaning given in section 75(1);

(b) in the case of an institution in Scotland, has the same meaning as in section 38 of the Further and Higher Education (Scotland) Act 1992;

(c) in the case of an institution in Northern Ireland, has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15));

and the reference to “higher education” in subsection (1)(b) is to be read accordingly.”

Clauses 25, page 15, line 17, at end insert—

“(3) For the purposes of applying that definition of “standards” to subsection (1)(b), the reference to a “higher education course” in that definition—

(a) in the case of an institution in Wales, has the meaning given in section 75(1);

(b) in the case of an institution in Scotland, means a course falling within section 38 of the Further and Higher Education (Scotland) Act 1992;

(c) in the case of an institution in Northern Ireland, means a course of any description mentioned in Schedule 1 to the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).”
Clause 25, page 15, line 17, at end insert—
“(3) No arrangements for a scheme shall be made under subsection (1) unless a draft of the scheme has been laid before and approved by a resolution of both Houses of Parliament.”

Paul Blomfield

Clause 25, page 15, line 17, at end insert—
“(3) In making arrangements under subsection (1), the OfS must, after a period of consultation, make—
(a) an assessment of the evidence that any proposed metric for assessing teaching quality is in fact linked to teaching quality; and
(b) an assessment of potential unintended consequences which could arise from an institution seeking to optimise its score on each metric, with proposals on how these risks can best be mitigated.
(4) The assessment under subsection (3) must be made public.”

Clause, as amended, agreed to on division.

Joseph Johnson

Clause 26, page 15, line 21, leave out “either or both of”

Agreed to 42

Joseph Johnson

Clause 26, page 15, line 26, leave out paragraph (b)

Agreed to 43

Joseph Johnson

Clause 26, page 15, line 27, leave out “an assessment function, the function does” and insert “the assessment functions, the functions do”

Clause, as amended, agreed to.

Joseph Johnson

Schedule 4, page 73, line 7, leave out “either or both of”

Agreed to 45

Joseph Johnson

Schedule 4, page 73, line 10, leave out “and standards of” and insert “of, and the standards applied to,”

Agreed to 46
Higher Education and Research Bill, continued

Joseph Johnson

Agreed to 47

Schedule 4, page 73, line 15, leave out “be designated under this Schedule” and insert “perform the assessment functions”

Joseph Johnson

Agreed to 48

Schedule 4, page 73, line 17, leave out “be designated under this Schedule” and insert “perform the assessment functions”

Gordon Marsden

Angela Rayner

Withdrawn after debate 230

Schedule 4, page 73, line 29, at end insert—
“(ca) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff”

Joseph Johnson

Agreed to 49

Schedule 4, page 73, line 39, leave out “either or both of”

Joseph Johnson

Agreed to 50

Schedule 4, page 74, line 1, leave out “recommended function or functions” and insert “assessment functions”

Joseph Johnson

Agreed to 51

Schedule 4, page 74, line 4, leave out “and standards of” and insert “of, and the standards applied to,”

Joseph Johnson

Agreed to 52

Schedule 4, page 74, line 6, leave out sub-paragraphs (3) and (4)

Joseph Johnson

Agreed to 53

Schedule 4, page 74, line 19, leave out from beginning to “and”

Joseph Johnson

Agreed to 54

Schedule 4, page 74, line 24, leave out “an assessment function” and insert “the assessment functions”

Joseph Johnson

Agreed to 55

Schedule 4, page 74, line 27, leave out “function” and insert “functions”

Dr Roberta Blackman-Woods

Withdrawn after debate 232

Schedule 4, page 74, line 30, at end insert “and students”
Higher Education and Research Bill, continued

Dr Roberta Blackman-Woods

Schedule 4, page 74, line 32, after “providers” insert “and students”

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.”

Joseph Johnson

Agreed to

Schedule 4, page 75, line 1, after “include” insert “the”

Joseph Johnson

Agreed to

Schedule 4, page 75, line 6, leave out “and standards of” and insert “of, and the standards applied to,”

Gordon Marsden
Angela Rayner

Schedule 4, page 75, line 20, at end insert—

“(da) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff”

Joseph Johnson

Agreed to

Schedule 4, page 75, line 30, leave out “an assessment function” and insert “the assessment functions”

Joseph Johnson

Agreed to

Schedule 4, page 75, line 33, leave out “designated function” and insert “assessment functions”

Joseph Johnson

Agreed to

Schedule 4, page 75, line 37, leave out “designated function” and insert “assessment functions”

Joseph Johnson

Agreed to

Schedule 4, page 76, line 4, leave out second “designated” and insert “assessment”
“Power of the OfS to give directions

9A (1) The OfS may give the designated body general directions about the performance of any of the assessment functions.
(2) In giving such directions, the OfS must have regard to the need to protect the expertise of the designated body.
(3) Such directions must relate to—
   (a) English higher education providers or registered higher education providers generally, or
   (b) a description of such providers.
(4) The designated body must comply with any directions given under this paragraph.”

Schedule, as amended, agreed to.
Higher Education and Research Bill, continued

Joseph Johnson

Clause 27, page 16, line 25, leave out from “functions;” to “may” in line 29 and insert “and

(b) 

Agreed to 70

Joseph Johnson

Clause 27, page 16, line 32, leave out “or (3)”

Agreed to 71

Joseph Johnson

Clause 27, page 16, line 34, leave out “in the case of subsection (2)(a),”

Agreed to 72

Joseph Johnson

Clause 27, page 16, line 37, leave out paragraph (b)

Clause, as amended, agreed to.

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Gordon Marsden
Angela Rayner

Withdrawn after debate 200

Clause 28, page 17, line 12, at end insert—

“(1A) The OfS must appoint an independent Director for Fair Access and Participation responsible for approving access and participation plans.”

Gordon Marsden
Angela Rayner

Not called 201

Clause 28, page 17, line 14, leave out “OfS may, if it” and insert “Director for Fair Access and Participation may, if the Director”

Gordon Marsden
Angela Rayner

Not called 202

Clause 28, page 17, line 14, at end insert—

“(3A) The Director for Fair Access and Participation may make recommendations to the OfS on the matters to which the OfS should include in guidance that the Director will have regard in deciding whether to approve plans.”

Gordon Marsden
Angela Rayner

Not called 203

Clause 28, page 17, line 15, after first “OfS” insert “having considered any recommendations made by the Director for Fair Access and Participation and having consulted the Director,”
Clause 28, page 17, line 15, leave out second “OfS” and insert “the Director for Fair Access and Participation”.

Dr Roberta Blackman-Woods

Withdrawn after debate

Clause 28, page 17, line 16, at end insert—

( ) The OfS must, in deciding whether to approve a plan, have regard to whether the governing body of an institution has consulted with relevant student representatives in producing its plan.

( ) In this section “relevant student representatives” means representatives who may be deemed to represent students on higher education courses provided by the institution including, but not limited to, persons or bodies as described by Part 2 of the Education Act 1994.”

Gordon Marsden

Angela Rayner

Not called

Clause 28, page 17, line 16, at end insert—

“(4A) Where the Director for Fair Access and Participation considers that there is significant risk to widening participation or that access targets will not be achieved, the Director may issue to a provider or class of providers, which have similar and identifiable characteristics affecting the satisfying of an access and participation plan condition—

(a) guidance setting out additional matters to have regard to in connection to approving the plan; and

(b) a warning.”

Wes Streeting

Withdrawn after debate

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.”
Higher Education and Research Bill, continued

Wes Streeting

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

Gordon Marsden
Angela Rayner

Withdrawn after debate 207

Clause 31, page 18, line 43, at end insert—
“(g) for details of individual Higher Education providers, their policies for part-time and mature students.”

Joseph Johnson

Agreed to 74

Clause 31, page 19, line 7, after “include” insert “education provided by means of”

Clause, as amended, agreed to.

Wes Streeting

Not called 18

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).”

Clause agreed to.

Clause 33 agreed to.

Gordon Marsden
Angela Rayner

Withdrawn after debate 209

Clause 34, page 19, line 31, leave out “may” and insert “should”

Clause agreed to.

Clause 35 agreed to.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

Withdrawn after debate 210

Clause 36, page 20, line 10, leave out “Secretary of State may, by direction, require the OfS to” and insert “OfS must”

Gordon Marsden
Angela Rayner

Not called 211

Clause 36, page 20, line 11, at end insert “and to the relevant select committee (or committees) of the House of Commons”

Paul Blomfield

Not called 287

Clause 36, page 20, line 15, at end insert “to include access to and participation in part-time study”

Paul Blomfield

Withdrawn after debate 288

Clause 36, page 20, line 18, at end insert—
“(3A) The Secretary of State may require a report under subsection (1) on the establishment of a national credit rating and transfer service as a means of improving access to and participation in higher education.”

Gordon Marsden
Angela Rayner

Not called 212

Clause 36, page 20, line 19, at end insert—
“(5) “Relevant select committee” is the departmental select committee (or committees) appointed by the House of Commons to examine the expenditure, administration and policy of the principal government department or departments and associated public bodies with responsibilities for higher education in England.”

Clause agreed to.

Joseph Johnson

Agreed to 241

Clause 37, page 21, line 7, at end insert “but also includes a 16 to 19 Academy (as defined in section 1B(3) of the Academies Act 2010).”

Clause, as amended, agreed to.

Clause 38 agreed to.

Clause 39 agreed to.
Higher Education and Research Bill, continued

Gordon Marsden
Angela Rayner

Clause 40, page 22, line 4, leave out “or research awards or both”
Withdrawn after debate 213

Gordon Marsden
Angela Rayner

Clause 40, page 22, line 6, after “grant” insert “taught awards and”
Withdrawn after debate 219

Gordon Marsden
Angela Rayner

Clause 40, page 22, line 6, at end insert—
“(1A) The OfS may by order in conjunction with UKRI authorise a registered higher education provider to grant research awards.”
Not called 214

Gordon Marsden
Angela Rayner

Clause 40, page 22, line 28, at end insert—
“(c) the provider operates in the interest of students and the public.”
Withdrawn after debate 216

Gordon Marsden
Angela Rayner

Clause 40, page 22, line 28, at end insert—
“(d) the provider shows evidence of satisfactory and consistent higher education delivery for a minimum of three years, which period may be extended, as part of a partnership with a validating provider.”
Not called 217

Gordon Marsden
Angela Rayner

Clause 40, page 22, line 28, at end insert—
“(e) there is reasonable assurance that a provider is able to maintain the required standards for the duration of whatever authorisation period is set by the OfS”
Not called 218

Dr Roberta Blackman-Woods

Clause 40, page 22, line 28, at end insert—
“(c) the OfS is assured that the provider is able to maintain the required standards of a UK degree for the duration of the authorisation; and
(d) the OfS is assured that the provider operates in students’ and the public interests.”
Negatived on division 234

Gordon Marsden
Angela Rayner

Clause 40, page 23, line 9, at end insert—
“(9A) In making any orders under this section, and sections 41, 42 and 43, the OfS must have due regard to the need to maintain confidence in the higher education sector,
Higher Education and Research Bill, continued

and in the awards which they collectively grant, among students, employers, and the wider public.”

Gordon Marsden
Angela Rayner

Withdrawn 215

Clause 40, page 23, line 11, after “instrument” insert “approved and made by the
Privy Council as an Order in Council”

Dr Roberta Blackman-Woods

Not called 235

Clause 40, page 23, line 21, at end insert—

“(13) The OfS must consult with UKRI, including Research England, and the
appropriate National Academies and learned societies before authorising any
provider to grant research awards.”

Clause agreed to on division.

Clause 41 agreed to.

Clause 42 agreed to.

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Gordon Marsden
Angela Rayner

Withdrawn after debate 221

Clause 43, page 24, line 32, leave out subsection (3) and insert—

“(5) No order shall be made under subsection (1) unless a draft of the order has been
laid before and approved by a resolution of both Houses of Parliament.”

Clause agreed to.

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Gordon Marsden
Angela Rayner

Not called 222

Clause 44, page 25, line 14, after “provider” insert “and other relevant
organisation”

Clause agreed to.

Clause 45 agreed to.

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Joseph Johnson

Agreed to 75

Clause 46, page 26, line 5, leave out “authorised taught awards and foundation
degrees” and insert “taught awards and foundation degrees that the provider is authorised
Higher Education and Research Bill, continued

to grant”

Dr Roberta Blackman-Woods

Clause 46, page 26, line 9, at end insert—
“(2A) Such commissioning arrangements shall include commissioning the Open
University as a validator of last resort.”

Clause, as amended, agreed to.

Joseph Johnson

Clause 47, page 26, line 42, after “authorise” insert “authorised”

Agreed to 76

Joseph Johnson

Clause 47, page 27, line 2, at end insert—
“(4A) But regulations under subsection (1) may not include power for the OfS to
authorise a provider to enter on its behalf into validation arrangements which are—

(a) arrangements in respect of taught awards or foundation degrees that the
provider is not authorised to grant, or

(b) arrangements that the provider is not authorised to enter into.”

Agreed to 77

Joseph Johnson

Clause 47, page 27, line 11, at end insert—
“(6A) In this section, “authorised”, in relation to a registered higher education provider,
means authorised to grant taught awards or foundation degrees, and to enter into
validation arrangements, by—

(a) an authorisation given—

(i) under section 40(1),

(ii) by or under any other provision of an Act of Parliament, or

(iii) by Royal Charter, or

(b) an authorisation varied under section 43(1).”

Agreed to 78

Gordon Marsden
Angela Rayner
Dr Roberta Blackman-Woods

Page 26, line 26, leave out Clause 47

Clause, as amended, agreed to on division.

Clause 48 agreed to.
Clause 49, page 28, line 18, at end insert—

“( ) In subsection (10)(a)—

(a) for “means” substitute “—

(i) means”, and

(b) after “outside the United Kingdom” insert “, and

(ii) includes the Office for Students”.”

Clause, as amended, agreed to.

Clause 50, page 28, line 26, at end insert—

“( ) For subsection (1) substitute—

“(1) The appropriate authority may by order designate each body which appears to the authority to be a recognised body within subsection (4)(a), (b) or (c).

(1A) For the purposes of sections 214 and 215, any body for the time being designated by an order under subsection (1) as a recognised body within subsection (4)(c) is conclusively presumed to be such a body.”

Clause, as amended, agreed to.

Clause 50, page 28, line 35, leave out “subsections (1) and” and insert “subsection”

Clause 50, page 29, line 14, leave out “falling within paragraph (za) or (zb) of section 214(2)” and insert “within subsection (4)(a) or (b)”

Clause 50, page 29, line 17, leave out “that paragraph” and insert “subsection (4)(a)”

Clause 50, page 29, line 19, leave out from “body” to end of line 19

Clause 50, page 29, line 17, leave out “falling within paragraph (a) or (b) of section 214(2)” and insert “within subsection (4)(c)”

Clause 50, page 29, line 21, leave out from “subsection (4),” to the end and insert
“after “means” insert “—

(a) a body which is authorised to grant awards by—

(i) an authorisation given under section 40(1) of the Higher Education and Research Act 2016 (“the 2016 Act”),

(ii) an authorisation varied under section 43(1) of the 2016 Act, or

(iii) regulations under section 47(1) of the 2016 Act,

(b) a body for the time being permitted by a body within paragraph (a) to act on its behalf in the granting of awards where the grant of the awards by that other body on its behalf is authorised by the authorisation or regulations mentioned in paragraph (a), or

(c) “.”

Joseph Johnson

Clause 50, page 29, line 22, at end insert—

“( ) In the heading, after “awards” insert “etc”.”

Joseph Johnson

Clause 50, page 29, line 33, leave out “by the Secretary of State”

Clause, as amended, agreed to.

Gordon Marsden
Angela Rayner

Clause 51, page 30, line 15, leave out “(instead of the Privy Council)” and insert “and the Privy Council”

Dr Roberta Blackman-Woods

Clause 51, page 30, line 16, at end insert—

“(2A) The power may be exercised as to include the word university in the name of the institution only when it can demonstrate that—

(a) it offers access to a range of cultural activities including, but not restricted to, the opportunity to undertake sport and recreation and access to a range of student societies and organisations;

(b) it provides students support and wellbeing services including specialist learning support;

(c) it provides opportunities for volunteering;

(d) it provides the opportunity to join a students’ union; and

(e) it plays a positive civic role.”

Clause agreed to.
Clause 52, page 31, line 7, leave out “Office for Students” and insert “Privy Council”

Clause 52, page 31, line 18, leave out lines 18 to 21

Clause 52, page 31, line 22, leave out lines 22 to 25

Clause 52, page 31, line 26, leave out “Office for Students” and insert “the Office for Students and the Privy Council”

Clause agreed to.

Clause 53, page 32, line 5, leave out “OfS” and insert “the Office for Students and the Privy Council”

Clause agreed to.

Clause 54 agreed to.

Clause 55 agreed to.

[Adjourned until Thursday at 11.30am]