



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 16 November 2016

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: 36-54, NC4-NC13

CONSIDERATION OF BILL (REPORT STAGE)

HIGHER EDUCATION AND RESEARCH BILL, AS AMENDED

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

NEW CLAUSES

Secretary Justine Greening

NC1

To move the following Clause—

“Duty to monitor and report on financial sustainability

- (1) The OfS must monitor the financial sustainability of the following registered higher education providers—
 - (a) those who are funded wholly or partly by a grant, loan or other payment from the OfS under section 37 or 38 (financial support for providers),
 - (b) those who are not so funded but are eligible to receive such funding under section 37 or 38, and
 - (c) those who provide higher education courses which are designated for the purposes of section 22 of the Teaching and Higher Education Act 1998

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(financial support for students) by or under regulations made under that section.

- (2) The OfS must include in its annual report a financial sustainability summary for the financial year to which the report relates.
- (3) “A financial sustainability summary” for a financial year is a summary of conclusions drawn by the OfS for that year, from its monitoring under subsection (1), regarding relevant patterns, trends or other matters which it has identified.
- (4) Patterns, trends or other matters are “relevant” if—
 - (a) they relate to the financial sustainability of some or all of the registered higher education providers monitored under subsection (1), and
 - (b) the OfS considers that they are appropriate to be brought to the attention of the Secretary of State.
- (5) In this section—

“annual report” means the annual report under paragraph 13 of Schedule 1;
“financial year” has the same meaning as in that Schedule (see paragraph 12(6)).”

Member’s explanatory statement

This new clause, which is for insertion after clause 61, requires the OfS to monitor the financial sustainability of registered higher education providers who are in receipt of, or eligible for, certain kinds of public funding. It requires the OfS to include in its annual report a summary of conclusions which it draws from that monitoring regarding patterns, trends or other matters which it has identified relating to the financial sustainability of some or all of the providers monitored and which it considers are appropriate to be brought to the attention of the Secretary of State.

Wes Streeting
Paul Blomfield

NC2

☆ To move the following Clause—

“Student support: restricted modification of repayment terms

- (1) Section 22 of the Teaching and Higher Education Act 1998 (power to give financial support to students) is amended in accordance with subsections (2) to (4).
- (2) In subsection (2)(g) at the beginning insert “Subject to subsections (3)(A) and (3)(B).”.
- (3) In subsection (2)(g) leave out from “section” to the end of subsection (2)(g).
- (4) After subsection (3) insert—
 - “(3A) Other than in accordance with subsection (3B), no provision may be made under subsection (2)(g) relating to the repayment of a loan that has been made available under this section once the parties to that loan (including the borrower) have agreed the terms and conditions of repayment, including during—
 - (a) the period of enrolment on a course specified under subsection (1)(a) or (1)(b), and
 - (b) the period of repayment.
 - (3B) Any modification to any requirement or other provision relating to the repayment of a loan made available under this section and during the

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periods specified in subsection (3A) shall only be made if approved by an independent panel.

- (3C) The independent panel shall approve modifications under subsection (3B) if such modifications meet conditions to be determined by the panel.
- (3D) The approval conditions under subsection (3C) must include that—
 - (a) the modification is subject to consultation with representatives of the borrowers,
 - (b) the majority of the representative group consider the modification to be favourable to the majority of students and graduates who have entered loans, and
 - (c) there is evidence that those on low incomes will be protected.
- (3E) The independent panel shall consist of three people appointed by the Secretary of State, who (between them) must have experience of—
 - (a) consumer protection,
 - (b) loan modification and mediation,
 - (c) the higher education sector, and
 - (d) student finance.””

Wes Streeting
Paul Blomfield

NC3

☆ To move the following Clause—

“Student loans: regulation

- (1) Any loan granted under section 22(1) of the Teaching and Higher Education Act 1998, (“student loans”) irrespective of the date on which the loan was granted, shall be regulated by the Financial Conduct Authority.
- (2) Any person responsible for arranging, administering or managing, or offering or agreeing to manage, student loans shall be regulated by the Financial Conduct Authority.”

Gordon Marsden
Angela Rayner

NC4

★ To move the following Clause—

“Committee on Degree Awarding Powers and University Title

- (1) The OfS must establish a committee called the “Committee on Degree Awarding Powers and University Title”.
- (2) The function of the Committee is to provide advice to the OfS on—
 - (a) the general exercise of its functions under sections 40, 42, 43 and 53 of this Act, and section 77 of the Further and Higher Education Act 1992;
 - (b) particular uses of its powers under section 40(1) of this Act; and

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- (c) particular uses of its powers under section 77 of the Further and Higher Education Act 1992.
- (3) The OfS must seek the advice of the Committee before—
 - (a) authorising a registered higher education provider or qualifying further education provider to grant taught awards, research awards or foundation degrees under section 40(1) of this Act;
 - (b) varying any authorisation made under section 40(1) of this Act so as to authorise a registered higher education provider or qualifying further education provider to grant a category of award or degree that, prior to the variation of the authorisation, it was not authorised to grant; and
 - (c) providing consent under section 77 of the Further and Higher Education Act 1992 for an education institution or body corporate to change its names so as to include the word “university” in the name of the institution or body corporate.
- (4) The OfS must also seek the advice of UKRI before authorising a registered higher education provider or qualifying further education provider to grant research awards under section 40(1) of this Act.
- (5) The OfS does not need to seek the advice of the Committee before—
 - (a) revoking an authorisation to grant taught awards, research awards or foundation degrees; or
 - (b) varying any authorisation to grant taught awards, research awards, or foundation degrees so as to revoke the authorisation of a registered higher education provider or qualifying further education provider to grant a category of award that, prior to the variation of the authorisation, it was authorised to grant.
- (6) Subsection (4) applies whether the authorisation being revoked or varied was given—
 - (a) by an order made under section 40(1) of this Act;
 - (b) by or under any Act of Parliament, other than under section 40(1) of this Act; or
 - (c) by Royal Charter.
- (7) In providing its advice to the OfS, the Committee must in particular consider the need for students, employers and the public to have confidence in the higher education system and the awards which are granted by it.
- (8) The OfS must have regard to the advice given to it by the Committee on both the general exercise of its functions referred to in subsection (2) and any particular uses of its powers referred to in subsection (3).
- (9) The majority of the members of the Committee must be individuals who appear to the OfS to have experience of providing higher education on behalf of an English higher education provider or being responsible for the provision of higher education by such a provider.
- (10) In appointing members of the Committee who meet these criteria, the OfS must have regard to the desirability of their being currently engaged at the time of their appointment in the provision of higher education or in being responsible for such provision.
- (11) The majority of the members of the Committee must be individuals who are not members of the OfS.

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(12) Schedule 1 applies to the Committee on Degree Awarding Powers and University Title as it applies to committees established under paragraph 8 of that Schedule.”

Member’s explanatory statement

This new clause would create a committee of the OfS which fulfils much the same functions as the current Advisory Committee on Degree Awarding Powers.

Gordon Marsden
Angela Rayner

NC5

★ To move the following Clause—

“Revocation of the Education (Student Support) (Amendment) Regulations 2015

The Education (Student Support) (Amendment) Regulations 2015 (Statutory Instrument No. 1951/ 2015) are revoked.”

Member’s explanatory statement

This new clause would revoke the Education (Student Support) (Amendment) Regulations 2015, which moved support for students from a system of maintenance grants to loans.

Gordon Marsden
Angela Rayner

NC6

★ To move the following Clause—

“Higher Education loans: restrictions on modification of repayment conditions

- (1) A loan made by the Secretary of State to eligible students in connection with their undertaking a higher education course or further education course under the Teaching and Higher Education Act 1998 shall—
- (a) not be subject to changes in repayment conditions retroactively without agreement from both Houses of Parliament;
 - (b) not be subject to changes in repayment conditions in the event of the loan being sold to private concerns, unless these changes are made to all loans, in the manner prescribed above;
 - (c) be subject to beneficial changes, principally to the repayment threshold, in line with average earnings.

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- (2) In section 8 of the Sale of Student Loans Act 2008, for subsection (1) substitute—
- “(1) Loans made in accordance with regulations under section 22 of the Teaching and Higher Education Act 1998 (c. 30) are to be regulated by the Consumer Credit Act 1974 (c. 39).”

Member’s explanatory statement

This new clause would ensure no retroactive changes could be made to student loan repayment conditions without agreement from both Houses of Parliament.

Paul Blomfield

NC7

- ★ To move the following Clause—

“Automatic review of authorisation

- (1) The OfS must consider whether to vary or revoke an authorisation given under section 40(1) if—
- (a) the ownership of the registered provider is transferred,
 - (b) the owner of the registered provider has restrictions placed on its degree-awarding powers in relation to another registered provider under its control or ownership, or
 - (c) for any other reason considered to be in the interest of students enrolled at the institution or the public.
- (2) A decision taken under sub-section (1) to vary or revoke an authorisation shall be carried out in accordance with section 43.”

Member’s explanatory statement

This new clause would ensure that a review of a provider’s degree awarding power would be triggered if the ownership of a provider changes, if the owner of the registered provider faces restrictions to its degree awarding powers in another jurisdiction or if the OfS deems a review necessary to protect students or the wider public interest.

Paul Blomfield

NC8

- ★ To move the following Clause—

“Access to support for students recognised as needing protection

- (1) Within six months from the day on which this Act comes into force, the Secretary of State must, by regulations made under the Higher Education Act 2004 and the Teaching and Higher Education Act 1998, make provision for financial support for higher education courses offered to students with certain immigration statuses.
- (2) The regulations specified in sub-section (1) must include, but shall not be restricted to—
- (a) provision for persons who have been brought to the UK under the Syrian Vulnerable Persons Relocation Scheme, or any equivalent scheme, and their family members to access student loans on the same basis as refugees recognised in-country, and

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- (b) provision for persons who have claimed asylum and been granted a form of leave to remain in the UK to be eligible for—
 - (i) home fees for a higher education course if they have been ordinarily resident in the United Kingdom and Islands since being granted leave, and
 - (ii) student loans for a higher education course, if—
 - (a) they have been ordinarily resident in the United Kingdom and Islands since being granted leave, and
 - (b) are ordinarily resident in the United Kingdom and Islands on the first day of the first academic term of that course.
- (3) In this section—
 - “home fees” means fees for a higher education course charged to persons considered as “qualifying persons” under regulations made under the Higher Education Act 2004;
 - “student loans” means loans made to students in connection with their undertaking of a higher education course under the Teaching and Higher Education Act 1998.”

Member’s explanatory statement

This new clause would allow all refugees resettled to the UK, as well as people seeking asylum granted forms of leave other than refugee status, to access student finance and home fees.

John Pugh

NC9

- ★ To move the following Clause—

“OfS report: international students

- (1) The OfS shall, in accordance with information received under paragraph 8(1)(ba), produce an annual report for the Secretary of State on—
 - (a) EU (excluding from the UK), and
 - (b) non- EU
 students enrolled with English higher education providers.
- (2) A report under subsection (1) must include an assessment of—
 - (a) the number of international students, and
 - (b) the financial contribution of international students to English Higher Education providers.
- (3) The Secretary of State shall lay the report produced under subsection (1) before each House of Parliament.”

John Pugh

NC10

- ★ To move the following Clause—

“Student support: requirement to assess repayment terms

- (1) The Teaching and Higher Education Act 1998 is amended as follows.

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- (2) In Section 22 (new arrangements for giving financial support to students)—
- (a) in subsection (3)(b), after “and” insert “subject to subsection (3A)”
 - (b) after subsection (3) insert—
 - “(3A) Regulations under subsection (3)(b) must include a level of earnings below which a person shall not be required to make repayments of such a loan.”
- (3) After Section 22 insert—
- “(22A) Duty to assess consumer prices in determining terms for loan repayments
- (1) In relation to regulations made under section 22(3A) the Secretary of State must, for each tax year, review UK consumer price inflation for the period since the last review under this subsection.
 - (2) If the review concludes that consumer prices for the previous tax year have increased, the Secretary of State shall, by order, amend the level of earnings specified in regulations made under subsection 22(3A) by the same percentage increase as consumer price inflation determined under sub-section (1).
 - (3) If the Secretary of State is not required to make an order under this section, the Secretary of State shall lay before each House of Parliament a report explaining the reasons for arriving at that determination.
 - (4) For the purpose of this section—
 - ”consumer prices” means the Consumer Price Index;
 - ”consumer price inflation” refers to the annual assessment made by the Office for National Statistics in the UK consumer price inflation Statistical bulletin.””
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John Pugh

NC11

- ★ To move the following Clause—

“UKRI report: international specialist employees

- (1) Within six months of section 84 of this Act coming into force, and every year thereafter, UKRI shall report to the Secretary of State on—
 - (a) EU (excluding from the UK), and
 - (b) non-EU
 specialist employees employed by UKRI and English higher education providers.
- (2) For the purposes of this section “specialist employee”—
 - (a) in relation to a Council, has the same meaning as in section 88(3), and
 - (b) in relation to an English higher education provider, means the academic staff of the institution.
- (3) Should any report made under subsection (1) identify a decrease in the number of international specialist employees since the previous report was produced, the Secretary of State must make an assessment of the impact of such a reduction on UKRI’s ability to deliver its functions under section 86 of this Act.

Higher Education and Research Bill, *continued*

- (4) The Secretary of State shall lay any report produced under this section before each House of Parliament.”
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John Pugh

NC12

- ★ To move the following Clause—

“Prohibition: use of quality of higher education when determining a visa application

An assessment made of the quality rating of a higher education provider in the United Kingdom under section 25 of this Act may not be used when assessing a person’s eligibility for leave to enter or remain in the United Kingdom under Part 1 of the Immigration Act 1971.”

Gordon Marsden
Angela Rayner

NC13

- ★ To move the following Clause—

“Standing Commission on Lifelong Learning and Adult Education

- (1) The Secretary of State shall establish a Standing Commission on Lifelong Learning and Adult Education.
- (2) The terms of reference of the Commission shall include the following purposes—
 - (a) to report on progress being made in respect of the opportunities available to individuals, employers and communities in lifelong learning and adult education in England;
 - (b) to establish world class benchmarks for participation in, and for the quality of, lifelong learning and adult education;
 - (c) to consider the potential to update and review the range of higher qualifications available for adult students;
 - (d) to evaluate current funding systems with respect to the opportunities available to individuals, employers and communities in life-long learning, in England;
 - (e) to examine and report on the introduction of personal learning accounts—
 - (i) funded on the contributory principle from employers, individuals and structures of devolved local and national government, and
 - (ii) on the arrangements that will operate to facilitate input from corporate or trade union bodies, which can be used to support lifelong learning and adult education;
 - (f) to examine and report on the potential to develop education and skills accounts (ESAs) with an emphasis on creating equality of opportunity for learners at all points in their life, including the possibility of a single lifetime tertiary education entitlement;

Higher Education and Research Bill, *continued*

- (g) to examine and report on the establishment of a national credit rating, accumulation and transfer system as a mechanism to improve flexible learning in adult, further and higher education, and on the feasibility of a digital credit system, which could also facilitate where appropriate the integration of work-based and lifelong learning; and
 - (h) to examine and report on the role of commissioners of devolved adult education budgets and how the expansion of lifelong learning and adult education could support delivery of full employment.
- (3) The Commission will make the following reports on the matters set out at subsection (2) to be laid before Parliament—
- (a) within 12 months of its establishment and
 - (b) thereafter annually.
- (4) When report in respect of ESAs required at subsection (2)(f) has been made, the Secretary of State may authorise the OfS to work with education providers, employers and financial institutions to develop a framework place for ESAs.”
-

Secretary Justine Greening

1

Clause 2, page 2, line 28, at end insert—

- “() Guidance framed by reference to a particular course of study must not guide the OfS to perform a function in a way which prohibits or requires the provision of a particular course of study.”

Member’s explanatory statement

This amendment prevents guidance given by the Secretary of State, which is framed by reference to a particular course of study, guiding the OfS to perform a function in a way which prohibits or requires the provision of a particular course. Amendments 12 and 13 place corresponding restrictions on the Secretary of State’s power to impose terms and conditions of a grant to the OfS under clause 67, or to give directions under clause 70, which are framed by reference to a particular course.

Paul Blomfield

51

★ Clause 5, page 4, line 9, at end insert—

- “(1A) Subject to subsection (1C), initial registration conditions of all providers under paragraph (1)(a) must include a requirement that every provider—
- (a) provides all eligible students with the opportunity to opt in to be added to the electoral register through the process of enrolling with that provider, and
 - (b) enter into a data sharing agreement with the local electoral registration officer to add those students to the electoral register.
- (1B) For the purposes of subsection (1A)—
- (a) a “data sharing agreement” is an agreement between the higher education provider and their local authority whereby the provider shares—
 - (i) the name,
 - (ii) address,
 - (iii) nationality,

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- (iv) date of birth, and
- (v) national insurance data of all eligible students enrolling and/or enrolled with the provider who opt in within the meaning of subsection (2A)(a);
- (b) “eligible” means those persons who are—
 - (i) entitled to vote in accordance with section 1 of the Representation of the People Act 1983, and
 - (ii) a resident in the same local authority as the higher education provider.

(1C) Subsection (1A) does not apply to the Open University and other distance learning institutions.”

Member’s explanatory statement

This amendment would ensure that the OfS includes as a registration condition for higher education providers the integration of electoral registration into the student enrolment process. Distance-learning providers are exempt.

Gordon Marsden
Angela Rayner

37

- ★ Clause 5, page 4, line 17, after “providers” insert “, staff and students”

Member’s explanatory statement

This amendment would ensure consultation with bodies representing higher education staff and students.

John Pugh

52

- ★ Clause 8, page 5, line 35, at end insert—

“(ba) a condition that requires the governing body of the provider to provide the OfS with information on the number of international students enrolled on a higher education course at that institution and the fees charged to those students,”

Gordon Marsden
Angela Rayner

38

- ★ Clause 8, page 5, line 39, at end insert—

“and

(d) an access and participation plan condition, as defined in section 12.”

Member’s explanatory statement

This amendment would make access and participation plans mandatory for all higher education providers.

Secretary Justine Greening

2

- Clause 9, page 6, leave out lines 10 to 13

Member’s explanatory statement

This amendment is consequential on amendment 3.

Higher Education and Research Bill, *continued*

Gordon Marsden
Angela Rayner

39

★ Clause 9, page 6, line 13, at end insert—

- “(iv) age band,
- (v) people with disabilities, and
- (vi) care leavers.”

Member’s explanatory statement

This amendment would include the number of people with disabilities and care leavers, as well as the age of applicants, in the published number of applications.

Secretary Justine Greening

3

Clause 9, page 6, line 18, at the end insert—

- “() The information which the OfS may request in relation to the numbers mentioned in subsection (2) includes those numbers by reference to one or more of the following—
 - (a) the gender of the individuals to which they relate;
 - (b) their ethnicity;
 - (c) their socio-economic background.”

Member’s explanatory statement

This amendment ensures that a registered higher education provider may be required by the OfS to provide and publish information in relation to the number of offers given and accepted, and the number of students who complete their courses (in addition to the applications received) by reference to the gender, ethnicity and socio-economic background of the individuals concerned.

Secretary Justine Greening

4

Clause 13, page 8, line 17, after “plan”, insert “and to publish it”

Member’s explanatory statement

This amendment makes clear that the OfS may impose a registration condition requiring a provider to publish a student protection plan.

Gordon Marsden
Angela Rayner

46

★ Clause 25, page 15, line 25, at beginning insert “Subject to subsection (7),”

Member’s explanatory statement

See the explanatory statement for amendment 47.

Paul Blomfield

49

★ Clause 25, page 15, line 32, at end insert—

- “(1A) The scheme established under subsection (1) shall have two ratings—
 - (a) meets expectations, and
 - (b) fails to meet expectations.

Higher Education and Research Bill, *continued*

- (1B) Each year, after the scheme established under subsection (1) comes into force the OfS must lay a report before Parliament on the number of international students—
- (a) applying to, and
 - (b) enrolled
- at the Higher Education Providers that have applied for a rating within the meaning of subsection (1).”

Member’s explanatory statement

This amendment provides for a pass/fail only Teaching Excellence Framework (TEF) rating, and requires the OfS to report on the number of international students applying to and attending Higher Education providers each year from the coming into force of the TEF.

Gordon Marsden
Angela Rayner

47

- ★ Clause 25, page 16, line 23, at end insert—

“(7) 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.”

Member’s explanatory statement

This amendment and amendment 47 would ensure TEF measures were subject to scrutiny by, and approval of, both Houses of Parliament.

Paul Blomfield

50

- ★ Clause 25, page 16, line 23, at end insert—

“(7) In making arrangements under sub-section (1), the OfS must make an assessment of—

- (a) the evidence that any proposed metric for assessing teaching quality is correlated to teaching quality, and
- (b) the potential unintended consequences that could arise from implementing the scheme including proposals on how such risks can be mitigated.

(8) Prior to making an assessment under subsection (7) the OfS must consult—

- (a) bodies representing the interests of academic staff employed at English higher education providers,
- (b) bodies representing the interests of students enrolled on higher education courses, and
- (c) such other persons as the OfS considers appropriate.

(9) The assessments made under subsection (7) must be published.”

Member’s explanatory statement

This amendment would require an assessment of the evidence of the reliability of the TEF metrics to be made and for the assessment to be published.

Secretary Justine Greening

5

- Clause 27, page 17, line 7, at end insert—

“(za) charge an institution a fee for any activity undertaken, or service provided, by the body in the performance by it of functions under section

Higher Education and Research Bill, *continued*

23(1) (power to assess quality and standards) in relation to the institution,”

Member’s explanatory statement

Clause 27(2) enables a body designated to perform the assessment functions of the OfS under clause 23 to charge a fee for activities undertaken or services provided by the body in the performance by it of functions under clause 23(2). This amendment and amendment 7 extend that power to include functions under clause 23(1) too.

Secretary Justine Greening

6

Clause 27, page 17, line 9, leave out from “body” to end of line 12 and insert “in the performance by it of functions under section 23(2)(a) (duty to assess to determine if initial registration condition relating to quality or standards is met) in relation to the institution, and”

Member’s explanatory statement

This amendment clarifies the drafting of clause 27(2)(a) to make clear that the power is to charge a fee for activities undertaken or services provided by the designated body in the performance by it of functions under clause 23(2)(a) in relation to an institution regardless of whether the assessment in question of the institution is being carried out by the body.

Secretary Justine Greening

7

Clause 27, page 17, line 17, at end insert—

“() The amount of a fee payable under subsection (2)(za) by an institution may be calculated by reference to costs incurred by the designated body in the performance by the body of functions under section 23(1) in relation to a different institution or of its general functions.

() The total fees payable under subsection (2)(za) must not exceed in any period of 12 months the total costs incurred by the body in that period in the performance by the body of its functions under section 23(1) and of its general functions.”

Member’s explanatory statement

See the explanatory statement for amendment 5.

Secretary Justine Greening

8

Clause 27, page 17, line 18, leave out “or provider”

Member’s explanatory statement

This amendment removes some unnecessary wording from clause 27(3).

Secretary Justine Greening

9

Clause 27, page 17, line 23, leave out paragraph (b)

Member’s explanatory statement

This amendment removes some unnecessary wording from clause 27(3) - having set out in that provision how the fees may be calculated, it is implicit that they may not be calculated by reference to functions other than those mentioned. That is consistent with clause 27(5).

Secretary Justine Greening

10

Clause 27, page 17, line 27, leave out “the functions” and insert “its functions”

Member’s explanatory statement

This amendment and amendment 11 make clear that the limit on fees imposed by clause 27(4) and (6) includes costs incurred by the body in the performance by it of all of its functions under clause

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23(2)(a) or (b) (as the case may be) and not just the functions under those provisions in relation to which the fee was charged.

Secretary Justine Greening

- Clause 27, page 17, line 35, leave out “the functions” and insert “its functions” 11
Member’s explanatory statement
See the explanatory statement for amendment 10.
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Gordon Marsden
Angela Rayner

- ★ Clause 40, page 23, line 22, at end insert— 40
“(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.”
Member’s explanatory statement
This amendment requires the OfS to be assured about the maintenance of standards and about students’ and the public interest before issuing authorisation to grant degrees.

Gordon Marsden
Angela Rayner

- ★ Clause 40, page 23, line 47, at end insert— 41
“(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, and in the awards which they collectively grant, among students, employers, and the wider public.”
Member’s explanatory statement
This amendment would ensure that the granting and removal of degree awarding powers would be linked to a need to maintain confidence in the sector, and with a view to preserving its excellent reputation.
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Secretary Justine Greening

- Clause 67, page 41, line 41, at end insert— 12
“() Terms and conditions under subsection (1) framed by reference to a particular course of study must not require the OfS to perform a function in a way which prohibits or requires the provision of a particular course of study.”
Member’s explanatory statement
See the explanatory statement for amendment 1.
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Higher Education and Research Bill, *continued*

Secretary Justine Greening

13

Clause 70, page 44, line 8, at end insert—

“() Directions under subsection (1) framed by reference to a particular course of study must not direct the OfS to perform a function in a way which prohibits or requires the provision of a particular course of study.”

Member’s explanatory statement

See the explanatory statement for amendment 1.

Secretary Justine Greening

14

Clause 79, page 50, line 23, leave out “Secretary of State’s opinion” and insert “opinion of the person making the regulations concerned”

Member’s explanatory statement

This amendment reflects the fact that the Welsh Ministers will have the function of making regulations for alternative payments in relation to Wales.

Secretary Justine Greening

15

Clause 79, page 50, line 34, leave out “and (f)” and insert “to (h)”

Member’s explanatory statement

This amendment provides that the Secretary of State has the function in relation to Wales (instead of the Welsh Ministers) of making provision in regulations about the effect, in relation to the alternative payment regime, of a person entering an individual voluntary arrangement.

Secretary Justine Greening

16

Clause 79, page 50, line 37, leave out subsection (10)

Member’s explanatory statement

This amendment leaves out an unnecessary provision.

John Pugh

53

★ Clause 85, page 54, leave out line 19

Member’s explanatory statement

This amendment, together with amendment 54, would keep Innovate UK as a separate organisation to UK Research and Innovation.

Higher Education and Research Bill, *continued*

Secretary Justine Greening

17

Clause 86, page 55, line 3, at end insert—

“() The functions conferred by subsection (1)(a) to (e) include, in particular, power to encourage and support the provision of postgraduate training in science, technology, humanities and new ideas.”

Member’s explanatory statement

This amendment makes clear that the functions of UKRI under clause 86(1)(a) to (e) include the power to encourage and support the provision of postgraduate training in science, technology, humanities and new ideas.

John Pugh

54

★ Page 56, line 30, leave out Clause 89

Member’s explanatory statement

See explanatory statement for Amendment 52.

Gordon Marsden
Angela Rayner

42

★ Clause 89, page 57, line 21, after “appropriate” insert “including relevant bodies in the devolved administrations”

Member’s explanatory statement

This amendment allows Research England to coordinate with its devolved counterparts.

Gordon Marsden
Angela Rayner

43

★ Clause 105, page 63, line 23, leave out “may” and insert “must”

Member’s explanatory statement

This amendment would ensure cooperation and information sharing between the OfS and UKRI.

Gordon Marsden
Angela Rayner

44

★ Clause 105, page 63, line 24, after “functions” insert—

“(1A) The OfS and UKRI must cooperate with one another on—

- (a) the health of disciplines,
- (b) awarding of research degrees,
- (c) post-graduate training,
- (d) shared facilities,
- (e) knowledge exchange and
- (f) skills development”

Member’s explanatory statement

This amendment sets out where UKRI and the OfS must cooperate on issues at the interface between teaching and research.

Higher Education and Research Bill, *continued*

Gordon Marsden
Angela Rayner

45

- ★ Clause 105, page 63, line 25, leave out subsection (2)

Member's explanatory statement

This amendment would ensure cooperation and information sharing between the OfS and UKRI.

Secretary Justine Greening

18

- Clause 112, page 66, line 23, leave out “or repeals” and insert “, repeals or revokes”

Member's explanatory statement

This is a minor and technical amendment which ensures that clause 112(2)(f) refers to the revocation of a provision of a Royal Charter (rather than to the repeal of the provision) - revocation being the appropriate terminology in the case of a Royal Charter.

Secretary Justine Greening

19

- Clause 112, page 66, line 34, after “provision”, insert “, and

- () include provision framed by reference to matters determined or published by the OfS.”

Member's explanatory statement

This amendment ensures that regulations under the Bill may be framed by reference to matters determined or published by the OfS - for example, by reference to the part of the register in which an English higher education provider is registered.

Secretary Justine Greening

20

- Clause 116, page 67, line 26, at end insert—

“() Section 79(9)—

- (a) so far as it relates to section 22(4B)(e) of the Teaching and Higher Education Act 1998, also extends to Scotland and Northern Ireland;
- (b) so far as it relates to section 22(4B)(f), (g) and (h) of that Act, also extends to Northern Ireland.”

Member's explanatory statement

This minor and technical amendment gives clause 79(9) (which, as amended by amendment 15, relates to new section 22(4B)(e), (f), (g) and (h) of the Teaching and Higher Education Act 1998) the same extent as the provisions to which it relates (see clause 116(4)).

Higher Education and Research Bill, *continued*

Gordon Marsden
Angela Rayner

36

★ Schedule 1, page 69, line 37, at end insert—

“(h) being an employee of a higher education provider, particularly in the capacity of teaching or researching.”

Member’s explanatory statement

This amendment would ensure the Secretary of State had regard for the experience of higher education employees, teaching or research staff.

Wes Streeting

48

★ Schedule 1, page 69, line 37, at end insert—

“(h) representing or promoting the interests of employees in higher education establishments.”

Member’s explanatory statement

This amendment requires that at least one of the ordinary members of the OfS has experience of representing or promoting the interests of employees in higher education.

Secretary Justine Greening

21

Schedule 1, page 69, line 37, at end insert—

“() But at least one of the ordinary members must have experience of representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers.”

Member’s explanatory statement

This amendment requires that at least one of the ordinary members of the OfS has experience of representing or promoting the interests of students in higher education.

Secretary Justine Greening

22

Schedule 1, page 71, line 2, leave out “, allowances and expenses”

Member’s explanatory statement

This amendment removes an unnecessary reference in paragraph 6(1) of Schedule 1 to allowances and expenses for members of the OfS as they are covered in paragraph 6(2).

Secretary Justine Greening

23

Schedule 1, page 71, line 18, leave out “, allowances and expenses”

Member’s explanatory statement

This amendment is consequential on amendment 24.

Secretary Justine Greening

24

Schedule 1, page 71, line 20, at end insert—

“() The OfS must pay, or make provision for paying, to or in respect of a person who is an employee of the OfS, such sums as the OfS may determine with the approval of the Secretary of State in respect of allowances or expenses.”

Member’s explanatory statement

This amendment makes the duty to pay allowances and expenses to OfS’s employees consistent with the power to pay such allowances and expenses to former employees inserted by amendment 25.

Higher Education and Research Bill, *continued*

Secretary Justine Greening

25

Schedule 1, page 71, line 20, at end insert—

“() The OfS may pay, or make provision for paying—

- (a) to or in respect of a person who is or has been an employee of the OfS, such sums as the OfS may determine with the approval of the Secretary of State in respect of pensions or gratuities, and
- (b) to or in respect of a person who has been an employee of the OfS, such sums as the OfS may determine with the approval of the Secretary of State in respect of allowances or expenses.”

Member’s explanatory statement

This amendment makes clear that the OfS has power, subject to approval by the Secretary of State, to make pension provision for its employees and former employees other than under the Superannuation Act 1972 (as provided for in paragraph 7(4) of Schedule 1), to pay them gratuities and to pay former employees allowances or expenses. The power in relation to non-civil service pensions is intended to be used in relation to staff transferring to the OfS.

Secretary Justine Greening

26

Schedule 4, page 79, line 6, leave out paragraph 1

Member’s explanatory statement

See explanatory statement for amendment 28.

Secretary Justine Greening

27

Schedule 4, page 79, line 13, leave out from beginning to “consult” in line 14 and insert “The OfS may”

Member’s explanatory statement

See the explanatory statement for amendment 28.

Secretary Justine Greening

28

Schedule 4, page 79, line 31, leave out sub-paragraphs (4) and (5) and insert—

“Recommendation

- 2A (1) This paragraph applies where the OfS has consulted in accordance with paragraph 2.
- (2) The OfS must consider whether there is a body that is suitable to perform the assessment functions.
- (3) If the OfS considers that there is only one body that is suitable to perform the assessment functions, the OfS must recommend that body to be designated to perform those functions.
- (4) If the OfS considers that there is more than one body that is suitable to perform the assessment functions, the OfS must recommend the most appropriate body to be designated to perform those functions.
- (5) “The most appropriate body” means, out of those bodies, the body whose designation the OfS considers would be most appropriate for securing the effective assessment of the quality of, and the standards applied to, higher education provided by English higher education providers.

Higher Education and Research Bill, *continued*

- (6) If the OfS considers that there is no body that is suitable to perform the assessment functions, the OfS may not recommend a body to be designated to perform those functions.
- (7) The OfS must—
 - (a) notify the Secretary of State of its recommendation or that no recommendation is made, and
 - (b) publish that notification.”

Member’s explanatory statement

This amendment and amendments 26 and 27 make changes to clarify when and how the OfS may recommend to the Secretary of State that a body is suitable to be designated to perform the assessment functions. The new paragraph 2A replaces paragraphs 1 and 2(4) and (5) of Schedule 4.

Secretary Justine Greening

29

Schedule 4, page 79, line 37, leave out “paragraphs 1 and 2” and insert “paragraph 2A”

Member’s explanatory statement

This amendment is consequential on amendments 26 and 28.

Secretary Justine Greening

30

Schedule 6, page 88, line 22, leave out paragraph 1

Member’s explanatory statement

See the explanatory statement for amendment 32.

Secretary Justine Greening

31

Schedule 6, page 88, line 27, leave out from beginning to “consult” in line 28 and insert “The OfS may”

Member’s explanatory statement

See the explanatory statement for amendment 32.

Secretary Justine Greening

32

Schedule 6, page 89, line 5, leave out sub-paragraphs (4) and (5) and insert—

Recommendation

- 2A (1) This paragraph applies where the OfS has consulted in accordance with paragraph 2.
- (2) The OfS must consider whether there is a body that is suitable to be designated under this Schedule.
- (3) If the OfS considers that there is only one body that is suitable to be designated under this Schedule, the OfS must recommend the designation of that body under this Schedule.
- (4) If the OfS considers that there is more than one body that is suitable to be designated under this Schedule, the OfS must recommend the designation under this Schedule of whichever one of those bodies it considers appropriate.

Higher Education and Research Bill, *continued*

- (5) If the OfS considers that there is no body that is suitable to be designated under this Schedule, the OfS may not recommend the designation of a body under this Schedule.
- (6) The OfS must—
- (a) notify the Secretary of State of its recommendation or that no recommendation is made, and
 - (b) publish that notification.”

Member’s explanatory statement

This amendment and amendments 30 and 31 make changes to clarify when and how the OfS may recommend to the Secretary of State that a body should be designated under Schedule 6. The new paragraph 2A replaces paragraphs 1 and 2(4) and (5) of Schedule 6.

Secretary Justine Greening

33

Schedule 6, page 89, line 11, leave out “paragraphs 1 and 2” and insert “paragraph 2A”

Member’s explanatory statement

This amendment is consequential on amendments 30 and 32.

Secretary Justine Greening

34

Schedule 6, page 89, line 14, after “body”, insert “for the purposes of section 59”

Member’s explanatory statement

This amendment is consequential on amendment 30.

Secretary Justine Greening

35

Schedule 9, page 98, line 39, at end insert—

- “() The Secretary of State must, in appointing the members of UKRI, have regard to the desirability of the members including at least one person with relevant experience in relation to at least one of Wales, Scotland and Northern Ireland.
- () “Relevant experience” means experience of one or more of the following—
- (a) research into science, technology, humanities or new ideas;
 - (b) the development or exploitation of science, technology, new ideas or advancements in humanities;
 - (c) industrial, commercial or financial matters or the practice of any profession.”

Member’s explanatory statement

This amendment requires the Secretary of State, when appointing members of UKRI, to have regard to the desirability of at least one of the members having relevant experience in relation to at least one of Wales, Scotland and Northern Ireland. “Relevant experience” is defined in the amendment.

Higher Education and Research Bill, *continued*

ORDER OF THE HOUSE [19 JULY 2016, AS AMENDED ON 5 SEPTEMBER 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 Tuesday 18 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.
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