
Committee Stage: Wednesday 22 September 2021

Higher Education (Freedom of Speech) Bill (Committee Stage Decisions)

This document sets out the fate of each clause, schedule, amendment and new clause considered at committee stage. A glossary with key terms can be found at the end of this document.

First to Twelfth Sittings

FIRST AND SECOND SITTINGS

Michelle Donelan

Agreed to

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 7 September) meet—
 - (a) at 2.00 pm on Tuesday 7 September;
 - (b) at 3.30 pm and 5.30pm on Monday 13 September;
 - (c) at 9.25 am and 2.00 pm on Wednesday 15 September;
 - (d) at 11.30 am and 2.00 pm on Thursday 16 September;
 - (e) at 3.30 pm and 5.30pm on Monday 20 September;
 - (f) at 9.25 am and 2.00 pm on Wednesday 22 September;
2. the Committee shall hear oral evidence in accordance with the following Table:

Date	Time	Witness
Tuesday 7 September	Until no later than 10.30 am	Professor Kathleen Stock OBE, Professor of Philosophy, University of Sussex; Dr Arif Ahmed, Reader in Philosophy, University of Cambridge and Fellow of Gonville and Caius College
Tuesday 7 September	Until no later than 11.25 am	Trevor Philips OBE; Professor Nigel Biggar, Regius Professor of Moral and Pastoral Theology at the University of Oxford
Tuesday 7 September	Until no later than 2.45 pm	Professor Stephen Whittle, Professor of Equalities Law, Manchester Metropolitan University
Tuesday 7 September	Until no later than 3.30 pm	Shakespeare Martineau

Date	Time	Witness
Tuesday 7 September	Until no later than 4.15 pm	Policy Exchange
Tuesday 7 September	Until no later than 5.00 pm	Free Speech Union
Monday 13 September	Until no later than 4.15 pm	Professor Eric Kaufmann, Professor of Politics, Birkbeck College, University of London; Professor Matthew Goodwin, Professor of Politics and International Relations, University of Kent and Director of the Centre for UK Prosperity at the Legatum Institute
Monday 13 September	Until no later than 4.45 pm	British Future
Monday 13 September	Until no later than 5.15 pm	Office for Students
Monday 13 September	Until no later than 6.00 pm	Jonathan Grant, Professor of Public Policy, King's College London; Paul Layzell, Principal, Royal Holloway, University of London
Monday 13 September	Until no later than 6.45 pm	Antisemitism Policy Trust; National Union of Students

3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 9; the Schedule; Clauses 10 to 12; new Clauses; new Schedules; remaining proceedings on the Bill;
4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 23 September.

Michelle Donelan

Agreed to

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

Michelle Donelan

Agreed to

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.

The following Witnesses gave oral evidence:

Professor Kathleen Stock OBE, Professor of Philosophy, University of Sussex, and Dr Arif Ahmed MBE, Reader in Philosophy and Fellow of Gonville and Caius College, Cambridge University

Trevor Phillips OBE and Professor Nigel Biggar CBE, Regius Professor of Moral and Pastoral Theology, Oxford University

Professor Stephen Whittle OBE, Professor of Equalities Law, Manchester Metropolitan University

Smita Jamdar, Partner and Head of Education, Shakespeare Martineau

Thomas Simpson, Associate Professor of Philosophy and Public Policy, University of Oxford, and Associate Fellow, Policy Exchange

Dr Bryn Harris, Chief Legal Counsel, Free Speech Union

*THIRD AND FOURTH SITTINGS***The following Witnesses gave oral evidence:**

Professor Eric Kaufmann, Professor of Politics, Birkbeck College, University of London, and Professor Matthew Goodwin, Professor of Politics and International Relations, University of Kent and Director of the Centre for UK Prosperity at the Legatum Institute

Sunder Katwala, Director, British Future

Nicola Dandridge, Chief Executive, Office for Students

Professor Paul Layzell, Principal of Royal Holloway, University of London and Chair of Universities UK Advisory Group on Free Speech and Academic Freedom, and Professor Jonathan Grant, Professor of Public Policy, King's College London

Danny Stone MBE, Director, Antisemitism Policy Trust, and Hilary Gyebi-Ababio, Vice-President for Higher Education, National Union of Students

FIFTH AND SIXTH SITTINGS

Matt Western

Negated on division 50

Clause 1, page 1, line 8, leave out from beginning to "must" and insert "Every individual and body of persons concerned in the government or management of a registered higher education provider"

Matt Western

Negated on division 51

Clause 1, page 1, line 9, leave out "importance" and insert "primacy"

Matt Western	Negated on division	43	
Clause 1, page 1, line 10, after "speech" insert "and academic freedom"			

Emma Hardy	Not selected	81	
Clause 1, page 1, line 18, after the first "the" insert "sole"			

Matt Western	Negated on division	52	
Clause 1, page 1, line 18, after "premises" insert "or online platforms"			

Matt Western	Not called	31	
Clause 1, page 1, line 18, after the second "of" insert "or occupied by"			

Emma Hardy	Not selected	82	
Clause 1, page 2, leave out lines 1 and 2			

Sir John Hayes	Withdrawn after debate	71	
Clause 1, page 2, line 2, at end insert—			
“(3A) Any conduct that would otherwise constitute conduct having the effect of harassment in accordance with section 26(1) of the Equality Act 2010 shall, notwithstanding any provision to the contrary in that Act, constitute freedom of speech within the law for the purposes of subsection (2), provided the conduct constitutes, or forms part of, discussion of an academic or scientific matter in a higher education setting.”			

Matt Western	Not called	53	
Clause 1, page 2, line 6, at end insert—			
“(c) The financial cost of providing physical security for any individual or body, except where such a cost would be greatly disproportionate.			
(4A) In circumstances where subsection (c) applies, the provider must ensure that an online platform can be used as an alternative.”			

Matt Western	Withdrawn after debate	55	
Clause 1, page 2, line 7, at end insert "members and visiting academic speakers"			

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Fiona Bruce	Withdrawn after debate	59	
Clause 1, page 2, line 9, after "staff" insert "and students"			
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Sir John Hayes	Withdrawn after debate	80	
Clause 1, page 2, leave out lines 9 to 14 and insert—			
(6) "In this Part, "academic freedom", in relation to academic staff at a registered higher education provider, includes their freedom within the law—			
(a) to question and test received wisdom,			
(b) to put forward new ideas and controversial or unpopular opinions, and			
(c) to design and deliver their own teaching, notwithstanding direction as to the topic or occasion of their teaching,"			
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Fiona Bruce	Not called	28	
Clause 1, page 2, line 10, leave out from "provider" to the end of line 16 and insert "includes freedom—			
(a) to question and test received wisdom,			
(b) to put forward new ideas and controversial or unpopular opinions, and			
(c) to express opinions about a registered higher education provider, including without limitation opinions concerning its curricula, governance, affiliations and the teaching and research conducted at the provider,			
without unlawful interference, and without being adversely affected (or being placed at risk of being adversely affected) in any of the ways described in subsection (7)."			
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Fiona Bruce	Not called	27	
Clause 1, page 2, line 11, leave out "within their field of expertise"			
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Matt Western John McDonnell	Not called	45	
Clause 1, page 2, line 13, after "new ideas" insert ", innovative research"			
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Matt Western John McDonnell	Negatived on division	46	
Clause 1, page 2, line 14, at end insert—			
"(c) to freely pursue chosen topics for teaching and research without government or institutional interference, and			

- (d) to express their opinions in relation to higher education providers, including that at which they are employed,”

Matt Western **Not called** **49**

Clause 1, page 2, line 14, at end insert—

- “(c) to criticise or otherwise express opinions about—
- (i) the governance of the higher education institution, and
 - (ii) decisions taken by the higher education institution, including decisions about affiliations with other bodies,”

Matt Western **Not called** **47**
John McDonnell

Clause 1, page 2, line 20, after “the provider” insert “or other providers”

Matt Western **Negated on division** **48**
John McDonnell

Clause 1, page 2, line 20, at end insert—

- “(c) the denial of a just and open path for career development, including fair procedures for appointment”

Fiona Bruce **Not called** **60**

Clause 1, page 2, line 20, at end insert—

“and

- (c) adverse impact on educational progress.”

Charlotte Nichols **Negated on division** **32**

Clause 1, page 2, line 20, at end insert—

“(7A)The objective under subsection (2) does not apply to any person or body that—

- (a) has made any statement in public that amounts to the denial of genocide; or
- (b) intends to make any statement that amounts to the denial of genocide within the premises of the provider or to any students of the provider.”

Fiona Bruce **Not called** **57**

Clause 1, page 2, line 28, leave out “and within their field of expertise”

Fiona Bruce **Not called** 29

Clause 1, page 2, line 36, at end insert—

“references to “members of the provider” include any affiliated academics and any other person holding an academic position at the provider;”

Matt Western **Not called** 56

Clause 1, page 2, line 36, at end insert—

““visiting academic speaker” shall mean any individual who is an academic member of another registered education provider or equivalent institution or organisation.”

Matt Western **Negatived on division** 69

Clause 1, page 2, line 36, at end insert—

““denial of genocide” means the malicious condoning, denying or trivialising of an act of genocide;

“genocide” has the meaning set out in Article II of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide.”

SEVENTH AND EIGHTH SITTINGS

Sir John Hayes **Withdrawn after debate** 72

Clause 1, page 2, line 36, at end insert—

“(11) The governing body of a registered Higher Education Provider must present to the OfS, at least once a quarter, a report detailing the steps their organisation has undertaken to fulfil its positive duties under subsection (2).”

Matt Western **Negatived on division** 75
John McDonnell

Clause 1, page 3, line 9, at end insert—

“(e) the procedures to be adopted for consulting by ballot staff and students of the provider in making decision about whether to allow the use of premises, and on what terms, for events.”

Matt Western **Negatived on division** 76
John McDonnell

Clause 1, page 3, line 9, at end insert—

“(2A)The provider must have particular regard to the result of a consultative ballot of its staff and students in making decisions about whether to allow the use of premises and on what terms.”

Matt Western **Negatived on division** 74
John McDonnell

Clause 1, page 3, line 20, at end insert—

“(6) The Code of Practice shall include procedures to be followed to ensure the right of peaceful protest by staff, students and other interested parties.

(7) The Code of Practice shall include procedures for consulting recognised staff unions and student unions on amendments to the code of practice.”

Fiona Bruce **Not called** 61

Clause 1, page 3, line 26, after “staff” insert “and students”

Michelle Donelan **Agreed to on division** 1

Clause 1, page 3, line 27, after “providers” insert “and their constituent institutions”

Matt Western **Withdrawn after debate** 44

Clause 1, page 3, line 28, after “education” insert “and in the conduct of research”

Matt Western **Negatived on division** 33

Clause 1, page 3, line 28, at end insert—

“(2) For the purposes of this section, “freedom of speech” and “academic freedom” do not extend to any statement that amounts to the denial of genocide.”

Clause, as amended, agreed to.

<hr style="width: 10%; margin-left: 0;"/> <p>Michelle Donelan</p> <p>Clause 2, page 3, leave out lines 43 and 44 and insert— “(d) staff and members of the provider and of its constituent institutions, and”</p>	<p>Agreed to</p>	<p>2</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Emma Hardy</p> <p>Clause 2, page 4, line 3, after the first “the” insert “sole”</p>	<p>Withdrawn after debate</p>	<p>83</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Emma Hardy</p> <p>Clause 2, page 4, leave out lines 6 and 7</p>	<p>Not called</p>	<p>84</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Matt Western</p> <p>Clause 2, page 4, line 13, at end insert— “(4B)The objective under subsection (2) does not apply to any person or body that— (a) has made any statement in public that amounts to the denial of genocide; or (b) intends to make any statement that amounts to the denial of genocide within the premises of the students’ union or to any members of the students’ union.”</p>	<p>Negatived on division</p>	<p>34</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Michelle Donelan</p> <p>Clause 2, page 4, line 27, at end insert— “(6) In this Part, references to a students’ union for students at a registered higher education provider that is eligible for financial support do not include a students’ union for students at a constituent institution of such a provider.”</p> <p><i>Clause, as amended, agreed to.</i></p>	<p>Agreed to</p>	<p>3</p>

NINTH AND TENTH SITTINGS

<hr style="width: 10%; margin-left: 0;"/> <p>Michelle Donelan</p> <p>Clause 3, page 5, line 21, at end insert—</p> <p style="padding-left: 40px;">“(aa) a constituent institution of a registered higher education provider, in respect of a breach by the governing body of the institution of any of its duties under section A1, or”</p>	<p>Agreed to</p>	<p>4</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Matt Western</p> <p>Page 5, line 13, leave out Clause 3</p> <p><i>Clause, as amended, agreed to.</i></p>	<p>Not selected</p>	<p>30</p>
<hr style="width: 30%; margin: 20px auto;"/>		
<hr style="width: 10%; margin-left: 0;"/> <p>Fiona Bruce</p> <p>Clause 4, page 5, line 31, after “staff” insert “and students”</p>	<p>Not called</p>	<p>62</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Fiona Bruce</p> <p>Clause 4, page 6, line 1, after “staff” insert “and students”</p>	<p>Not called</p>	<p>63</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Michelle Donelan</p> <p>Clause 4, page 6, line 2, after “providers” insert “and their constituent institutions”</p>	<p>Agreed to</p>	<p>5</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Michelle Donelan</p> <p>Clause 4, page 6, line 3, after “providers” insert “and their constituent institutions”</p>	<p>Agreed to</p>	<p>6</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Michelle Donelan</p> <p>Clause 4, page 6, line 8, after “providers” insert “and their constituent institutions”</p>	<p>Agreed to</p>	<p>7</p>
<hr style="width: 10%; margin-left: 0;"/> <p>Sir John Hayes</p> <p>Clause 4, page 6, line 8, at end insert—</p> <p style="padding-left: 40px;">“(2A) The OfS will compile an annual review of registered higher education providers, ranking their compliance with their duties under sections A1 to</p>	<p>Withdrawn after debate</p>	<p>73</p>

A3; to be made publicly available by such means as the OfS considers appropriate.”

Clause, as amended, agreed to.

Matt Western

Withdrawn after debate 54

Clause 5, page 6, line 39, at end insert—

“(4) The OfS must ensure that the ongoing registration conditions of each registered higher education provider that is eligible for financial support include a condition requiring the governing body of the provider to report to the OfS each year on the number of events that have been cancelled following a complaint about the opinions held by a person due to speak at the event.”

Clause agreed to.

Matt Western
John McDonnell

Negatived on division 77

Clause 6, page 7, line 10, at end insert—

(3A) Any monetary penalty will be limited to a maximum amount set out by the Office for Students decided in consultation with representative bodies of universities and of students’ unions.”

Clause agreed to on division.

Michelle Donelan

Agreed to 8

Clause 7, page 7, line 41, after “providers” insert “, their constituent institutions”

Michelle Donelan

Agreed to 9

Clause 7, page 8, line 15, after “provider” insert “or of a constituent institution of such a provider”

Matt Western **Negatived on division** 35
 Clause 7, page 8, line 20, leave out "or was"

Michelle Donelan **Agreed to** 10
 Clause 7, page 8, line 21, after "provider" insert "or constituent institution (as the case may be)"

Michelle Donelan **Agreed to** 11
 Clause 7, page 8, line 23, after "provider" insert "or constituent institution (as the case may be)"

ELEVENTH AND TWELFTH SITTINGS

Matt Western **Negatived on division** 36
 Clause 7, page 8, line 24, leave out "at any time"

Matt Western **Not called** 37
 Clause 7, page 8, line 25, at end insert—
 "(2A)An eligible person specified under sub-paragraph (2) may not make a complaint if more than five years has elapsed since the date to which the claim relates."

Michelle Donelan **Agreed to** 12
 Clause 7, page 8, leave out lines 40 to 42 and insert—
 "(ii) a student of the provider, or
 (iii) a member or member of staff of the provider or of any of its constituent institutions, or"

Michelle Donelan **Agreed to** 13
 Clause 7, page 9, line 6, after "provider" insert "or constituent institution"

Michelle Donelan **Agreed to** 14
 Clause 7, page 9, line 18, after "provider" insert ", constituent institution"

Matt Western	Withdrawn after debate	38
Clause 7, page 9, line 27, at end insert—		
“(e) A free speech complaint is not to be referred to the OfS under the scheme if a complaint relating to the same subject-matter is being, or has been, dealt with by the Office of the Independent Adjudicator.”		
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Matt Western	Not called	39
Clause 7, page 9, line 37, at end insert—		
“(1A) In reaching a decision under subsection (1)(a), the OfS must consider the other legal duties of governing bodies and students’ unions, such as but not limited to those under the Equalities Act 2010 and section 26 of the Counter-Terrorism and Security Act 2015.”		
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Matt Western	Not called	40
Clause 7, page 9, line 42, after “may” insert “issue guidance, give a warning or”		
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Michelle Donelan	Agreed to	15
Clause 7, page 10, line 29, after “provider” insert “, a constituent institution of such a provider”		
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Michelle Donelan	Agreed to	16
Clause 7, page 10, line 32, after “provider” insert “, a constituent institution”		
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Matt Western	Not called	41
Clause 7, page 10, line 2, at end insert—		
“(2A) In assessing whether to issue guidance, give a warning or make a recommendation, the OfS must consider the seriousness of the free speech complaint and whether the governing body or students’ union to which the complaint relates has repeatedly breached its freedom of speech duty.”		

Matt Western **Negatived on division** 42

Clause 7, page 10, line 21, at end insert—

“(8A) The scheme must provide an appeals process for governing bodies and students’ unions that have had free speech complaints upheld against them.”

Clause, as amended, agreed to.

Matt Western **Negatived on division** 78
John McDonnell

Clause 8, page 11, line 22, after “OfS” insert “and an advisory board consisting of sector bodies”

Matt Western **Withdrawn after debate** 79
John McDonnell

Clause 8, page 11, line 23, at end insert—

“(d) providing an annual update made available to students’ unions and higher education institutions on—

- (i) the number and nature of complaints made to OfS regarding freedom of speech; and
- (ii) examples of what OfS believes to constitute unacceptable infringements of freedom of speech as set out in this Act.”

Matt Western **Negatived on division** **85**

Clause 8, page 11, line 23, at end insert—

“(1A) A person may not be appointed as the Director for Freedom of Speech and Academic Freedom if the person has at any time within the last three years made a donation to a political party registered under the Political Parties, Elections and Referendums Act 2000.

(1B) The person appointed as the Director for Freedom of Speech and Academic Freedom may not whilst in office make any donation to a political party registered under the Political Parties, Elections and Referendums Act 2000.”

Clause agreed to on division.

Clause 9 agreed to.

Fiona Bruce **Not called** **64**

Schedule, page 13, line 8, after “staff” insert “and students”

Michelle Donelan **Agreed to** **17**

Schedule, page 13, line 25, leave out from “subsection (1),” to end of line and insert “for “a provider” substitute “a registered higher education provider, or a students’ union,””

Michelle Donelan **Agreed to** **18**

Schedule, page 13, line 27, leave out “provider,” and insert “registered higher education provider or of a constituent institution of such a provider,”

Michelle Donelan **Agreed to** **19**

Schedule, page 14, line 6, after “provider” insert “, constituent institution”

Fiona Bruce **Not called** **65**

Schedule, page 14, line 9, after “staff” insert “and students”

Fiona Bruce **Not called** **66**

Schedule, page 14, line 36, after “staff” insert “and students”

<p>_____</p> <p>Michelle Donelan</p> <p>Schedule, page 14, line 43, at end insert—</p> <p style="padding-left: 40px;">“(aa) after the definition of “a fee limit condition” insert—</p> <p style="padding-left: 40px;">““constituent institution”, in relation to a registered higher education provider, has the same meaning as in Part A1 (see section A3A(4));”;</p>	<p>Agreed to</p>	<p>20</p>
<p>_____</p> <p>Fiona Bruce</p> <p>Schedule, page 15, line 16, after “staff” insert “and students”</p>	<p>Not called</p>	<p>67</p>
<p>_____</p> <p>Fiona Bruce</p> <p>Schedule , page 15, line 17, leave out “and within their field of expertise”</p>	<p>Not called</p>	<p>58</p>
<p>_____</p> <p>Fiona Bruce</p> <p>Schedule, page 15, line 27, at end insert—</p> <p>“and</p> <p style="padding-left: 40px;">(c) adverse impact on educational progress.”</p>	<p>Not called</p>	<p>68</p>
<p>_____</p> <p>Michelle Donelan</p> <p>Schedule, page 15, line 46, leave out sub-paragraphs (2) to (4) and insert—</p> <p>“(2) In paragraph 1, for the words from “in relation” to the end substitute “where under section 73 the OfS imposes a requirement to pay costs on—</p> <p style="padding-left: 40px;">(a) the governing body of a registered higher education provider,</p> <p style="padding-left: 40px;">(b) the governing body of a constituent institution of a registered higher education provider, or</p> <p style="padding-left: 40px;">(c) a students’ union.”</p> <p>(3) In paragraph 2—</p> <p style="padding-left: 40px;">(a) in sub-paragraph (1)—</p> <p style="padding-left: 80px;">(i) after “governing body” insert “or students’ union”;</p> <p style="padding-left: 80px;">(ii) for “73(1)” substitute “73”;</p> <p style="padding-left: 40px;">(b) in sub-paragraphs (3) and (5), after “governing body” insert “or students’ union”.</p> <p>(4) In paragraph 3(1) for “of a provider” substitute “or students’ union”.</p>	<p>Agreed to</p>	<p>21</p>

Michelle Donelan Agreed to 22

Schedule, page 16, line 15, at end insert—

“(1A) In subsection (1)—

- (a) in paragraph (b), omit the final “or”;
- (b) after paragraph (b) insert—
- “(ba) a constituent college, school or hall or other institution in England or Wales of an institution within paragraph (b), or”.

Michelle Donelan Agreed to 23

Schedule, page 17, line 4, leave out from “provider” to end of line 7 and insert “or a constituent institution of such a provider has the meaning given by section 85(6) of the Higher Education and Research Act 2017;”

Michelle Donelan Agreed to 24

Schedule, page 17, line 13, at end insert—

““constituent institution”, in relation to a registered higher education provider, has the same meaning as in Part A1 of the Higher Education and Research Act 2017 (see section A3A(4) of that Act);”

Michelle Donelan Agreed to 25

Schedule, page 17, line 22, leave out from “provider” to end of line 24 and insert—

“(aa) a constituent institution of such a provider, and”

Michelle Donelan Agreed to 26

Schedule, page 17, line 28, at end insert—

“(e) after the definition of “qualifying institution” (inserted by paragraph (d)) insert—

““registered higher education provider” has the meaning given by section 3(10)(a) of the Higher Education and Research Act 2017.”

Sir John Hayes Withdrawn after debate 70

Schedule, page 17, line 36, at end insert—

“14A After section 32, insert—

“32A Section 26(1) duty: exception for higher education providers

For the purposes of section 26(1) of this Act, the obligation to have due regard to the need to prevent people from being drawn into terrorism shall not apply to any decision made by a registered higher education provider that directly concerns:

- (a) the content or delivery of the curriculum;
- (b) the provision of library or other teaching resources; or
- (c) research carried out by academic staff.””

Schedule, as amended, agreed to.

Clauses 10 to 12 agreed to.

Michelle Donelan

Added NC1

To move the following Clause—

“Duties of constituent institutions

After section A3 of the Higher Education and Research Act 2017 (inserted by section 1) insert—

“Duties of constituent institutions

A3A Duties of constituent institutions

- (1) Sections A1 to A3 apply in relation to the governing body of a constituent institution of a registered higher education provider as they apply in relation to the governing body of the provider.
- (2) Accordingly, in the application of those sections by virtue of subsection (1), references to “the provider” are to be read as references to the constituent institution.
- (3) The duties of the governing body of a constituent institution of a registered higher education provider under sections A1 to A3 do not affect the application of any initial or ongoing registration conditions imposed on the provider under Part 1.
- (4) In this Part—

“constituent institution”, in relation to a registered higher education provider, means any constituent college, school, hall or other institution of the provider;

“governing body”, in relation to a constituent institution of a registered higher education provider, has the same meaning as in Part 1 of this Act.””

Matt Western

Negatived on division NC2

To move the following Clause—

“Providers’ duty to ensure adequate resources for students’ unions

After section A5 of the Higher Education and Research Act 2017 (inserted by section 2) insert—

“A5A Resourcing of students’ unions

The provider must take steps to ensure that students’ unions have sufficient resources to carry out their duties under sections A4 and A5 of this Act.””

Matt Western

Negatived NC3

To move the following Clause—

“Select committee review

- (1) The Secretary of State must, at least once every calendar year, invite a select committee of the House of Commons to carry out a review into the effectiveness of the provisions of this Act.
- (2) The Secretary of State must invite the select committee to carry out its first review within one year of this Act being passed.”

Matt Western

Negatived on division NC4

To move the following Clause—

“Other student bodies

After section A4 of the Higher Education and Research Act 2017 (inserted by section 2) insert—

“A4A Application of students’ union provisions to other student bodies

- (1) In this Part, where a provision applies to a students’ union, it should also be taken to apply to any other student body.
- (2) For the purposes of this section “other student body” means—
 - (a) any Junior Common Room or Middle Common Room of a constituent institution; and
 - (b) any club or society made up of students at a higher education institution, whether or not the club or society is affiliated to the students’ union.””

Fiona Bruce

Withdrawn after debate NC5

To move the following Clause—

“Unfair dismissal

After section A6 of the Higher Education and Research Act 2017 (inserted by section 3) insert—

“A7 Unfair dismissal

An employee who is dismissed shall be regarded for the purposes of Part X of the Employment Rights Act 1996 as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is any act or omission which contravenes the duty in section A1.””

Matt Western
John McDonnell

Negatived on division NC6

To move the following Clause—

“Sunset clause

- (1) This Act expires at the end of the period of 3 years beginning with the day on which it is passed.
- (2) A Minister of the Crown may by regulations made by statutory instrument remove any of the provisions of this Act after one year from the day on which it is passed if he is not satisfied that the provision is working as intended.
- (3) Before three years from the day on which this Act is passed a Minister of the Crown must present to Parliament a written report on the effectiveness of the provisions of the Act.
- (4) A Minister of the Crown may by regulations made by statutory instrument renew this Act, subject to parliamentary approval in full or in part, or make transitional, transitory or saving provision in connection with the expiry of any provision of this Act.
- (5) Regulations under this section shall be subject to the affirmative procedure.”

Matt Western
John McDonnell

Negatived on division NC7

To move the following Clause—

“Independent Advisory Body to advise the Director and OfS on the operation of the scheme

- (1) Following the passing of this Act, the Secretary of State shall establish an independent advisory body (IAB) to give independent advice to the Director and OfS on the operation of the Act.

- (2) The independent advisory body shall comprise of representatives of Universities UK, the Universities and Colleges Union and the National Union of Students.
- (3) The advice of IAB shall be public except where mutually agreed by the Director and the IAB."

Matt Western
John McDonnell

Negatived on division NC8

To move the following Clause—

"Guidance on making a complaint

- (1) Notwithstanding clause 11, this Act cannot come into force until the Secretary of State publishes guidance for students, university staff, and others setting out which complaint route each should pursue, through which regulatory bodies, and in which order, when making a complaint relating to freedom of speech."

John McDonnell
Matt Western

Negatived on division NC9

To move the following Clause—

"Appointment of the Director for Freedom of Speech and Academic Freedom

- (1) The appointment of the Director for Freedom of Speech and Academic Freedom shall be subject to a confirmatory resolution of the relevant Select Committee of the House of Commons.
- (2) The Secretary of State shall when appointing the Director for Freedom of Speech and Academic Freedom have regard to the views of an Independent Advisory Body."

Emma Hardy

Withdrawn after debate NC10

To move the following Clause—

"OfS guidance

- (1) Within six months of sections 1 and 2 of this Act coming into force, the OfS must publish guidance on how universities and students' unions are to carry out the duties under those sections.
- (2) Guidance under subsection (1) must be produced in consultation with representatives from higher education providers and students' unions."

Emma Hardy

Withdrawn after debate NC11

To move the following Clause—

“Review of the appointment process for the Director for Freedom of Speech and Academic Freedom

- (1) The Secretary of State must conduct a review of the appointment process for the Director for Freedom of Speech and Academic Freedom within six months following the calling of a new Parliament.
- (2) Any review conducted under subsection (1) must assess the suitability of the appointment process for selecting politically impartial candidates.
- (3) The Secretary of State must lay the report of the review before Parliament.”

Matt Western

Negated on division NC12

To move the following Clause—

“Harassment

In section 26 of the Equality Act 2010, after subsection (4)(c) insert—

- “(d) When the case concerns the conduct of academic staff of a registered higher education provider, the importance of freedom of speech and academic freedom, as provided for under Part A1 of the Higher Education and Research Act 2017 (as inserted by section 1 of the Higher Education (Freedom of Speech) Act 2021).”

Matt Western

Negated on division NC13

To move the following Clause—

“Unfair dismissal in violation of academic freedom

- (1) A member of academic staff of a higher education provider who is dismissed shall be regarded for the purposes of Part X of the Employment Rights Act 1996 as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is any act or omission by the provider which contravenes the duty in Section A1.
- (2) For the purposes of dismissals under subsection (1), Section 108(1) of the Employment Rights Act 1996 (Qualifying period of employment) shall not apply.
- (3) Notwithstanding Section 124 of the Employment Rights Act 1996 (Limit of compensatory award etc.), there shall be no limit on the level of compensation that can be awarded in cases of unfair dismissal in violation of academic freedom.

- (4) Section 128 of the Employment Rights Act 1996 (Interim relief pending determination of complaint) shall apply in cases of dismissals under subsection (1)."

Bill, as amended, to be reported.

Glossary

Added: New Clause agreed without a vote and added to the Bill.

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.

Question proposed: debate underway but not concluded.

Withdrawn after debate: moved and debated but then withdrawn, so not put to a decision.

Not selected: not chosen for debate by the Chair.
