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Committee Stage: Thursday 2 December 2021

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## Skills and Post-16 Education Bill [Lords] (Amendment Paper)

This document lists all amendments tabled to the Skills and Post-16 Education Bill [Lords]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

This document should be read alongside the Chair's provisional Selection and Grouping, which sets out the order in which the amendments will be debated.

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Mr Toby Perkins  
Matt Western

43

Clause 2, page 3, line 27, leave out "as the Secretary of State considers appropriate" and insert ", including—

- "(a) the requirement for the local skills improvement plan to give due regard to relevant national and regional strategies, including in respect of the Decarbonisation Strategy,
- (b) a requirement for employer representative bodies to publish a conflicts of interest policy for all those involved in approving plans or allocating funds which records actual or perceived conflicts of interests, and
- (c) anything else the Secretary of State considers appropriate."

### Member's explanatory statement

This amendment sets out conditions for employer representative bodies. The amendment would require that employer representative bodies publish a conflicts of interest policy and give regard to national strategies (including the Decarbonisation Strategy).

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Alex Burghart

11

Clause 4, page 5, line 35, after "institution" insert "in England"

### Member's explanatory statement

Amendments 11, 12, 13 and 14 ensure that a relevant provider, to whom the duties in clause 1(4) apply, must be in England. This amendment ensures that, for an institution within the further education sector to be a relevant provider, it must be in England.

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Alex Burghart 12

Clause 4, page 5, line 38, leave out "a" and insert "an English"

**Member's explanatory statement**

See the explanatory statement for Amendment 11. This amendment ensures that a higher education provider will be a relevant provider only if it is an English higher education provider.

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Alex Burghart 13

Clause 4, page 5, line 40, after "provider" insert "whose activities, so far as they relate to the provision of post-16 technical education or training, are carried on, or partly carried on, in England"

**Member's explanatory statement**

See the explanatory statement for Amendment 11. This amendment ensures that an independent training provider is a relevant provider only if the provider's activities that relate to providing post-16 technical education or training are carried on, or partly carried on, in England.

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Alex Burghart 14

Clause 4, page 5, line 41, at end insert "in England"

**Member's explanatory statement**

See the explanatory statement for Amendment 11. This amendment ensures that the only schools that can be relevant providers by virtue of regulations under clause 4 are schools in England.

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Alex Burghart 15

Clause 4, page 6, line 9, leave out "in respect of which amounts are" and insert "funded, wholly or partly, by amounts"

**Member's explanatory statement**

This amendment, together with Amendments 16 and 17, ensure that education or training is treated as English-funded where amounts are paid directly to providers of the education or training in accordance with regulations made by the Secretary of State (as, for example, where payments are made by the Student Loans Company).

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Alex Burghart 16

Clause 4, page 6, line 10, leave out "by the Secretary of State"

**Member's explanatory statement**

See the explanatory statement for Amendment 15.

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Alex Burghart

17

Clause 4, page 6, line 11, after “made” insert “by the Secretary of State”

**Member’s explanatory statement**

See the explanatory statement for Amendment 15.

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Mr Toby Perkins

32

Matt Western

Clause 6, page 7, line 23, at end insert—

“(2A) The Institute shall perform a review of the operation of the apprenticeship levy, paying particular regard to ensuring that sufficient apprenticeships at level 3 and below are available.”

**Member’s explanatory statement**

This amendment would require the Institute to perform a review of the operation of the apprenticeship levy, and would require the Institute to pay particular regard to ensuring that sufficient apprenticeships at level 3 and below are available.

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Mr Toby Perkins

47

Matt Western

Clause 7, page 10, line 37, at end insert—

“(2A) Notwithstanding the provision in subsection (2), the Secretary of State will appoint by regulations a body other than the Institute to withdraw approval of a technical education qualification at Level 3.”

**Member’s explanatory statement**

This amendment requires the Secretary of State to appoint an alternative body to the Institute to approve the withdrawal of technical education qualifications at Level 3.

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Alex Burghart

18

Clause 7, page 10, leave out lines 38 to 40

**Member's explanatory statement**

This amendment leaves out subsection (3) of section A2D6 (approved technical education qualifications: approval and withdrawal) to be inserted into the Apprenticeships, Skills, Children and Learning Act 2009. The subsection was inserted at Lords Report.

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Alex Burghart

19

Clause 7, page 10, leave out lines 41 and 42

**Member's explanatory statement**

This amendment leaves out subsection (4) of section A2D6 (approved technical education qualifications: approval and withdrawal) to be inserted into the Apprenticeships, Skills, Children and Learning Act 2009. The subsection was inserted at Lords Report.

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Mr Toby Perkins  
Matt Western

48

Clause 7, page 11, line 19, at end insert—

- “(10) The Secretary of State must publish criteria to define what is meant by “high quality qualifications”, which can be used as a framework for future deliberations about any defunding of qualifications.
- (11) Any future defunding of qualifications must be reviewed by an appointed independent panel of experts, against the criteria set out in subsection (10).
- (12) The Secretary of State must publish the proposed list of Level 3 vocational and technical qualifications which are proposed to be defunded, based on the criteria as set out in subsection (10), within 3 months of this Act receiving royal assent.”

**Member's explanatory statement**

This amendment would require the Secretary of State to publish the criteria for what they consider to be high quality qualifications worth funding and to set up an independent panel to determine this.

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Mr Toby Perkins  
Matt Western

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Clause 10, page 14, line 17, leave out paragraph (a)

**Member's explanatory statement**

This amendment would ensure Ofqual remains able to make a determination under subsection (1) in relation to accreditation requirements relating to approved technical education qualifications.

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Alex Burghart

20

Page 18, line 2, leave out Clause 14

**Member's explanatory statement**

This amendment leaves out clause 14 of the Bill (amendments to section 42B of the Education Act 1997), which was inserted at Lords Report where it replaced the new clause (inserted immediately beforehand) "Information about technical education and training: access to English schools" which is now reinserted by NC1.

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Mr Toby Perkins  
Matt Western

51

Clause 15, page 19, line 25, after "State" insert "or Employer Representative Body"

**Member's explanatory statement**

This amendment would enable an Employer Representative Body to proscribe additional Level 3 qualifications as part of the Lifetime Skills Guarantee if there was an identified local need or skills shortage.

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Mr Toby Perkins  
Matt Western

52

Clause 15, page 20, line 27, after “State” insert “or as determined in the provisions of a Local Skills Improvement Plan”

**Member’s explanatory statement**

This amendment would enable for additional Level 3 qualifications to be proscribed in a local area where it was determined in the Local Skills Improvement Plan that there was a local need or skills shortage.

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Alex Burghart

21

Page 21, line 28, leave out Clause 17

**Member’s explanatory statement**

This amendment leaves out clause 17 of the Bill (universal credit conditionality), which was inserted at Lords Report.

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Mr Toby Perkins  
Matt Western

50

Clause 18, page 22, line 6, at end insert—

“(1A) The Secretary of State must also prepare and publish a review of student maintenance entitlements.”

**Member’s explanatory statement**

This amendment would require the Secretary of State to review the maintenance support available to further education students and courses.

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Alex Burghart 22

Page 22, line 1, leave out Clause 18

**Member's explanatory statement**

This amendment leaves out clause 18 of the Bill (lifelong learning: review), which was inserted at Lords Report.

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Alex Burghart 23

Clause 19, page 22, line 34, leave out subsection (3)

**Member's explanatory statement**

This amendment leaves out clause 19(3) of the Bill (regulations about courses of initial teacher training for further education to include provision about special educational needs awareness training), which was inserted at Lords Report.

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Mr Toby Perkins 60  
Matt Western

Clause 20, page 24, line 13, at end insert—

“(5A)When measuring student outcomes under subsection (5), the OfS must take account of mitigating circumstances, such as the impact of the Covid-19 pandemic.”

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Mr Toby Perkins 56  
Matt Western

Clause 20, page 24, line 16, at end insert—

“(6A) The OfS must consult the higher education sector before determining a minimum level in relation to a measure of student outcomes.”

**Member's explanatory statement**

This amendment requires the OfS to consult the higher education sector before determining minimum levels.

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Mr Toby Perkins 57  
Matt Western

Clause 20, page 24, line 17, leave out “not”

**Member’s explanatory statement**

This amendment requires the OfS to determine and publish different levels to reflect differences in student characteristics, different institutions or types of institution, different subjects or courses, or any other such factor.

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Mr Toby Perkins 58  
Matt Western

Clause 20, page 24, line 23, leave out “or subject being studied”

**Member’s explanatory statement**

This amendment is intended to probe the OfS’s powers of intervention at subject level.

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Mr Toby Perkins 55  
Matt Western

Clause 20, page 24, line 24, at end insert—

“(7A) When making decisions of a strategic nature in relation to a measure of student outcomes, the OfS must have due regard to the potential impact on the participation in higher education of students from disadvantaged and underrepresented groups.”

**Member’s explanatory statement**

This amendment seeks to ensure that the OfS’s measure of student outcomes does not jeopardise widening participation for students from disadvantaged and underrepresented groups.

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Mr Toby Perkins 59  
Matt Western

Clause 20, page 24, line 28, at end insert—

“(8A)The OfS must work together with the devolved authorities to minimise the potential for different assessments of the quality of higher education with a view to protecting the United Kingdom’s higher education sectors’ international reputation.”

**Member’s explanatory statement**

This amendment probes the impact that moving the English higher education sector out of line with the UK Quality Code will have upon the coherence and consistency of UK quality assessment and the UK’s HE sectors’ international standing.

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Christian Wakeford 29  
Mr Toby Perkins  
Matt Western

Clause 21, page 25, line 10, at end insert—

“(aa) for mayoral combined authorities or other authorities as defined by the Secretary of State, to keep a list of relevant education or training providers who meet the conditions specified by the authority in respect of that education or training;”

**Member’s explanatory statement**

The effect of this amendment is that mayoral combined authorities or other authorities as defined by the Secretary of State will be able to establish a list of their own relevant education or training providers.

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Christian Wakeford 30  
Mr Toby Perkins  
Matt Western

Clause 21, page 26, line 12, at end insert “including mayoral combined authorities or other funding authorities.”

**Member’s explanatory statement**

This amendment is consequential on Amendment 29.

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Christian Wakeford 31  
Mr Toby Perkins  
Matt Western

Clause 22, page 27, line 8, after “(a)” insert “or (b)”

**Member’s explanatory statement**

This amendment is consequential on Amendment 30.

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Alex Burghart

24

Clause 22, page 28, line 15, leave out from first “to” to “paid” in line 16 and insert “an agreement for the funding authority to provide funding to the provider includes a reference to an agreement or arrangements between the funding authority and the provider by virtue of which amounts can or must be”

**Member’s explanatory statement**

This amendment makes clear that an agreement between the Secretary of State and an education provider that must be in place in order for student loans to be paid directly to the provider counts as “funding arrangements” for the purposes of clause 22. It also covers arrangements other than agreements.

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Mr Toby Perkins  
Matt Western

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Clause 25, page 30, line 17, leave out from “education” to end of line 17

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Mr Toby Perkins  
Matt Western

54

Clause 25, page 30, line 17, leave out from “has” to “level.” and insert “is earning below the Living Wage, as identified by the Living Wage Foundation.”

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Alex Burghart

25

Page 30, line 14, leave out Clause 25

**Member’s explanatory statement**

This amendment leaves out clause 25 of the Bill (provision of opportunities for education and skills development), which was inserted at Lords Report.

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Alex Burghart

26

Clause 39, page 42, line 13, leave out subsection (2)

**Member's explanatory statement**

This amendment removes the privilege amendment inserted in the Lords.

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Alex Burghart

NC1

To move the following Clause—

**“Information about technical education and training: access to English schools**

- (1) Section 42B of the Education Act 1997 (information about technical education: access to English schools) is amended as follows.
- (2) In subsection (1), for “is an opportunity” substitute “are opportunities”.
- (3) After subsection (1) insert—
 

“(1A) In complying with subsection (1), the proprietor must give access to registered pupils on at least one occasion during each of the first, second and third key phase of their education.”
- (4) After subsection (2) insert—
 

“(2A) The proprietor of a school in England within subsection (2) must—

  - (a) ensure that each registered pupil meets, during each of the first and second key phases of their education, at least one provider to whom access is given (or any other number of such providers that may be specified for the purposes of that key phase by regulations under subsection (8)), and
  - (b) ask providers to whom access is given to provide information that includes the following—
    - (i) information about the provider and the approved technical education qualifications or apprenticeships that the provider offers,
    - (ii) information about the careers to which those technical education qualifications or apprenticeships might lead,
    - (iii) a description of what learning or training with the provider is like, and
    - (iv) responses to questions from the pupils about the provider or approved technical education qualifications and apprenticeships.

“(2B) Access given under subsection (1) must be for a reasonable period of time during the standard school day.”

- (5) In subsection (5)—
- (a) in paragraph (c), at the end insert “and the times at which the access is to be given;”;
  - (b) after paragraph (c) insert—
  - “(d) an explanation of how the proprietor proposes to comply with the obligations imposed under subsection (2A).”
- (6) In subsection (8), after “subsection (1)” insert “or (2A)”.
- (7) After subsection (9) insert—
- “(9A) For the purposes of this section—
- (a) the first key phase of a pupil’s education is the period—
    - (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 13, and
    - (ii) ending with 28 February in the following school year;
  - (b) the second key phase of a pupil’s education is the period—
    - (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 15, and
    - (ii) ending with 28 February in the following school year;
  - (c) the third key phase of a pupil’s education is the period—
    - (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 17, and
    - (ii) ending with 28 February in the following school year.””

**Member’s explanatory statement**

This new clause replaces clause 14. It removes requirements about university technical college access to pupils, requires access to pupils to be given in each key phase once (rather than three times), requires proprietors to ensure pupils meet at least one provider (or a prescribed number), and makes technical changes.

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Emma Hardy

NC2

To move the following Clause—

**“Lifelong learning: special educational needs**

When exercising functions under this Act, the Secretary of State must ensure that providers of further education are required to include special educational needs awareness training to all teaching staff to ensure that all staff are able to identify and adequately support those students who have special educational needs.”

**Member’s explanatory statement**

This new clause would place a duty on the Secretary of State to ensure that there is adequate special educational needs training for teachers of students in further education.

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Mr Toby Perkins  
Matt Western

NC3

To move the following Clause—

**“Report on the performance of employer representative bodies**

- (1) Within six months of the passing of this Act, and every twelve months thereafter, the Secretary of State must publish a report on the performance of employer representative bodies and lay it before both Houses of Parliament.
- (2) Each report must contain a statement setting out—
  - (a) the role of employer representative bodies,
  - (b) the accountability of employer representative bodies,
  - (c) the cost of employer representative bodies,
  - (d) the number of employer representative bodies in England and the areas covered,
  - (e) the number of employer representative bodies that have been removed and the reason why.
- (3) Each report must contain an independent assessment of the impact of each employer representative body on—
  - (a) the development of local skills improvement plans, and
  - (b) local rates of participation in further education.”

**Member’s explanatory statement**

This new clause requires the Secretary of State to publish and lay before both Houses of Parliament an annual report on employer representative bodies to allow for scrutiny of their role and performance.

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Stephen Timms

NC4

To move the following Clause—

**“Access to Sharia-compliant lifelong learning loans**

- (1) The Secretary of State must make provision by regulations for Sharia-compliant student finance to be made available as part of the lifelong learning entitlement.
- (2) Regulations under this section are to be made by statutory instrument, and a statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

**Member’s explanatory statement**

This new clause allows the Secretary of State to make provision for Sharia-compliant LLE loans to ensure that the LLE is not a barrier to participation and upskilling.

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Sarah Champion

NC5

To move the following Clause—

**“National review and plan for addressing the attainment gap**

Within six months of the passing of this Act, the Secretary of State must undertake a review to understand how to support those who have not achieved grade 4 or above in GCSEs in—

- (a) English, or
- (b) mathematics,

for the purposes of issuing a plan to support such people to achieve a level of attainment in those subjects through higher education, further education or technical education, as is necessary to advance their skills and education.”

**Member’s explanatory statement**

This new clause intends to ensure that everyone is supported to attain the level of English and/or maths skills they need by ensuring there is a requirement for the Department for Education to have a plan to close the attainment gap based on a review of current policies and barriers to attainment in English and/or maths.

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Mr Toby Perkins  
Matt Western

NC6

To move the following Clause—

**“T-levels: Duty to review**

- (1) Two years after the date on which the first T-levels are completed, the Secretary of State must perform a review of the education and employment outcomes of students enrolled on T-level courses.
- (2) No qualifications may be defunded until the Secretary of State’s duty under subsection (1) has been undertaken.”

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## Order of the House

**[15 November 2021]**

That the following provisions shall apply to the Skills and Post-16 Education Bill [Lords]:

**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 7 December 2021.

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

**Proceedings on Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings 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 Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.
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## Order of the Committee

**[30 November 2021]**

That—

1. the Committee shall (in addition to its first meeting at 9.25 am on Tuesday 30 November) meet—
    - (a) at 2.00 pm on Tuesday 30 November;
    - (b) at 11.30 am and 2.00 pm on Thursday 2 December;
    - (c) at 9.25 am and 2.00 pm on Tuesday 7 December;
  2. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 7 December.
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