
Committee Stage: Monday 29 November 2021

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 Any withdrawn amendments are listed at the end of the document.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.

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

Alex Burghart

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

Alex Burghart

4

Clause 1, page 2, line 21, leave out “subsection (6)” and insert “subsections (6) and (6A)”

Member’s explanatory statement

This amendment is consequential on Amendment 5.

Alex Burghart

5

Clause 1, page 2, line 32, at end insert—

“(6A) Where a specified area covers any of the area of a relevant authority, the Secretary of State may approve and publish a local skills improvement plan for the specified area only if satisfied that in the development of the plan due consideration was given to the views of the relevant authority.

For this purpose “relevant authority” means—

- (a) a mayoral combined authority within the meaning of Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (see section 107A(8) of that Act), or
- (b) the Greater London Authority.”

Member's explanatory statement

The effect of this amendment is that the Secretary of State must be satisfied that due consideration has been given to the views of a mayoral combined authority or the Greater London Authority before approving a local skills improvement plan for an area that covers any of their area.

Alex Burghart

6

Clause 1, page 2, line 35, leave out from "body" to "for" in line 37

Member's explanatory statement

The effect of this amendment is that a local skills improvement plan will be a plan developed by an employer representative body which is designated for a specified area. This amendment, together with Amendments 7, 8 and 9, reverse an amendment made at Lords Report.

Alex Burghart

7

Clause 1, page 2, line 40, leave out from beginning to "and" in line 6 on page 3

Member's explanatory statement

This amendment amends the definition of local skills improvement plan with the effect that a plan for a specified area must draw on the views of employers operating within the specified area, and any other evidence. Amendments 6, 7, 8 and 9 reverse an amendment made at Lords Report.

Emma Hardy

27

Clause 1, page 3, line 4, at end insert—

"(iv) groups representing the interests of people with disabilities,"

Member's explanatory statement

This amendment intends to ensure that Local Skills Improvement Plans draw on the views of groups representing the interests of people with disabilities.

Mr Toby Perkins

33

Matt Western

☆ Clause 1, page 3, line 4, at end insert—

"(iv) Local Enterprise Partnerships and the skills and productivity board,"

Member's explanatory statement

This amendment would require that local skills improvement plans draw on the views of Local Enterprise Partnerships and the skills productivity board, in addition to those bodies already set out in the subsection.

Sarah Champion 1
 Marsha De Cordova
 Paula Barker
 Tony Lloyd
 Ian Lavery
 Mr Virendra Sharma
 Ruth Cadbury Rushanara Ali Ms Marie Rimmer
 Kate Osborne Mr Clive Betts

Clause 1, page 3, line 6, after “evidence” insert “, including the views of relevant community groups including those representing the interests of disabled people,”

Member’s explanatory statement

This amendment intends to ensure that the evidence informing LSIP development includes information directly relevant to improving the employment prospects of disabled people.

Alex Burghart 8
 Clause 1, page 3, line 8, leave out “by people resident”

Member’s explanatory statement

This amendment requires the local skills improvement plan for a specified area to summarise skills, capabilities or expertise that are required in the specified area in general, rather than only by people resident in that area. Amendments 6, 7, 8 and 9 reverse an amendment made at Lords Report.

Alex Burghart 9
 Clause 1, page 3, line 9, leave out “and other local bodies”

Member’s explanatory statement

This amendment means that a local skills improvement plan must identify actions that providers can take regarding certain post-16 technical education or training that they provide when making decisions about that education or training. Amendments 6, 7, 8 and 9 reverse an amendment made at Lords Report.

Alex Burghart 10
 Clause 1, page 3, line 10, after “any” insert “English-funded”

Member’s explanatory statement

This amendment limits the post-16 technical education or training about which a local skills improvement plan must identify actions that can be taken to such education or training that is English-funded.

Sarah Champion 2
 Marsha De Cordova
 Paula Barker
 Tony Lloyd
 Ian Lavery
 Mr Virendra Sharma
 Ruth Cadbury Rushanara Ali Ms Marie Rimmer
 Kate Osborne Mr Clive Betts

Clause 1, page 3, line 12, at end insert—

“(d) identifies actions to be taken to reduce the disability employment gap within the specified area.”

Member’s explanatory statement

This amendment intends to ensure that the LSIP is used as a vehicle for improving the employment prospects of disabled people.

Emma Hardy 28

Clause 1, page 3, line 12, at end insert—

“(d) identifies positive actions to reduce the disability employment gap within the specified area.”

Member’s explanatory statement

This amendment intends to ensure that Local Skills Improvement Plans identify positive actions to reduce the disability employment gap within the specified area covered by the Plans.

Mr Toby Perkins 34
 Matt Western

☆ Clause 1, page 3, line 12, at end insert—

“(d) lists specific strategies to support learners who have or have previously had, a statement of Special Educational Need or an Education and Health Care Plan into employment, including but not limited to provision for supported internships.”

Member’s explanatory statement

This amendment would require that local skills improvement plans list specific strategies to support learners who have or have previously had, a statement of Special Educational Need or an Education and Health Care Plan into employment, including but not limited to provision for supported internships.

Mr Toby Perkins 38
 Matt Western

☆ Clause 1, page 3, line 12, at end insert—

“(d) takes account of a provider of designated distance learning courses that are undertaken by residents of the specified area.”

Member's explanatory statement

This amendment would ensure that local skills improvement plans take account of distance learning providers.

Mr Toby Perkins
Matt Western

39

☆ Clause 1, page 3, line 12, at end insert—

“(d) these conditions to include the requirement for the LSIP to give due regard to a national strategy for education and skills, which is agreed across the Department for Education, Department for Work and Pensions, Department for Business, Energy and Industrial Strategy, and the Department for Levelling Up Housing and Communities.”

Member's explanatory statement

This amendment would require Government to have a national strategy for education and skills, which is agreed across DfE, DWP, BEIS and DLUHC for which LSIPs would have to take account of.

Mr Toby Perkins
Matt Western

40

☆ Clause 1, page 3, line 12, at end insert—

“(7A) The Secretary of State must prepare and publish guidance setting out the criteria used to determine the boundaries of a specified area for the purpose of this section.”

Member's explanatory statement

This is a probing amendment regarding the criteria the Government will use to determine what constitutes “local”.

Mr Toby Perkins
Matt Western

41

☆ Clause 1, page 3, line 12, at end insert—

“(7A) Before local skills improvement plans are introduced outside of trailblazer areas, the Secretary of State must publish guidance relating to their implementation, subject to consultation of all Mayoral Combined Authorities and, where there is not one, the relevant local authority.”

Member's explanatory statement

This amendment seeks to ensure that local and combined authorities are consulted on the Government's plans for the roll out of local skills improvement plans and are in a position to highlight any issues before publication.

Mr Toby Perkins 44
Matt Western

☆ Clause 1, page 3, line 12, at end insert—

“(7A) Colleges and other providers may propose revisions where they consider that the plans do not appropriately reflect the full diversity of priorities across the locality.”

Member’s explanatory statement

This amendment would allow colleges and other providers to propose revisions to LSIPs if they consider that plans do not reflect the full diversity of priorities across the locality.

Mr Toby Perkins 35
Matt Western

☆ Clause 2, page 3, line 22, after “the” and before “employers” insert “public and private sector”

Member’s explanatory statement

This amendment would specify that employers operating within specified areas for the purposes of section 2(1)(a) can be both public and private sector.

Mr Toby Perkins 45
Matt Western

☆ Clause 2, page 3, line 22, leave out “reasonably”

Member’s explanatory statement

This is a probing amendment to test how the Secretary of State will determine what mix of employers is considered “reasonably representative”.

Mr Toby Perkins 36
Matt Western

☆ Clause 2, page 3, line 22, after “employers” insert “, local Further Education colleges, independent training providers, local authority (including Mayoral combined authorities) and Local enterprise partnerships”

Member’s explanatory statement

This amendment would add local Further Education college, independent raining providers, local authority (including Mayoral combined authorities) and Local enterprise partnerships to those of which employer representative bodies much be representative, in order to be designated as a representative body by the Secretary of State.

Mr Toby Perkins 46
Matt Western

- ☆ Clause 2, page 3, line 23, after “area,” insert “including the interests of small and medium sized enterprises, the self-employed and public and voluntary sector employers,”

Member’s explanatory statement

This amendment seeks to ensure that employer representative boards include a wider range of local employer interests including small and medium sized enterprises, the self-employed, and public and third sector employers.

Sarah Champion 3
Emma Hardy
Marsha De Cordova
Paula Barker
Tony Lloyd
Ian Lavery
Mr Virendra Sharma Ruth Cadbury Rushanara Ali
Ms Marie Rimmer Kate Osborne Mr Clive Betts

Clause 2, page 3, line 23, at end insert—

- “(iii) the body is composed of employers who demonstrate reputable practice in relation to equality and diversity in employment, including in relation to disability, and”

Member’s explanatory statement

This amendment intends to ensure that members of the body with primary responsibility for creating the LSIP have sufficient understanding of and commitment to equality and diversity, including in relation to disability, to enable them to create an inclusive plan.

Mr Toby Perkins 37
Matt Western

- ☆ Clause 2, page 3, line 23, at end insert—

- “(iii) in the event that there is no body in the local area that is representative of the organisations listed under subsection (1)(a)(ii) the Secretary of State will instruct the Local Enterprise Partnership or Metro mayor to bring together a board which is representative of all the organisations outlined in subsection (1)(a)(ii), who will take on responsibility for drawing up the local skills improvement plan.”

Member’s explanatory statement

This amendment places a duty on the Secretary of State, in the event that the Secretary of State is not satisfied that an eligible body is not reasonably representative of the employers operating within the specified area.

Mr Toby Perkins 42
Matt Western

☆ Clause 2, page 3, line 25, at end insert—

- “(c) the Secretary of State has received in writing the consent of the relevant local authority or Mayoral Combined Authority.”

Member’s explanatory statement

This amendment provides for local authorities to give consent in the designation of employer representative bodies.

Mr Toby Perkins 43
Matt Western

☆ 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).

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.

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.

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.

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.

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).

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.

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.

Mr Toby Perkins
Matt Western

32

☆ 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.

Mr Toby Perkins
Matt Western

47

☆ 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.

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.

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.

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.

Mr Toby Perkins
Matt Western

49

☆ 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.

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.

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.

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.

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.

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.

Christian Wakeford

29

☆ 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.

Christian Wakeford

30

- ☆ 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.

Christian Wakeford

31

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

Member’s explanatory statement

This amendment is consequential on Amendment 30.

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.

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.

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.

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.

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.

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.

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.

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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