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Committee Stage: Tuesday 7 December 2021

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## Skills and Post-16 Education Bill [Lords] (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 Sixth Sitings

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### *FIRST AND SECOND SITTINGS*

Alex Burghart

**Agreed to**

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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Alex Burghart

**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.

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Alex Burghart

**Agreed to** 4

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

<hr/> <p>Alex Burghart</p> <p>Clause 1, page 2, line 32, at end insert—</p> <p>“(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.</p> <p>For this purpose “relevant authority” means—</p> <p>(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</p> <p>(b) the Greater London Authority.”</p>	<p><b>Agreed to</b></p>	<p><b>5</b></p>
<hr/> <p>Alex Burghart</p> <p>Clause 1, page 2, line 35, leave out from “body” to “for” in line 37</p>	<p><b>Agreed to on division</b></p>	<p><b>6</b></p>
<hr/> <p>Alex Burghart</p> <p>Clause 1, page 2, line 40, leave out from beginning to “and” in line 6 on page 3</p>	<p><b>Agreed to on division</b></p>	<p><b>7</b></p>
<hr/> <p>Emma Hardy</p> <p>Clause 1, page 3, line 4, at end insert—</p> <p>“(iv) groups representing the interests of people with disabilities,”</p>	<p><b>Withdrawn after debate</b></p>	<p><b>27</b></p>
<hr/> <p>Mr Toby Perkins Matt Western</p> <p>Clause 1, page 3, line 4, at end insert—</p> <p>“(iv) Local Enterprise Partnerships and the skills and productivity board,”</p>	<p><b>Withdrawn after debate</b></p>	<p><b>33</b></p>
<hr/> <p>Sarah Champion Marsha De Cordova Paula Barker Tony Lloyd Ian Lavery Mr Virendra Sharma Ruth Cadbury Kate Osborne Wera Hobhouse</p> <p>Rushanara Ali Mr Clive Betts Munira Wilson</p> <p>Ms Marie Rimmer Kim Leadbeater</p> <p>Clause 1, page 3, line 6, after “evidence” insert “, including the views of relevant community groups including those representing the interests of disabled people,”</p>	<p><b>Negatived on division</b></p>	<p><b>1</b></p>

_____	Alex Burghart	<b>Agreed to on division</b>	<b>8</b>
	Clause 1, page 3, line 8, leave out "by people resident"		
_____	Alex Burghart	<b>Agreed to on division</b>	<b>9</b>
	Clause 1, page 3, line 9, leave out "and other local bodies"		
_____	Alex Burghart	<b>Agreed to</b>	<b>10</b>
	Clause 1, page 3, line 10, after "any" insert "English-funded"		
_____	Sarah Champion Marsha De Cordova Paula Barker Tony Lloyd Ian Lavery Mr Virendra Sharma Ruth Cadbury Kate Osborne Wera Hobhouse	<b>Not called</b>	<b>2</b>
	Rushanara Ali Mr Clive Betts Munira Wilson	Ms Marie Rimmer Kim Leadbeater	
	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."		
_____	Emma Hardy	<b>Not called</b>	<b>28</b>
	Clause 1, page 3, line 12, at end insert— "(d) identifies positive actions to reduce the disability employment gap within the specified area."		
_____	Mr Toby Perkins Matt Western	<b>Not called</b>	<b>34</b>
	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."		
_____	Mr Toby Perkins Matt Western	<b>Not called</b>	<b>38</b>
	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."		

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Mr Toby Perkins **Not called** 39  
 Matt Western

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.”

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Mr Toby Perkins **Not called** 40  
 Matt Western

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.”

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Mr Toby Perkins **Negated on division** 41  
 Matt Western

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.”

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Mr Toby Perkins **Not called** 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.”

*Clause, as amended, agreed to.*

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Mr Toby Perkins **Withdrawn after debate** 35  
 Matt Western

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

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Mr Toby Perkins **Not called** **45**  
 Matt Western

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

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Mr Toby Perkins **Not called** **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”

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Mr Toby Perkins **Not called** **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,”

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Sarah Champion **Not called** **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  
 Kim Leadbeater Wera Hobhouse Munira Wilson

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”

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Mr Toby Perkins **Negated on division** **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.”

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Mr Toby Perkins **Not called** 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.”

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### THIRD AND FOURTH SITTINGS

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Mr Toby Perkins **Negatived on division** 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.”

*Clause agreed to.*

*Clause 3 agreed to.*

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Alex Burghart **Agreed to** 11

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

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Alex Burghart **Agreed to** 12

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

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Alex Burghart **Agreed to** 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”

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Alex Burghart **Agreed to** 14  
 Clause 4, page 5, line 41, at end insert “in England”

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Alex Burghart **Agreed to** 15  
 Clause 4, page 6, line 9, leave out “in respect of which amounts are” and insert “funded, wholly or partly, by amounts”

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Alex Burghart **Agreed to** 16  
 Clause 4, page 6, line 10, leave out “by the Secretary of State”

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Alex Burghart **Agreed to** 17  
 Clause 4, page 6, line 11, after “made” insert “by the Secretary of State”

*Clause, as amended, agreed to.*

*Clause 5 agreed to.*

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Mr Toby Perkins **Negatived on division** 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.”

*Clause agreed to.*

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Mr Toby Perkins **Withdrawn after debate** 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.”

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Alex Burghart **Agreed to on division** 18  
 Clause 7, page 10, leave out lines 38 to 40

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Alex Burghart **Agreed to on division** 19  
 Clause 7, page 10, leave out lines 41 and 42

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Mr Toby Perkins **Negatived on division** 48  
 Matt Western  
 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.”

*Clause, as amended, agreed to.*

*Clause 8 and 9 agreed to.*

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Mr Toby Perkins **Withdrawn after debate** 49  
 Matt Western  
 Clause 10, page 14, line 17, leave out paragraph (a)

*Clause agreed to.*

*Clauses 11 to 13 agreed to.*

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*FIFTH AND SIXTH SITTINGS*

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Alex Burghart	<b>Not selected</b>	<b>20</b>
Page 18, line 2, leave out Clause 14		
<i>Clause disagreed to on division.</i>		

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Mr Toby Perkins Matt Western	<b>Not selected</b>	<b>51</b>
Clause 15, page 19, line 25, after "State" insert "or Employer Representative Body"		

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Mr Toby Perkins Matt Western	<b>Not selected</b>	<b>52</b>
Clause 15, page 20, line 27, after "State" insert "or as determined in the provisions of a Local Skills Improvement Plan"		
<i>Clause agreed to on division.</i>		
<i>Clause 16 agreed to.</i>		

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Alex Burghart	<b>Not selected</b>	<b>21</b>
Page 21, line 28, leave out Clause 17		
<i>Clause disagreed to on division.</i>		

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Mr Toby Perkins Matt Western	<b>Withdrawn after debate</b>	<b>50</b>
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.”		

<hr style="width: 10%; margin-left: 0;"/> <p>Alex Burghart</p> <p>Page 22, line 1, leave out Clause 18</p> <p><i>Clause disagreed to on division.</i></p>	<p><b>Not selected</b></p>	<p><b>22</b></p>
<hr style="width: 50%; margin: 20px auto 0 auto;"/>		
<hr style="width: 10%; margin-left: 0;"/> <p>Alex Burghart</p> <p>Clause 19, page 22, line 34, leave out subsection (3)</p> <p><i>Clause, as amended, agreed to.</i></p>	<p><b>Agreed to on division</b></p>	<p><b>23</b></p>
<hr style="width: 50%; margin: 20px auto 0 auto;"/>		
<hr style="width: 10%; margin-left: 0;"/> <p>Mr Toby Perkins Matt Western</p> <p>Clause 20, page 24, line 13, at end insert—</p> <p style="padding-left: 40px;">“(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.”</p>	<p><b>Withdrawn after debate</b></p>	<p><b>60</b></p>
<hr style="width: 10%; margin-left: 0;"/> <p>Mr Toby Perkins Matt Western</p> <p>Clause 20, page 24, line 16, at end insert—</p> <p style="padding-left: 40px;">“(6A) The OfS must consult the higher education sector before determining a minimum level in relation to a measure of student outcomes.”</p>	<p><b>Negated on division</b></p>	<p><b>56</b></p>
<hr style="width: 10%; margin-left: 0;"/> <p>Mr Toby Perkins Matt Western</p> <p>Clause 20, page 24, line 17, leave out “not”</p>	<p><b>Not called</b></p>	<p><b>57</b></p>
<hr style="width: 10%; margin-left: 0;"/> <p>Mr Toby Perkins Matt Western</p> <p>Clause 20, page 24, line 23, leave out “or subject being studied”</p>	<p><b>Not called</b></p>	<p><b>58</b></p>

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Mr Toby Perkins **Negated on division** 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.”

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Mr Toby Perkins **Not called** 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.”

*Clause agreed to.*

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Christian Wakeford **Negated on division** 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;”

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Christian Wakeford **Not called** 30  
Mr Toby Perkins  
Matt Western

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

*Clause agreed to.*

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Christian Wakeford **Not called** 31  
 Mr Toby Perkins  
 Matt Western

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

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Alex Burghart **Agreed to** 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"

*Clause, as amended, agreed to.*

*Clauses 23 and 24 agreed to.*

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Mr Toby Perkins **Withdrawn after debate** 53  
 Matt Western

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

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Mr Toby Perkins **Negatived on division** 54  
 Matt Western

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 **Not selected** 25

Page 30, line 14, leave out Clause 25

*Clause disagreed to on division.*

*Clause 26 agreed to.*

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Mr Toby Perkins **Withdrawn after debate** 61  
Matt Western

Clause 27, page 33, line 19, at end insert—

“(2C) Before applying to a court for an education administration order in relation to a further education body in England, the Secretary of state will conduct a review of the impact of the closure of a Further Education institution on learning opportunities in the local area and provide a report to Parliament on steps taken to ensure that the opportunities for learners are not restricted by his application for an education administration order.”

*Clause agreed to.*

*Clauses 28 to 30 agreed to.*

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Mr Toby Perkins **Withdrawn after debate** 62  
Matt Western

Clause 31, page 36, line 33, after “fine” insert “of no less than £5,000.”

*Clause agreed to.*

*Clauses 32 to 38 agreed to.*

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Alex Burghart **Agreed to** 26

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

*Clause, as amended, agreed to.*

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Alex Burghart

Agreed to 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.””

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Emma Hardy

**Negated on division 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.”

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Mr Toby Perkins  
Matt Western

**Negated on division 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.”

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Stephen Timms

**Negated on division 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.”

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Sarah Champion

**Negated on division 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.”

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Mr Toby Perkins  
Matt Western

**Negated on division 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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Mr Toby Perkins  
Matt Western

**Negated on division NC7**

To move the following Clause—

**“Level 3 qualifications provision**

- (1) Employer Representative Bodies may prescribe additional Level 3 qualifications, as part of the Lifetime Skills Guarantee.
- (2) Additional Level 3 qualifications may be prescribed under subsection (1), in instances where the Employer Representative Body identifies a local need or skills shortage.”

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Mr Toby Perkins  
Matt Western

**Withdrawn after debate NC8**

To move the following Clause—

**“Benefit eligibility: lifelong learning**

The secretary of state must ensure that no learner’s eligibility to a benefit will be affected by their enrolment on an approved course for a qualification which is deemed to support them to secure sustainable employment.”

*Bill, as amended, to be reported.*

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## 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.

**Negated:** rejected without a vote.

**Negated 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.

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