
Report Stage: Tuesday 8 February 2022

Skills and Post-16 Education Bill [Lords], As Amended (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 Any withdrawn amendments are listed at the end of the document.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.

★ New Amendments.

New Amendments: 9 and 10 and NC12

Secretary Nadhim Zahawi

NC12

★ To move the following Clause—

“Office for Students: publication and protection from defamation

In the Higher Education and Research Act 2017, after section 67 insert—

“Publication

67A Power for the OfS to publish notices, decisions and reports

- (1) The OfS may publish notices, decisions and reports given or made in the performance of its functions.
- (2) Subsection (1) does not affect any other power of the OfS to publish such a matter.
- (3) Publication under this section does not breach—
 - (a) an obligation of confidence owed by the OfS, or
 - (b) any other restriction on the publication or disclosure of information (however imposed).
- (4) But nothing in this section authorises the OfS to publish information where doing so contravenes the data protection legislation.

For this purpose “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).
- (5) In deciding whether to publish a notice, decision or report under subsection (1), the OfS must, in particular, consider—
 - (a) the interests of—
 - (i) students on higher education courses provided by English higher education providers,

- (ii) people thinking about undertaking, or who have undertaken, such courses, and
 - (iii) English higher education providers,
 - (b) the need for excluding from publication, so far as practicable, any information which relates to the affairs of a particular body or individual, where publication of that information would or might, in the opinion of the OfS, seriously and prejudicially affect the interests of that body or individual, and
 - (c) the public interest.
- (6) For the purposes of this section and sections 67B and 67C—
- (a) a reference to a decision includes a reference to the reasons for it, and
 - (b) any decision made in the course of exercising, or for the purposes of enabling the OfS to exercise, any of the OfS's functions (including making any other decision) is made "in the performance of its functions".

67B Publication of decision to conduct or terminate investigation

- (1) This section applies where under section 67A(1) the OfS publishes a decision to conduct an investigation.
- (2) If the publication identifies a higher education provider or other body or individual whose activities are being, or to be, investigated, and—
 - (a) the OfS terminates the investigation without making any finding, or
 - (b) the findings of the investigation, so far as they relate to the higher education provider, body or individual, do not result in the OfS taking any further action,
 the OfS must publish a notice stating that fact.
- (3) Section 67C does not apply to the publication of the decision to conduct the investigation to the extent that it includes information other than—
 - (a) a statement of the OfS's decision to conduct the investigation,
 - (b) a summary of the matter being, or to be, investigated, and
 - (c) a reference to the identity of any higher education provider or other body or individual whose activities are being, or to be, investigated.
- (4) See section 67A(6) for the meaning of references to decisions.

Defamation

67C Protection from defamation claims

- (1) For the purposes of the law of defamation, publication by the OfS of any notice, decision or report given or made in the performance of its functions is privileged unless the publication is shown to have been made with malice.

This is subject to section 67B.

- (2) See section 67A(6) for the meaning of references to decisions."

Member's explanatory statement

This new clause amends the Higher Education and Research Act 2017 so as to confer publication powers on the Office for Students and provide it with protection from defamation claims.

Robert Halfon			NC1
Kim Johnson			
Ian Mearns			
Tom Hunt			
Brendan Clarke-Smith			
Miriam Cates			
Bob Blackman	Derek Thomas	Gordon Henderson	
Wera Hobhouse	Christian Wakeford	Sarah Olney	
Chris Green	Paul Maynard	Dr Matthew Offord	
Steve McCabe	Sir Peter Bottomley	Dan Carden	
Mr John Baron	Tony Lloyd	Sarah Champion	
Munira Wilson	Lee Anderson	Alicia Kearns	

To move the following Clause—

“Apprenticeships for prisoners

Notwithstanding any other statutory provision, prisoners in English prisons may participate in approved English apprenticeships, as defined by section A1 of the Apprenticeships, Skills, Children and Learning Act 2009.”

Member's explanatory statement

The aim of this new clause is to ensure that prisoners can start Apprenticeships while they are serving their sentence.

Robert Halfon			NC2
Peter Aldous			
Bob Blackman			
Derek Thomas			
Gordon Henderson			
Wera Hobhouse			
Christian Wakeford	Miriam Cates	Sarah Olney	
Paul Maynard	Sir Peter Bottomley	Dan Carden	
Mr John Baron	Tony Lloyd	Sarah Champion	
Munira Wilson	Lee Anderson		

To move the following Clause—

“Provision of opportunities for education and skills development

- (1) Any person of any age has the right to free education on an approved course up to Level 3 supplied by an approved provider of further or technical education, if he or she has not already studied at that level.
- (2) Any approved provider must receive automatic in-year funding for any student covered by subsection (1), and supported by the Adult Education Budget, at a tariff rate set by the Secretary of State.
- (3) Any employer receiving apprenticeship funding must spend at least two thirds of that funding on people who begin apprenticeships at Levels 2 and 3 before the age of 25.”

Member's explanatory statement

This new clause would provide for education and skills development up to a Level 3 qualification for any person of any age supplied by an approved provider if they have not already studied at that level.

Robert Halfon
 Bob Blackman
 Derek Thomas
 Gordon Henderson
 Wera Hobhouse
 Christian Wakeford
 Peter Aldous
 Chris Green
 Dan Carden
 Sarah Champion
 Alicia Kearns

Miriam Cates
 Paul Maynard
 Mr John Baron
 Munira Wilson

Sarah Olney
 Sir Peter Bottomley
 Tony Lloyd
 Lee Anderson

NC3

To move the following Clause—

“Amendments to section 42B of the Education Act 1997

- (1) Section 42B of the Education Act 1997 is amended as follows.
 (2) After subsection (1) insert—

“(1A) In complying with subsection (1), the proprietor must give a representative range of education and training providers (including, where reasonably practicable, a university technical college) access to registered pupils on at least three occasions during each of the first, second and third key phase of their education.”

- (3) After subsection (2) insert—

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

- (a) ensure that each registered pupil meets, during both the first and second key phase of their education, with a representative range of education and training providers to whom access is given, 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 technical education qualifications and apprenticeships.

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

- (4) After subsection (5)(a), insert—
- “(aa) a requirement to provide access to a representative range of education and training providers to include where practicable a university technical college;”
- (5) In subsection (5)(c), after “access” insert “and the times at which the access is to be given;”
- (6) After subsection (5)(c), insert—
- “(d) an explanation of how the proprietor proposes to comply with the obligations imposed under subsection (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 is intended to replace Clause 14. This clause will ensure that section 2 of the Technical and Further Education Act 2017, commonly known as the Baker Clause, is legally enforceable.

Chris Skidmore

NC4

To move the following Clause—

“Green Skills Strategy

The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed, publish a Green Skills Strategy, setting out a plan to support people to attain the skills, capabilities or expertise through higher education, further education or technical education that directly contribute to, or indirectly support, the following—

- (a) compliance with the duty imposed by section 1 of the Climate Change Act 2008 (United Kingdom net zero emissions target),
- (b) adaptation to climate change, or

- (c) meeting other environmental goals (such as restoration or enhancement of the natural environment)."

Member's explanatory statement

This new clause would require the Secretary of State to publish a national green skills strategy which would set out a plan to support people to attain skills which will directly contribute to or indirectly support climate change and environmental goals.

Peter Aldous
Chris Skidmore

NC5

To move the following Clause—

"Universal Credit conditionality review

The Secretary of State must review universal credit conditionality with a view to ensuring that adult learners who are—

- (a) unemployed, and
- (b) in receipt of universal credit

remain entitled to universal credit if they enrol on an approved course for a qualification which is deemed to support them to secure sustainable employment."

Member's explanatory statement

This new clause is intended to ensure greater flexibility for potential students in receipt of universal credit to take up appropriate training that will better equip them for employment.

Chris Skidmore
Caroline Ansell

NC6

To move the following Clause—

"Skills levels in England and Wales: review

- (1) Within one year of the passing of this Act, and each year thereafter, the Secretary of State must prepare and publish a report on overall levels of skills in England and Wales and their economic impact, including regional and demographic breakdowns.
- (2) The report under subsection (1) must in particular examine—
 - (a) cohort sizes and compositions of all qualifications from entry level to level 8,
 - (b) cohort skill achievement rates, in terms of result breakdowns,
 - (c) cohort placement success rates, in terms of numbers in further qualifications or new employment within 12 months after achieving each qualification,
 - (d) job retention and labour market turnover,
 - (e) labour productivity, and
 - (f) job satisfaction and fulfilment.

- (3) The report under subsection (1) must be laid before both Houses of Parliament.”

Member’s explanatory statement

This new clause would require the Secretary of State to publish an annual report on overall skills levels and economic output across England and Wales.

Chris Skidmore

NC7

To move the following Clause—

“Lifetime skills guarantee

- (1) All persons have the right to study a fully-funded approved course for a qualification up to level 3 supplied by an approved provider of further, higher, or technical education if they—
- (a) do not currently hold a level 3 qualification, or
 - (b) currently hold a level 3 qualification and would benefit from re-training.
- (2) The Secretary of State must prepare and publish a list of approved courses for the purposes of subsection (1).
- (3) The Secretary of State must consult on the list of approved courses to ensure that they are compatible with national levelling up and skills strategies.
- (4) The Secretary of State must review the list of approved courses at least every six months with a view to ensuring that they reflect the skills needed as the economy changes.”

Member’s explanatory statement

This new clause places the Government lifetime skills guarantee on a statutory footing, ensuring that those without an A-level or equivalent qualification, or who hold such qualification but would benefit from reskilling, are able to study a fully funded approved course.

Chris Skidmore

NC8

To move the following Clause—

“National Strategy for Integrated Education

- (1) The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed, publish a National Strategy for Integrated Education.
- (2) A strategy under this section must—
- (a) support the creation or development of courses offering integrated academic and vocational content, or a range of academic and vocational modules which can be combined into hybrid qualifications, at levels 4 to 8;
 - (b) support the creation or development of institutions offering courses under paragraph (a);

- (c) set out a role for training programme providers in designing courses under paragraph (a).
- (3) The Secretary of State must consult the Institute for Apprenticeships and Technical Education, Ofqual, and Quality Assurance Agency on any strategy to be published under this section.
- (4) The Secretary of State must make regulations within 24 months of the passing of this Act to provide for such elements of the strategy as require enactment through statutory provisions.”

Chris Skidmore

NC9

To move the following Clause—

“Integrated compatibility of modules and accreditation

- (1) The Secretary of State must publish a National Accreditation Framework for Modular Learning. A framework must include guidance on—
 - (a) the unbundling of modular components of courses and qualifications;
 - (b) the stacking of modular components of courses and qualifications; and
 - (c) the transfer of modular components between institutions, for the purposes of ensuring—
 - (i) transparency;
 - (ii) mutual recognition of qualifications across academic, vocational and integrated further and higher education institutions; and
 - (iii) clarity on the options available to learners for unbundling or stacking modules into an overall qualification which meets the needs of their own professional development, and skills gaps within the national labour-market.
- (2) The Institute for Apprenticeships and Technical Education, Ofqual, and Quality Assurance Agency must assist in the preparation of any framework under this section.
- (3) A framework under this section must set out a role for the Institute, Ofqual and the Quality Assurance Agency in ensuring the effective operation of the framework.”

Chris Skidmore

NC10

To move the following Clause—

“Role of employers in employee reskilling

- (1) The Secretary of State may make regulations for the purpose of ensuring that employers provide—
 - (a) a minimum number of hours per year for in-work training and skills development for employees; and

- (b) a minimum number of hours of retraining support for courses chosen at the discretion of former employees who have been made redundant, as part of an employer's redundancy package.
- (2) The minimum numbers of hours under section (1)(a) and (b) are to be set by the Secretary of State.
- (3) In this section, "employer" has the same meaning as in section 4.
- (4) The Secretary of State may, by regulation, establish a skills tax credit, for the purpose of—
 - (a) making allowance for funding the provision of time and training under subsection (1); and
 - (b) incentivising and rewarding employers for investing the skills development of their employees."

Munira Wilson

NC11

To move the following Clause—

"Transition to 16+ education

- (1) The Secretary of State may make regulations requiring local authorities to fulfil the function of an admissions authority with regard to admissions to further education courses provided within their administrative jurisdiction, for the purposes of ensuring admission to further education is allocated in an open and fair manner.
- (2) Regulations under this section may require local authorities to run admissions processes in relation to further education in a manner comparable with the processes set out in Part III of the School Standards and Framework Act 1998 in so far as they relate to the admissions processes for primary and secondary education.
- (3) In this section, "further education" has the same meaning as in the Education Act 1996 (see section 2 of that Act)."

Member's explanatory statement

This new clause would allow the Secretary of State to require local authorities to run admission to further education in a manner comparable to admissions for primary and secondary education.

Peter Aldous

2

Clause 1, page 2, line 36, after "authority" insert "and further education providers in the specified area"

Chris Skidmore

4

Clause 2, page 3, line 20, after “employers”, insert “and any relevant community, education, arts, faith and third sector organisations”

Chris Skidmore

5

Clause 2, page 3, line 41, at end insert—

“(6) The functions of the Secretary of State under this section may also be exercised by a relevant mayoral combined authority in England, where the designation relates to an area within their administrative jurisdiction, provided that education and skills are within the relevant authority’s devolved competence.”

Chris Skidmore

6

Clause 3, page 4, line 18, at end insert—

“(5) The functions of the Secretary of State under this section may also be exercised by a relevant mayoral combined authority in England, where the designation relates to an area within their administrative jurisdiction, provided that education and skills are within the relevant authority’s devolved competence.”

Robert Halfon

1

Page 17, line 28, leave out Clause 14

Member’s explanatory statement

This amendment is consequential on NC3.

Chris Skidmore

8

Clause 14, page 17, line 28, at end insert—

“(A1)Section 42A of the Education Act 1997 (Provision of careers guidance in schools in England) is amended as follows—

After subsection (4)(c), insert—

“(d) is provided by a person who is registered with the Career Development Institute, and who holds a level 4 qualification.””

Chris Skidmore

7

Clause 14, page 19, line 1, at end insert—

“(9B) Local Authorities shall have oversight of the provisions in subsection (2A) and subsection (5), for the purposes of ensuring the provision of careers advice is consistent and high quality.”

Chris Skidmore

3

Clause 15, page 20, line 29, at end insert—

“(3) After section 22(2)(c) of the Teaching and Higher Education Act 1998 insert—

“(ca) for the establishment of a system of means-tested financial grants, for the purpose of ensuring that financial hardship is not a dissuading factor in the take-up of higher education or further education modules or courses.””

Secretary Nadhim Zahawi

9

★ Clause 35, page 40, line 31, leave out “and 23 to” and insert “, 23 to (*Office for Students: publication and protection from defamation*) and”

Member’s explanatory statement

This amendment brings NC12 into force two months after Royal Assent.

Secretary Nadhim Zahawi

10

- ★ Title, line 5, after “assessments” insert “and publication of certain matters”

Member’s explanatory statement

This amendment amends the Long Title to cover NC12.

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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