AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 2

LORD STEVENSON OF BALMACARA

Page 1, line 9, after “have” insert “equal”

Page 1, line 12, at end insert—
“( ) the need to promote collaboration between English higher education providers where it is in the public interest and the best interest of students and employers,
( ) the need to promote innovation in the provision of higher education by English higher education providers where it is in the public interest and the best interest of students and employers,”

Page 1, line 14, after “education” insert “only”

Page 1, line 15, after “is” insert “shown to be”

Page 1, line 15, leave out “interests of students and employers” and insert “public interest”

Page 1, line 20, at end insert “including access to part-time study and lifelong learning”

Page 1, line 20, at end insert—
“( ) the need to maintain confidence in the higher education sector, and in the awards which they collectively grant, among students, employers, and the wider public,”

Page 1, line 20, at end insert—
“( ) the need to promote the provision of higher education which meets the vocational and professional needs of students,”
Clause 2 - continued

Page 1, line 20, at end insert—
“() the need to determine and promote the interests of students by consulting and working with student representatives,”

Page 1, line 20, at end insert—
“( ) the need to promote collaboration and innovation between English higher education providers, where this is in the best interest of students,”

Page 1, line 20, at end insert—
“( ) the need to promote adult, part-time and lifelong learning,”

Page 2, line 7, leave out subsection (2)

Page 2, line 9, leave out subsections (3) to (6)

Page 2, line 31, at end insert—
“( ) In this section “student representatives” means representatives with current experience of representing and promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers.”

Clause 3

LORD STEVENSON OF BALMACARA
Page 3, line 9, leave out “may” and insert “must, after a period of consultation,”

Clause 5

LORD STEVENSON OF BALMACARA
Page 4, line 15, leave out “, if it appears to it appropriate to do so,”

Page 4, line 17, after “providers” insert “, staff and students”

Clause 6

LORD STEVENSON OF BALMACARA
Page 5, line 5, at end insert—
“( ) The OfS may also consider other representations from relevant stakeholders as the OfS considers appropriate.”
Clause 7

LORD STEVENSON OF BALMACARA

Page 5, line 21, leave out “comply with regulation by the OfS” and insert “meet its ongoing registration conditions”

Page 5, line 24, at end insert—

“( ) The OfS must ensure that the conditions applicable to an institution regarding registration requirements, costs and penalties are proportionate to the size, history, track-record and structure of that particular institution.”

Clause 8

LORD STEVENSON OF BALMACARA

Page 5, line 39, at end insert—

“( ) an access and participation plan condition, as defined in section 12.”

Clause 9

LORD LUCAS

Page 6, line 14, at end insert—

“( ) all the entry requirements, course descriptions and other course data associated with admissions systems.”

LORD STEVENSON OF BALMACARA

Page 6, line 16, leave out from “to” to end of line 20 and insert “the protected characteristics as defined in the Equalities Act 2010.”

Clause 10

LORD STEVENSON OF BALMACARA

Page 7, line 15, leave out “Schedule 2 contains provision about determining “the fee limit’’;”

Clause 12

LORD STEVENSON OF BALMACARA

Page 7, line 32, leave out subsections (1) and (2)

After Clause 12

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“Reviews of admissions and access

The OfS must undertake or commission regular reviews, in consultation with relevant bodies, of—

(a) the university admissions system, and
After Clause 12 - continued

(b) the numbers of, and range of provision available to, part-time and mature students.”

Clause 13

LORD STEVENSON OF BALMACARA

Page 8, line 15, leave out “, or the standards applied to,”

Page 8, line 17, leave out “or particular standards to be applied”

Page 8, line 17, at end insert—

“(aa) a condition relating to the systems and processes the provider has in place to ensure appropriate standards are applied to higher education it provides;”

Page 8, line 21, at end insert “and which must include information about how students will be protected from any reasonable financial loss if an event specified by the OfS were to occur, in particular the closure of a course or a higher education institution”

Page 8, line 26, at end insert—

“( ) a condition relating to the provision of access to a range of cultural activities including, but not restricted to, the opportunity to undertake sport and recreation and access to a range of student societies and organisations;

( ) a condition relating to the provision of student support and wellbeing services including specialist learning support;

( ) a condition relating to the provision of volunteering and exchange opportunities;

( ) a condition relating to the opportunity to join a students’ union.”

Page 8, line 26, at end insert—

“( ) The OfS may strengthen the registration conditions for a new provider depending on an assessment of the new provider’s previous track record and future sustainability.”

Page 8, line 27, after “(a)” insert “and (aa)”

Page 8, line 27, leave out from second “the” to end of line 29 and insert “threshold standards used by an institution to ascertain that the level of achievement attained by a student undertaking a higher education course provided by it, is sufficient to merit the award of a degree or other higher qualification.”
Clause 13 - continued

Page 8, line 32, at end insert “; which—

() must make provisions to avoid or minimise disruption to the studies of existing students of a provider;

() may include provisions for the transferring of some or all of a provider’s undertaking to another appropriate body;

() may include provisions that would enable existing students to complete their studies;

() may identify arrangements that would be established for existing students to complete their studies at another institution.”

Clause 14

LORD STEVENSON OF BALMACARA

Page 8, line 43, leave out “English higher education providers” and insert “higher education providers in England”

Page 9, line 4, after “freedom” insert “; including from Government and other stakeholders,”

Clause 16

LORD STEVENSON OF BALMACARA

Page 10, line 21, at end insert—

“( ) A suspension must not exceed 365 days.”

Clause 17

LORD STEVENSON OF BALMACARA

Page 11, line 1, at end insert—

“( ) specify what happens to existing students during the suspension period as documented in a provider’s student protection plan.”

Clause 18

LORD STEVENSON OF BALMACARA

Page 12, line 2, at end insert—

“( ) The OfS must submit any list produced under subsection (7) to the Secretary of State, who must lay the list before each House of Parliament.”
After Clause 19

LORD STEVENSON OF BALMACARA

Insert the following new Clause—

“De-registration: notification of students

(1) The governing body of a higher education provider must inform all students enrolled on a course if it—

(a) is notified by the OfS of its intention to suspend the provider’s registration under section 17(1),
(b) is notified by the OfS of its intention to remove it from the register under section 19(1),
(c) is notified by the OfS that it will refuse to approve a new access and participation plan under section 21(2), or
(d) has applied to be removed from the register under section 22(1).

(2) The governing body of a higher education provider must inform students by the date on which—

(a) the suspension takes effect,
(b) the de-registration takes effect, whether enforced or voluntary, or
(c) the expiry date of any existing access and participation plan that will not be renewed and the period of time for which approval of a new plan will be refused, whichever is applicable.”

Clause 21

LORD STEVENSON OF BALMACARA

Page 13, line 8, leave out “it appears” and insert “evidence has been provided”

Clause 22

LORD STEVENSON OF BALMACARA

Page 14, line 17, leave out “may” and insert “must”

Clause 25

LORD LUCAS

Page 15, line 32, at end insert—

“( ) In making such arrangements the OfS may collaborate with other organisations concerned with rating the standards of higher education.”

Schedule 1

LORD STEVENSON OF BALMACARA

Page 70, line 12, after “appointed” insert “(subject to paragraph 4(Z1)”
Schedule 1 - continued

Page 70, line 18, at end insert—
“( ) At least one of the ordinary members appointed under sub-paragraph (1)(d) must, at the time of their appointment, be currently engaged in the representation or promotion of the interests of individual students, or students generally, on higher education courses provided by higher education providers.”

Page 70, line 20, after “have” insert “equal”

Page 70, line 24, at end insert “or further education providers”

Page 70, line 37, at end insert—
“( ) working to improve equality of opportunity and the widening of access and participation within higher education, including via part-time, adult and lifelong learning.”

Page 70, line 37, at end insert—
“( ) providing vocational or professional education or awarding professional accreditations to higher education students.”

Page 70, line 37, at end insert—
“( ) being an employee of a higher education provider, particularly in the capacity of teaching or researching.”

Page 71, line 9, at end insert—
“( ) The Director for Fair Access and Participation is responsible for all of the access and participation functions of the OfS.”

Page 71, line 13, leave out “the other members of the OfS” and insert “the Board of the OfS”

Page 71, line 25, at end insert—
“(Z1) The appointment of the Chair of the OfS may not be confirmed until after it has been approved by a resolution of each House of Parliament.”

Page 71, line 43, leave out “considers appropriate” and insert “must specify”

Page 72, line 5, at end insert—
“( ) Remuneration, allowances and expenses determined under sub-paragraph (1) must be made publicly available.”
Schedule 1 - continued

Page 72, line 12, at end insert—
“( ) Compensation determined under sub-paragraph (3) must be made publicly available.”

Page 73, line 11, at end insert—
“( ) A joint committee shall be established by UKRI and OfS, which must—
(a) consist of representatives of both UKRI and OfS, and
(b) produce an annual report containing details on—
(i) the health of the higher education sector,
(ii) work relating to equality of opportunity,
(iii) the health of different academic disciplines,
(iv) research funding,
(v) the awarding of research degrees,
(vi) post-graduate training,
(vii) shared facilities,
(viii) knowledge exchange,
(ix) skills development, and
(x) maintaining the public interest.

( ) The report must be sent to the Secretary of State who must lay it before each House of Parliament.”

Page 73, leave out lines 20 and 21

Page 73, line 32, at end insert—
“( ) The Director for Fair Access and Participation must be consulted before any function relating to access and participation is delegated by the OfS under sub-paragraph (1).”

Schedule 2

LORD STEVENSON OF BALMACARA

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Schedule 2 be the 2nd Schedule to the Bill.

Schedule 6

LORD LUCAS

Page 91, line 34, at end insert—
“( ) Condition E is that the body does not place anti-competitive conditions on registered higher education providers that engage with it.”
Page 91, line 34, at end insert—

“( ) Condition E is that the body agrees to integrate information specified by OfS, in a manner satisfactory to OfS, into any system that it runs for applications to courses offered by registered higher education providers.”
AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

16 December 2016