

Higher Education and Research Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

After Clause 1

BARONESS WOLF OF DULWICH

Insert the following new Clause—

“Duty of OfS to support providers of higher education

In performing its functions, the OfS must seek to support the provision of higher education by universities, by colleges of further education, and by other higher education providers, both registered and unregistered.”

Clause 2

LORD STEVENSON OF BALMACARA

Page 1, line 20, at end insert—

“() In performing its functions, the OfS must also have regard to—”

BARONESS DEECH

Page 2, line 28, at end insert—

“() The Secretary of State, in issuing guidance and directions, and the OfS, in performing its functions, have a duty to uphold the principle of institutional autonomy for English higher education institutions.

() “institutional autonomy” includes—

(a) the autonomy of English higher education institutions—

- (i) to determine which courses to teach, the contents of particular courses and the manner in which they are taught, supervised and assessed,
- (ii) to determine the criteria for the selection, appointment, promotion, remuneration, and dismissal of academic staff and apply those criteria in particular cases,
- (iii) to determine the criteria for the admission of students and apply those criteria in particular cases, and

Clause 2 - continued

- (iv) to constitute and govern themselves in a manner which they deem appropriate for their purpose, subject to legal requirements relating to the corporate form and purposes that they may adopt; and
- (b) the freedom of academic staff within the law –
 - (i) to question and test received wisdom, and
 - (ii) to put forward new ideas and controversial or unpopular opinions,
 without placing themselves in jeopardy of losing jobs or privileges they may have at an institution.”

Clause 10

LORD STEVENSON OF BALMACARA

Page 6, line 32, leave out subsection (3)(a) and insert –

- “(a) either –
 - (i) in connection with his or her undertaking a qualifying course, or
 - (ii) on the basis of the credit he or she will achieve within the academic year, as identified by the provider,

Clause 14

BARONESS DEECH

Page 9, line 9, at end insert –

- “() The list (as originally determined and as revised) must include the principle that the provider must ensure for students –
 - (a) freedom of speech within the law as required by section 43 of the Education (No.2) Act 1986 (freedom of speech in universities, polytechnics and colleges), and
 - (b) the putting in place of measures to prevent unlawful speech.”

LORD STEVENSON OF BALMACARA

Page 9, line 12, at end insert –

- “() relevant student bodies and their representatives,
- () the academic workforce and their representatives,”

After Clause 25BARONESS GARDEN OF FROGNAL
LORD STOREY

Insert the following new Clause –

“Assessments under section 25: international students

The ability of a student to enter the UK in order to attend a course provided by a registered higher education provider in England or Wales shall not be affected by the quality rating attributed to that provider under section 25 of this Act.”

After Clause 69

BARONESS WOLF OF DULWICH

Insert the following new Clause—

“Transfer of regulatory functions relating to higher education providers and students from Competition and Markets Authority to Office for Students

On the establishment of the OfS—

- (a) the OfS assumes responsibility for the regulatory functions in respect of higher education providers and students enrolled on higher education courses hitherto performed by the Competition and Markets Authority; and
- (b) the Competition and Markets Authority ceases to have responsibility for those regulatory functions.”

After Clause 84

LORD STOREY

BARONESS GARDEN OF FROGNAL

Insert the following new Clause—

“Offence to provide or advertise cheating services

- (1) A person commits an offence if the person provides any service specified in subsection (4) with the intention of giving a student enrolled at an English or Welsh higher education provider of an unfair advantage over other such students.
- (2) A person commits an offence if the person advertises any services specified in subsection (4) knowing that the service has or would have the effect of giving such a student an unfair advantage over other such students.
- (3) A person commits an offence who, without reasonable excuse, publishes an advertisement for any service specified in subsection (4).
- (4) The services referred to in subsections (1) to (3) are—
 - (a) completing an assignment or any other work that a student enrolled at an English or Welsh higher education provider is required to complete as part of a higher education course in their stead without authorisation from those making the requirement;
 - (b) providing or arranging the provision of an assignment that a student enrolled at an English or Welsh higher education provider is required to complete as part of a higher education course in their stead without authorisation from those making the requirement;
 - (c) providing or arranging the provision of answers for an examination that a student enrolled at an English or Welsh higher education provider is required to complete as part of a higher education course before they complete it and without authorisation from those setting the examination;
 - (d) sitting an examination that a student enrolled at an English or Welsh higher education provider is required to sit as part of a higher education course in their stead or providing another person to sit the exam in place of the student, without authorisation from those setting the examination.

After Clause 84 - *continued*

- (5) A person who commits an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.”

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20 December 2016
