AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE  

Clause 2
LORD STEVENSON OF BALMACARA
Page 1, line 12, at end insert—
“( ) the need to promote provision of higher education in parts of England where the supply of courses or range of courses available locally appears in the view of the OfS to be unduly limiting opportunity or choice,”

Page 1, line 12, at end insert—
“( ) the need to encourage schemes to enable individuals to enrol for higher education courses with appropriate recognition for their prior learning and achievement,”

Clause 10
LORD STEVENSON OF BALMACARA
Page 6, line 26, at end insert—
“(1A) The OfS may, with the approval of the Secretary of State, waive the fee limit condition in respect of courses which in its view would enable a student to achieve an honours degree within two years of full time study.

(1B) For courses to which subsection (1A) applies, the governing body of the provider concerned shall be required to obtain prior approval of the OfS of any fee to be charged.”

Clause 23
LORD STEVENSON OF BALMACARA
Leave out Clause 23 and insert the following new Clause—
“Assessing the quality of, and the standards applied to, higher education
(1) A body corporate called the Quality Assurance Office is to be established.
(2) In this Act that body is referred to as “the QAO”.
Clause 23 - continued

(3) Schedule (*The Quality Assurance Office*) contains further provision about the QAO.

(4) The QAO is to be responsible for the appraisal of the quality of, and the standards applied to, higher education provided by English higher education providers.

(5) In particular, the QAO must assess the quality of, and the standards applied to, higher education provided by—

(a) institutions who have applied to be registered in the register for the purposes of determining whether they satisfy any initial registration condition applicable to them relating to the quality of, or the standards applied to, higher education provided by them (see section 13(1)(a)), and

(b) registered higher education providers for the purposes of determining whether they satisfy any ongoing registration condition of theirs relating to the quality of, or the standards applied to, higher education provided by them (see section 13(1)(a)).

(6) “Standards” has the same meaning as in section 13(1)(a).”

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 23 stand part of the Bill.

Clause 24

LORD STEVENSON OF BALMACARA
Page 15, line 21, at end insert—

“() At least one member of the Committee must, at the time of their appointment, be engaged in the representation or promotion of the interests of individual students, or students generally, on higher education courses provided by higher education providers.”

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 24 stand part of the Bill.

Clause 25

LORD STEVENSON OF BALMACARA
Page 15, line 25, at beginning insert “Subject to subsection (3),”

Page 15, line 25, leave out “scheme to give ratings” and insert “framework to publish consistent information”

Page 15, line 26, leave out “to” and insert “about”

Page 15, line 27, leave out “where they apply for such a rating”
Clause 25 - continued

Page 15, line 29, leave out “to” and insert “about”

Page 15, line 32, leave out “where they apply for such a rating”

Page 15, line 32, at end insert—

“(1A) The scheme established under subsection (1) shall have two ratings—

(a) meets expectations, and

(b) fails to meet expectations.

(1B) Each year, beginning with the year in which the scheme established under subsection (1) comes into force, the OfS must lay a report before Parliament on the number of international students—

(a) applying to, and

b) enrolled at,

the Higher Education Providers that have applied for a rating within the meaning of subsection (1).”

Page 15, line 32, at end insert

“(1C) No arrangements for a scheme shall be made under subsection (1) unless a draft of the scheme has been laid before and approved by a resolution of both Houses of Parliament.”

Page 16, line 23, at end insert—

“(7) In making arrangements under subsection (1), the OfS must make an assessment of—

(a) the evidence that any proposed metric for assessing teaching quality is correlated to teaching quality, and

(b) the potential unintended consequences that could arise from implementing the scheme including proposals on how such risks can be mitigated.

(8) Prior to making an assessment under subsection (7), the OfS must consult—

(a) bodies representing the interests of academic staff employed at English higher education providers,

(b) bodies representing the interests of students enrolled on higher education courses, and

(c) such other persons as the OfS considers appropriate.

(9) The assessments made under subsection (7) must be published.”

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 25 stand part of the Bill.
Clause 26

LORD STEVENSON OF BALMACARA

Leave out Clause 26 and insert the following new Clause—

“The functions of the QAO

(1) The purposes of the QAO are—

(a) to publish guidelines on nationally accepted standards for higher education courses that are differentiated according to academic subject and allow for flexibility and innovation within an agreed framework,

(b) to conduct periodic reviews of particular subject areas, taking into account the views of students and subject specialists as well as any significant changes in the external environment of the subject area, and to update the guidelines in the light of the outcomes of these reviews,

(c) to conduct periodic audits of teaching and assessment within individual institutions with a view to encouraging the practice of rigorous self-regulation in the areas of teaching and assessment,

(d) in the case of a registered higher education provider that is seeking authorisation to grant taught or research awards, or foundation degrees, under section 40, to assess the capacity of that institution to meet nationally accepted standards for higher education courses with regard to both teaching and facilities, and to inform the Office for Students whether it is willing to approve that institution for authorisation,

(e) to promote continuous and systematic improvement in UK higher education, and

(f) to advise the Office for Students, on the basis of research-based evidence, on the development of policies relating to teaching and assessment in higher education.

(2) In the pursuit of these purposes, the QAO should have regard to—

(a) the adequacy of the teaching and facilities provided by an institution for the purpose of enabling students to pursue the overall aims of the courses offered by that institution,

(b) the extent to which the career structure maintained by the institution provides adequate rewards for excellent teaching alongside other considerations, and

(c) the dissemination of best practice among higher education institution in the areas of teaching and assessment in relation to the specified aims of particular courses.

(3) In the pursuit of the purposes described in subsections (1)(b) and (1)(c), the QAO should adopt a risk-based approach which applies the greatest scrutiny where it is most needed.

(4) The QAO will be responsible for implementing any measure for the evaluation of teaching in higher education that the Secretary of State may decide to introduce from time to time.”

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 26 stand part of the Bill.
Clause 27

LORD STEVENSON OF BALMACARA

Leave out Clause 27 and insert the following new Clause—

“The funding of the Quality Assurance Office

“(1) The primary source of funding for the Quality Assurance Office shall be annual subscriptions paid by all institutions authorised to grant taught awards, research awards, or foundation degrees.

(2) The QAO may also charge fees for services performed in the pursuance of its purposes as defined in section 26(1).

(3) The QAO may also enter into contracts for services performed in the pursuance of its purposes as defined in section 26(1).

(4) Other matters relating to the financial arrangements for the QAO are described in Schedule (The Quality Assurance Office).”

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 27 stand part of the Bill.

Schedule 1

LORD STEVENSON OF BALMACARA

Page 70, line 21, after “having” insert “current or recent”.

Schedule 4

LORD STEVENSON OF BALMACARA

Page 80, line 28, at end insert “( ) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff,”

Page 81, line 42, at end insert “and students”

Page 82, line 2, after “providers” insert “and students”

Page 82, line 33, at end insert “( ) a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff”

Leave out Schedule 4 and insert the following new Schedule—

“THE QUALITY ASSURANCE OFFICE

Status

1 The Quality Assurance Office (to be known as “the QAO”) is not to be regarded—

(a) as the servant or agent of the Crown, or
(b) as enjoying any status, immunity or privilege of the Crown.

2 The QAO’s property is not to be regarded—
Schedule 4 - continued

(a) as the property of the Crown, or
(b) as property held on behalf of the Crown.

Membership

3 The QAO is to consist of the following members appointed by the Secretary of State—
   (a) a chair (“the chair”),
   (b) the Chief Executive Officer, and
   (c) at least five and not more than twelve other members (“the ordinary members”).

4 The Secretary of State must, in appointing the chair and the ordinary members, have regard to the desirability of the QAO’s members (between them) having current or recent experience of—
   (a) representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers in the UK,
   (b) providing higher education on behalf of an English higher education provider or being responsible for the provision of higher education by such a provider, and
   (c) a broad range of the different types of English higher education providers.

5 A person may not be appointed as a member of the QAO if the person is a civil servant.

6 In this Schedule, “civil servant” means a person employed in the civil service of the State.

Terms of appointment and tenure of members

7 A person holds and vacates office as a member of the QAO in accordance with the terms of his or her appointment.

8 The terms and conditions of a person’s appointment as a member of the QAO are to be determined by the Secretary of State; but that is subject to the following provisions of this Schedule.

9 The matters with which the terms and conditions of a member’s appointment may deal include, in particular—
   (a) the period for which the member is to hold office;
   (b) the member’s eligibility for re-appointment;
   (c) circumstances in which membership may be suspended.

10 A person may resign from office as a member of the OfS by notifying the Secretary of State.

11 The Secretary of State may remove a person from office as a member of the QAO on any of the following grounds—
   (a) absence from the QAO’s meetings for a continuous period of more than six months without the QAO’s permission,
   (b) inability or unfitness to carry out the functions of the office, or
   (c) such other grounds as the Secretary of State considers appropriate.
Schedule 4 - continued

12 If a person appointed as a member of the QAO becomes a civil servant, the person ceases to be a member.

Remuneration etc of the members

13 The QAO must pay to members of the QAO such remuneration, allowances and expenses as the Secretary of State may determine.

14 The QAO must pay, or make provision for paying, to or in respect of a person who is or has been a member of the QAO such sums as the Secretary of State may determine in respect of pension, allowances, expenses or gratuities.

15 If, where a person ceases to be a member of the QAO, the Secretary of State determines that he or she should be compensated because of special circumstances, the QAO must pay him or her compensation of such amount as the Secretary of State may determine.

Staffing of the QAO

16 The QAO may—
   (a) appoint employees, and
   (b) make such other arrangements for the staffing of the QAO as it considers appropriate.

17 The terms and conditions of appointment as employees are to be determined by the QAO with the approval of the Secretary of State.

18 The QAO must pay its employees such remuneration, allowances and expenses as the QAO may determine with the approval of the Secretary of State.

19 In the Superannuation Act 1972 (“the 1972 Act”), in Schedule 1 (kinds of employment to which a scheme under section 1 of the 1972 Act can apply), in the list of “Other Bodies”, at the appropriate place insert— ““Quality Assurance Office.””

20 The QAO must pay to the Minister for the Civil Service, at such times as the Minister may direct, such sums as the Minister may determine in respect of any increase attributable to sub-paragraph (4) in the sums payable out of money provided by Parliament under the 1972 Act.

Committees

21 The QAO may establish committees, and any committee so established may establish sub-committees.

22 A committee or sub-committee so established is referred to in this Schedule as a “QAO committee”.

23 A QAO committee may consist of or include persons who are neither members, nor employees, of the QAO.

24 The QAO must pay such allowances as the Secretary of State may determine to any person who—
   (a) is a member of a QAO committee, but
   (b) is neither a member, nor an employee, of the QAO.

25 The QAO must keep under review—
   (a) the structure of the QAO committees, and
   (b) the scope of each committee’s activities.
Schedule 4 - continued

Procedure

26 The QAO may determine—
   (a) its own procedure, and
   (b) the procedure of any QAO committee;

   but that is subject to the rest of this paragraph.

27 The quorum for a meeting of the QAO is half the number of its members.

28 A representative of the Secretary of State is entitled—
   (a) to attend any meeting of the QAO or of any QAO committee,
   and
   (b) to take part in any deliberations (but not in decisions) at such
       meetings.

29 The QAO must provide the Secretary of State, or a representative of the
   Secretary of State, with such copies of documents distributed to its members or
   to any QAO committee as the Secretary of State or representative may require
   it to provide.

30 The validity of any proceedings of the QAO, or of any QAO committee, is not
   affected by a vacancy or a defective appointment.

Delegation of functions

31 The QAO may delegate any of its functions to—
   (a) a member of the QAO,
   (b) an employee of the QAO authorised for that purpose, or
   (c) a QAO committee.

32 A function is delegated under this paragraph to the extent, and on the terms
   that, the QAO determines.

Accounts and audit

33 The QAO must—
   (a) keep proper accounts and proper records in relation to them,
   and
   (b) prepare a statement of accounts in respect of each financial year.

34 Each statement of accounts must comply with any directions given by the
   Secretary of State with the approval of the Treasury as to—
   (a) its content and form;
   (b) the methods and principles to be applied in preparing it;
   (c) the additional information (if any) which is to be provided for
       the information of Parliament.

35 The QAO must send a copy of each statement of accounts to the Secretary of
   State and the Comptroller and Auditor General before the end of August next
   following the financial year to which the statement relates.

36 The Comptroller and Auditor General must—
   (a) examine, certify and report on each statement of accounts, and
   (b) send a copy of each report and certified statement to the
       Secretary of State.

37 The Secretary of State must lay before Parliament a copy of each such report
   and certified statement.
Schedule 4 - continued

38 In this Schedule “financial year” means—
   (a) the period beginning with the date on which the QAO is
       established and ending with the second 31 March following that
       date, and
   (b) each successive period of 12 months.

Annual report

39 The QAO must prepare a report on the performance of its functions during
    each financial year.

40 The report must include the statement of accounts in respect of that year.

41 The report relating to a financial year must be prepared as soon as possible
    after the end of the financial year.

42 The QAO must send the report to the Secretary of State.

43 The Secretary of State must lay the report before Parliament.

Seal and evidence

44 The application of the QAO’s seal must be authenticated by the signature of—
   (a) the chair or some other person authorised for that purpose by
       the QAO, and
   (b) one other member of the QAO.

45 A document purporting to be duly executed under the QAO’s seal or signed
    on its behalf—
   (a) is to be received in evidence, and
   (b) is to be taken to be executed or signed in that way, unless the
       contrary is shown.

Supplementary powers

46 The QAO may do anything (except borrow money) which appears to it to be
    necessary or expedient for the purpose of, or in connection with, the
    performance of its functions.

47 In particular, the QAO may—
   (a) acquire and dispose of land and other property,
   (b) enter into contracts,
   (c) invest sums, and
   (d) accept gifts of money, land or other property.”

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Schedule 4 be the Fourth Schedule to the Bill.
AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

23 December 2016