

Higher Education and Research Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 21st December 2016, as follows –

Clause 1	Clauses 61 to 67
Schedule 1	Schedule 7
Clauses 2 to 10	Clauses 68 to 84
Schedule 2	Schedule 8
Clauses 11 to 15	Clause 85
Schedule 3	Schedule 9
Clauses 16 to 26	Clauses 86 to 109
Schedule 4	Schedule 10
Clauses 27 to 56	Clauses 110 to 116
Schedule 5	Schedules 11 and 12
Clauses 57 to 60	Clauses 117 to 119
Schedule 6	Title.

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Schedule 1

BARONESS GARDEN OF FROGNAL
LORD STOREY

9 Page 70, line 37, at end insert “, including those offering part-time and distance learning.”

LORD STEVENSON OF BALMACARA

10 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.”

Schedule 1 - continued

LORD STEVENSON OF BALMACARA
LORD LUCAS

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

LORD STEVENSON OF BALMACARA

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

LORD LUCAS

- 13 Page 70, line 37, at end insert –
“() educating and advising people thinking about undertaking a course of higher education.”

LORD STEVENSON OF BALMACARA
BARONESS BRINTON

- 14 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.”

VISCOUNT YOUNGER OF LECKIE

- 15 Page 71, line 11, leave out from “for” to end of line 12 and insert “–
(a) overseeing the performance of the OfS’s access and participation functions,
(b) performing, in accordance with paragraph 11, any of those functions, or other functions, of the OfS which are delegated to the Director under that paragraph, and
(c) reporting to the other members of the OfS on the performance of the OfS’s access and participation functions.”

LORD STEVENSON OF BALMACARA
BARONESS BRINTON

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

VISCOUNT YOUNGER OF LECKIE

- 17 Page 71, line 17, leave out “paragraph” and insert “Schedule”

LORD STEVENSON OF BALMACARA

- 18 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.”

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

Schedule 1 - continued

- 20 Page 72, line 5, at end insert—
“() Remuneration, allowances and expenses determined under sub-paragraph (1) must be made publicly available.”
- 21 Page 72, line 12, at end insert—
“() Compensation determined under sub-paragraph (3) must be made publicly available.”
- 22 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.”
- 23 Page 73, line 20, leave out paragraph (b)
- VISCOUNT YOUNGER OF LECKIE
- 24 Page 73, line 32, at end insert—
“() But a function which is one of the OfS’s access and participation functions may only be delegated to the Director.”
- LORD STEVENSON OF BALMACARA
- 25 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).”
- LORD SUTHERLAND OF HOUNDWOOD
- 26 Page 74, line 19, at end insert—
“() The report must include a record of all decisions relating to the registration, de-registration and re-registration of institutions.
() The report must include a record of decisions affecting the funding of institutions.

Schedule 1 - continued

- () Every three years, or more frequently if the OfS judges it appropriate, the report must include comment on the operation of the Quality Assessment Committee.
- () The report must include comment on any application of the powers granted to the OfS in sections 23, 24 and 25.”

VISCOUNT YOUNGER OF LECKIE

27 Page 74, line 20, at end insert –

- “() If, at any time in the financial year to which the report relates, all of the OfS’s access and participation functions were not delegated to the Director under paragraph 11, the report must include a statement specifying –
- (a) the period or periods in that year during which those functions were not delegated to the Director, and
 - (b) the reasons why they were not so delegated.”

LORD LUCAS

28 Page 74, line 20, at end insert –

- “() The report must include a summary of the financial contributions of international students for the financial year to which the report relates and recommendations to protect and enhance these contributions.”

Clause 2

LORD STEVENSON OF BALMACARA

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

BARONESS WOLF OF DULWICH

30 Page 1, line 10, leave out “greater”

BARONESS GARDEN OF FROGNAL
LORD STOREY

31 Page 1, line 10, at end insert “all”

BARONESS GARDEN OF FROGNAL
LORD STOREY
LORD STEVENSON OF BALMACARA
BARONESS WOLF OF DULWICH

32 Page 1, line 11, after “students,” insert “irrespective of whether they are studying full-time, part-time, at a distance, in the workplace, or using any combination of these methods,”

LORD STEVENSON OF BALMACARA

33 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,

Clause 2 - continued

- () 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,”

LORD LUCAS

34 Page 1, line 12, at end insert—

- “() the need to consider whether or to what extent the system of higher education as a whole is serving the public interest,”

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

35 Page 1, line 13, after “competition” insert “and promote collaboration”

LORD STEVENSON OF BALMACARA

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

BARONESS WOLF OF DULWICH

37 Page 1, line 15, after “competition” insert “or collaboration”

LORD STEVENSON OF BALMACARA

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

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

BARONESS WOLF OF DULWICH

40 Page 1, line 15, leave out “and employers” and insert “, employers and society”

LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

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

42 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,”

LORD STEVENSON OF BALMACARA
LORD LUCAS

BARONESS GARDEN OF FROGNAL

43 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

LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

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

LORD STEVENSON OF BALMACARA
LORD LUCAS
BARONESS GARDEN OF FROGNAL

- 45 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,”

LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

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

LORD LUCAS
BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL

- 47 Page 1, line 20, at end insert –
“() the need to co-ordinate with the regulatory authorities in further education and skills,”

LORD LUCAS
BARONESS GARDEN OF FROGNAL

- 48 Page 1, line 20, at end insert –
“() the need to help higher education providers plan in a co-ordinated way to meet the requirements of immigration policy regarding international students and staff,”

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL

- 49 Page 1, line 20, at end insert –
“() the financial health and viability of higher education providers and the higher education sector,”

- 50 Page 1, line 20, at end insert –
“() the need to maintain confidence in the higher education sector among students, employers, and the wider public,”

Clause 2 - continued

LORD STEVENSON OF BALMACARA

51 Page 1, line 20, 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,”

52 Page 1, line 20, 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,”

LORD LUCAS

53 Page 1, line 20, at end insert—

“() the need to encourage more innovative provision, including accelerated and online degrees,”

LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

54 Page 1, line 20, at end insert—

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

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL

55 Page 2, line 2, at end insert—

“() the need to act in a manner compatible with the principle of institutional autonomy for English higher education providers,”

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

56 Page 2, line 6, at end insert—

“() the need to secure and improve the overall strength and quality of higher education provision in England.”

LORD ADDINGTON

57 Page 2, line 6, at end insert—

“() the need to promote effective steps to guarantee access to all those with disabilities.”

Clause 2 - continued

THE LORD BISHOP OF PORTSMOUTH

58 Page 2, line 6, at end insert –

“() the need to maintain diversity of provision and, so far as they think it appropriate to do so in the light of any other relevant considerations, the desirability of students having a choice in the provision of higher education by English higher education providers that includes providers of a denominational character and providers with distinctive characteristics.”

LORD STEVENSON OF BALMACARA

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

BARONESS WOLF OF DULWICH

LORD STOREY

BARONESS GARDEN OF FROGNAL

60 Page 2, line 8, at end insert –

“() In giving guidance under this section, the Secretary of State must have due regard to any advice given to the Secretary of State by the OfS.”

LORD STEVENSON OF BALMACARA

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

BARONESS WOLF OF DULWICH

BARONESS GARDEN OF FROGNAL

BARONESS BROWN OF CAMBRIDGE

62 Page 2, line 9, after first “to” insert “the principle of institutional autonomy for English higher education providers and”

63 Page 2, line 25, at end insert –

“() the standards applied to a particular course of study.”

LORD STOREY

BARONESS GARDEN OF FROGNAL

64 Page 2, line 28, at end insert “, nor must it guide the OfS to perform a function in a way that prohibits the OfS from funding a particular course of study”

LORD KERSLAKE

LORD STEVENSON OF BALMACARA

65 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 –

Clause 2 - continued

- (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
 - (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.”

VISCOUNT HANWORTH

66 Page 2, line 31, at end insert “, and it must not name any particular institution.”

LORD STEVENSON OF BALMACARA

67 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.”

LORD LUCAS

68 Page 2, line 31, at end insert –

“() All bodies on which the OfS places responsibility for the execution of its duties shall be open to and governed by all classes of registered higher education providers, and all individual registered higher education providers shall have a role in choosing who on each such body’s board is chosen to be representative of them.”

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

69 Page 2, line 31, at end insert –

“(7) The Secretary of State’s power to give guidance to the OfS is exercisable by statutory instrument.”

Clause 2 - continued

LORD STOREY
BARONESS GARDEN OF FROGNAL

70 Page 2, line 31, at end insert –

“() The OfS may provide the Secretary of State with such information or advice relating to its functions and the provision of higher education in England as it thinks fit.”

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL
BARONESS BROWN OF CAMBRIDGE

71 Page 2, line 31, at end insert –

“(6A) For the purposes of this Act, the “principle of institutional autonomy for English higher education providers” includes the freedom of such providers to determine –

- (a) which courses to teach and what to research, the contents of particular courses or programmes of research, and the manner in which they are taught, supervised and assessed;
- (b) the criteria for the selection, appointment, promotion, remuneration, and dismissal of academic staff and apply those criteria in particular cases; and
- (c) the criteria for the admission of students and apply those criteria in particular cases.”

After Clause 2

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL
BARONESS WATKINS OF TAVISTOCK
LORD WALDEGRAVE OF NORTH HILL

72 Insert the following new Clause –

“Meaning of higher education

For the purposes of this Act, the provision of higher education by English higher education providers comprises higher education provision by –

- (a) universities,
- (b) colleges of further education, and
- (c) other higher education providers, both registered and unregistered.”

Clause 3

LORD STEVENSON OF BALMACARA

73 Page 3, line 3, at end insert –

“() The OfS may not register an institution in the register unless it has met the quality requirements set out by –

- (a) the OfS, where no body has been designated under Part 1 of Schedule 4,
or

Clause 3 - continued

(b) where a body has been designated under Part 1 of Schedule 4, the designated body,
for a minimum of four years.”

74 Page 3, line 9, leave out “may” and insert “must, after a period of consultation,”

Clause 5

BARONESS ROYALL OF BLAISDON
BARONESS GARDEN OF FROGNAL
LORD JUDD
LORD LEXDEN

75 Page 4, line 9, at end insert –

“(1A) Subject to subsection (1C), initial registration conditions of all providers under subsection (1)(a) must include a requirement that every provider –

- (a) provides all eligible students with the opportunity to opt in to be added to the electoral register through the process of enrolling with that provider, and
- (b) enters into a data sharing agreement with the local electoral registration officer to add eligible students to the electoral register.

(1B) For the purposes of subsection (1A) –

- (a) a “data sharing agreement” is an agreement between the higher education provider and their local authority whereby the provider shares the –
 - (i) name,
 - (ii) address,
 - (iii) nationality,
 - (iv) date of birth, and
 - (v) national insurance data of all eligible students enrolling or enrolled (or both) with the provider who opt in under subsection (1A)(a);
- (b) “eligible” means those persons who are –
 - (i) entitled to vote in accordance with section 1 of the Representation of the People Act 1983, and
 - (ii) a resident in the same local authority as the higher education provider.

(1C) Subsection (1A) does not apply to the Open University and other distance learning institutions.”

LORD STOREY
BARONESS GARDEN OF FROGNAL

76 Page 4, line 9, at end insert –

“(1A) Subject to subsection (1B), initial registration conditions of all providers under subsection (1)(a) must include a requirement that every provider –

- (a) provides all eligible students and staff with a mental health support service, and

Clause 5 - continued

(b) notifies all students and staff of this service.

(1B) Subsection (1A) does not apply to the Open University and other distance learning institutions.”

LORD STEVENSON OF BALMACARA

77 Page 4, line 15, leave out “, if it appears to it appropriate to do so,”

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

Clause 6

LORD STEVENSON OF BALMACARA

79 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

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

81 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

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

82 Page 5, line 30, after second “which” insert “materially”

VISCOUNT YOUNGER OF LECKIE

83 Page 5, line 34, after “OfS” insert “, or a person nominated by the OfS,”

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

84 Page 5, line 35, after “may” insert “reasonably”

Clause 8 - continued

BARONESS GARDEN OF FROGNAL
LORD STOREY

- 85 Page 5, line 35, at end insert –
“(ba) a condition that requires the governing body of the provider to provide the OfS with information on the number of international students enrolled on a higher education course at that institution and the fees charged to those students,”

VISCOUNT YOUNGER OF LECKIE

- 86 Page 5, line 38, leave out from “its” to end and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and 59(1) (compiling, making available and publishing”

- 87 Page 5, line 39, after “the” insert “designated”

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

- 88 Page 5, line 39, after “may” insert “reasonably”

LORD LUCAS

- 89 Page 5, line 39, at end insert –
“() a condition that requires the governing body of the provider to collaborate with other registered higher education providers and with the OfS in the evaluation of elements of, or proposals for elements of, access and participation plans, and the publication of such evaluations.”

LORD STEVENSON OF BALMACARA

- 90 Page 5, line 39, at end insert –
“() an access and participation plan condition, as defined in section 12.”

LORD LUCAS

- 91 Page 5, line 39, at end insert –
“() a condition that requires the governing body of the provider to collaborate with other registered higher education providers and with the OfS in the promotion of English higher education abroad through the GREAT Britain campaign, the British Council, or otherwise.”

- 92 Page 5, line 39, at end insert –
“() a condition that requires the governing body of the provider to collaborate with other registered higher education providers and with the OfS in the facilitation of communication between the OfS and current and former students of the provider.”

Clause 8 - continued

- 93 Page 5, line 39, at end insert—
 “() a condition that requires the governing body of the provider to collaborate with other registered higher education providers and with the OfS in the compilation of information on the domicile, employment status and geographical location of students who are taking or who have taken courses offered by the provider.”

Clause 9

LORD LUCAS

- 94 Page 6, line 3, leave out “of a prescribed description”
- 95 Page 6, line 9, at end insert “for each course for each calendar month”
- 96 Page 6, line 10, after “provider” insert “for each course for each calendar month”
- 97 Page 6, line 12, at end insert “for each course for each calendar month”
- 98 Page 6, line 14, at end insert “for each course for each calendar month”
- 99 Page 6, line 14, at end insert—
 “() the relationships between members of the university community.”
- 100 Page 6, line 14, at end insert—
 “() the mental health of the university community.”
- 101 Page 6, line 14, at end insert—
 “() such other matters as the OfS may specify, after consultation, as necessary to enable prospective students to make a fully informed decision on whether to take up a course at a particular registered higher education provider.”
- 102 Page 6, line 14, at end insert—
 “() freedom of speech and academic freedom, with regard to the provider.”
- 103 Page 6, line 14, at end insert—
 “() the expenditure by the registered higher education provider in relation to the services provided to students on each course.”
- 104 Page 6, line 14, at end insert—
 “() the nature and duration of the interaction between students and staff (and the seniority of those staff) on each course.”

Clause 9 - continued

- 105** Page 6, line 14, at end insert—
“() the predictions made by schools as to examination outcomes, the offers made by the provider, the actual examination outcomes, and the admission decisions made by the provider once the actual outcomes were known.”
- 106** Page 6, line 14, at end insert—
“() the median and standard deviation of the tariff score of offers made and offers accepted, for each course for each calendar month.”
- 107** Page 6, line 14, at end insert—
“() all the entry requirements, course descriptions and other course data associated with admissions systems.”
- 108** Page 6, line 14, at end insert—
“() the per-student fees and other costs associated with each course for UK-domiciled students.”
- 109** Page 6, line 14, at end insert—
“() the average contact hours per week between students and staff for each course, for salaried and for contract staff, and for each order of magnitude of the ratio of students to staff.”
- LORD WALLACE OF TANKERNESS
- 110** Page 6, line 14, at end insert—
“() the number of students who completed their course by each degree classification.”
- THE EARL OF LISTOWEL
- 110A** Page 6, line 14, at end insert—
“() Information provided to the OfS and published under subsection (2) must separately identify the number of care leavers within each overall figure.”
- LORD STEVENSON OF BALMACARA
- 111** 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.”
- LORD WALLACE OF TANKERNESS
- 112** Page 6, line 18, leave out paragraphs (a) and (b) and insert—
“(a) the particular protected characteristics of the individuals to which they relate;”

Clause 9 - continued

BARONESS GARDEN OF FROGNAL
LORD STOREY

- 113 Page 6, line 20, at end insert –
“() age group.”

LORD LUCAS

- 114 Page 6, line 20, at end insert –
“() the type of educational institution that applicants attend;
() the types of qualifications that applicants have;
() the national domicile of applicants.”

BARONESS GARDEN OF FROGNAL
LORD STOREY

- 115 Page 6, line 20, at end insert –
“() registered disability.”

LORD LUCAS

- 116 Page 6, line 20, at end insert –
“() A provider must ensure that the information published under this section, and any other information described in section 59, is made available to students on higher education courses and to those thinking of undertaking such courses in such manner and at such times as the OfS may require.”

LORD WALLACE OF TANKERNESS

- 117 Page 6, line 22, at end insert –
“(5) In this section “protected characteristics” are those listed in section 149(7) of the Equality Act 2010.”

After Clause 9

LORD LUCAS

- 118 Insert the following new Clause –

“Freedom of information

The Secretary of State must use his or her best endeavours to ensure that all registered higher education providers are subject to the same freedom of information obligations.”

Clause 10

LORD STEVENSON OF BALMACARA

- 119 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.

Clause 10 - continued

(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.”

120 Page 6, line 32, leave out paragraph (a) and insert –

“() either –

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

LORD LUCAS

121 Page 6, line 34, at end insert –

“() in respect of the amount of academic credit allocated from the course for that academic year.”

LORD STEVENSON OF BALMACARA

122 Page 7, line 15, leave out from beginning to “limit”;

LORD NORTON OF LOUTH

LORD KERSLAKE

LORD STEVENSON OF BALMACARA

The above-named Lords give notice of their intention to oppose the Question that Clause 10 stand part of the Bill.

After Clause 10

THE EARL OF LISTOWEL

122A Insert the following new Clause –

“Fee limit condition: requirement for progressive reduction in fees for older care leavers

- (1) A fee limit condition must include a requirement that any regulated course fees within the meaning of section 10 must, if payable by any person falling within subsection (2), reduce by 5% for each additional year of age, over the age of 21, of that person.
- (2) A person falls within this subsection if they are a care leaver, or an adult who has previously held care leaver status under the Children (Leaving Care) Act 2000.”

Schedule 2

VISCOUNT YOUNGER OF LECKIE

123 Page 76, line 36, after “be” insert “equal to or”

124 Page 77, line 23, after “be” insert “equal to or”

Schedule 2 - continued

BARONESS GARDEN OF FROGNAL
LORD STOREY

125 Page 78, line 3, leave out paragraph (b)

LORD STEVENSON OF BALMACARA
LORD NORTON OF LOUTH
LORD KERSLAKE

The above-named Lords give notice of their intention to oppose the Question that Schedule 2 be the Second Schedule to the Bill.

Clause 12

LORD STEVENSON OF BALMACARA

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

After Clause 12

BARONESS GARDEN OF FROGNAL
LORD STOREY

127 Insert the following new Clause—

“OfS report: international students

- (1) The OfS shall, in accordance with information received under section 8(1)(ba), produce an annual report for the Secretary of State on—
 - (a) EU (excluding from the UK), and
 - (b) non-EU,
 students enrolled with English higher education providers.
- (2) A report under subsection (1) must include an assessment of—
 - (a) the number of international students, and
 - (b) the financial contribution of international students to English higher education providers.
- (3) The Secretary of State shall lay the report produced under subsection (1) before each House of Parliament.”

LORD STEVENSON OF BALMACARA

128 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
 - (b) the numbers of, and range of provision available to, part-time and mature students.”

Clause 13

LORD STEVENSON OF BALMACARA
BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL
BARONESS BROWN OF CAMBRIDGE

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

LORD STEVENSON OF BALMACARA
BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL

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

131 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;”

LORD STEVENSON OF BALMACARA

132 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”

133 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.”

134 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.”

THE LORD BISHOP OF ELY

134A★ Page 8, line 26, at end insert –

“() In approving a provider’s student protection plan, the OfS shall require that the plan gives priority to avoiding or minimising disruption to the studies of the existing students of the course or courses affected and shall, in particular, pay specific regard to the needs of existing students who have special educational needs or disabilities.”

Clause 13 - continued

LORD STEVENSON OF BALMACARA

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

LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

136 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.”

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

137 Page 8, line 27, leave out from second “the” to end of line 29 and insert “threshold standards that are used by a provider to ensure that a student is eligible for the award of academic credit or a qualification.”

THE LORD BISHOP OF ELY

137A★ Page 8, line 30, leave out “subsection (1)(c)” and insert “this section”

LORD STEVENSON OF BALMACARA
LORD NORTON OF LOUTH
BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

138 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.”

After Clause 13

THE EARL OF LISTOWEL

138A Insert the following new Clause—

“Student protection plans

Student protection plans prepared according to the requirements of section 13 must take into account—

- (a) the particular vulnerabilities of students who are care leavers; and
- (b) the financial investment by local authorities in the higher education of care leavers.”

Clause 14

LORD STEVENSON OF BALMACARA

- 139 Page 8, line 43, leave out “English higher education providers” and insert “higher education providers in England”
- 140 Page 9, line 4, after “freedom” insert “, including from Government and other stakeholders,”
- 141 Page 9, line 12, at end insert –
 “() relevant student bodies and their representatives,
 () the academic workforce and their representatives,”

Clause 15

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 142 Page 9, line 18, leave out “it appears to the OfS” and insert “the OfS has reasonable grounds for believing”

After Clause 15

BARONESS WOLF OF DULWICH

BARONESS GARDEN OF FROGNAL

- 143 Insert the following new Clause –
“Power to restrict enrolments
- (1) If the OfS has reasonable grounds for believing that a registered higher education provider is in breach of an ongoing registration condition with respect to the quality of the higher education provided by the provider, or to its ability to implement a student protection plan which forms a condition of its registration, the OfS may place quantitative restrictions on the number of new students that the provider may enrol.
- (2) The Secretary of State may by regulations make provision about the procedures for imposing such restrictions and about rights of appeal.”

Schedule 3

BARONESS WOLF OF DULWICH

BARONESS BROWN OF CAMBRIDGE

- 144 Page 78, line 37, at end insert –
 “() During the specified period the OfS must have due regard to the general desirability of keeping confidential the fact of, and reasons for, its intention to impose a monetary penalty on a provider, until it has issued a notice to the provider under sub-paragraph (1).”

Schedule 3 - continued

VISCOUNT YOUNGER OF LECKIE

- 145 Page 79, line 14, leave out from “when” to end of line 16 and insert “—
- (a) an appeal under paragraph 3(1)(a) or (b), or a further appeal, could be brought in respect of the penalty, or
 - (b) such an appeal is pending.”

Clause 16

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 146 Page 9, line 33, leave out “it appears to the OfS” and insert “the OfS has reasonable grounds for believing”

LORD STEVENSON OF BALMACARA

- 147 Page 10, line 21, at end insert —
- “() A suspension must not exceed 365 days.”

Clause 17

BARONESS WOLF OF DULWICH

- 148 Page 10, line 33, at end insert —
- “() During the specified period the OfS must have due regard to the general desirability of keeping confidential the fact of, and reasons for, its intention to suspend a provider from the register until it has issued a notice to the governing body of the provider under subsection (5).”

LORD STEVENSON OF BALMACARA

- 149 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 LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 150 Page 11, line 26, leave out “it appears to the OfS” and insert “the OfS has reasonable grounds for believing”

- 151 Page 11, line 31, leave out “it appears to the OfS” and insert “the OfS has reasonable grounds for believing”

Clause 18 - continued

LORD STEVENSON OF BALMACARA

152 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.”

Clause 19

BARONESS WOLF OF DULWICH

153 Page 12, line 13, at end insert –

“() During the specified period the OfS must have due regard to the general desirability of keeping confidential the fact of, and reasons for, its intention to remove a provider from the register until it has issued a notice to the governing body of the provider under subsection (5).”

VISCOUNT YOUNGER OF LECKIE

154 Page 12, line 27, leave out subsection (8)

155 Page 12, line 29, leave out from “when” to end of line 30 and insert “–

- (a) an appeal under section 20(1)(a) or (b), or a further appeal, could be brought in respect of the decision to remove, or
- (b) such an appeal is pending.”

156 Page 12, line 32, at end insert –

“(11) Where subsection (9) ceases to prevent a removal taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the removal takes effect.

(12) But that is subject to what has been determined on any appeal under section 20(1)(a) or (b), or any further appeal, in respect of the decision to remove.”

After Clause 19

LORD STEVENSON OF BALMACARA

157 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).

After Clause 19 - continued

- (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 20

VISCOUNT YOUNGER OF LECKIE

- 158 Page 12, line 35, leave out from “against” to end and insert “either or both of the following—
- (a) a decision of the OfS to remove it from the register under section 18;
 - (b) a decision of the OfS as to the date specified under section 19(6) as the date on which the removal takes effect.”

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 159 Page 13, line 2, leave out paragraph (d)

VISCOUNT YOUNGER OF LECKIE

- 160 Page 13, line 3, after “decision” insert “(including the date on which the removal takes effect)”

Clause 21

LORD STEVENSON OF BALMACARA

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

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 162 Page 13, line 8, leave out “it appears to the OfS” and insert “the OfS has reasonable grounds for believing”

After Clause 21

LORD LUCAS

163 Insert the following new Clause –

“Duty of OfS to seek to place students whose provider ceases to offer courses

If a higher education provider ceases to be able, or eligible, to provide higher education courses for its students, the OfS must, as promptly as possible, seek to make arrangements for the students of that provider to be offered places on similar courses with another higher education provider.”

Clause 22

LORD STEVENSON OF BALMACARA

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

After Clause 22

LORD STEVENSON OF BALMACARA

165 Insert the following new Clause –

“Higher education providers: the overarching principle of institutional autonomy

- (1) The principle of institutional autonomy applies to all registered English higher education providers, and includes the right –
 - (a) to determine which courses to teach, the contents of particular courses and the manner in which they are taught, supervised and assessed;
 - (b) to determine the criteria for the selection, appointment, promotion, remuneration, and dismissal of academic staff and apply those criteria in particular cases;
 - (c) to determine the criteria for the admission of students and apply those criteria in particular cases; and
 - (d) 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.
- (2) All persons or bodies exercising powers under this Act are under a duty to protect the principle of institutional autonomy in accordance with subsection (1).”

LORD STEVENSON OF BALMACARA

BARONESS DEECH

BARONESS BROWN OF CAMBRIDGE

166 Insert the following new Clause –

“Higher education providers: the principle of academic freedom

- (1) The principle of academic freedom for academic staff of registered English higher education providers applies to all such providers and includes the freedom, within the law –
 - (a) to question and test received wisdom, and

After Clause 22 - continued

- (b) to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or any privileges they may enjoy at the provider.
- (2) All persons or bodies exercising powers under this Act are under a duty to protect the principle of academic freedom in accordance with subsection (1).”

Clause 23

BARONESS WOLF OF DULWICH
 BARONESS BROWN OF CAMBRIDGE
 BARONESS GARDEN OF FROGNAL

- 167 Page 14, line 31, leave out “standards” and insert “systems and processes the provider has in place to ensure appropriate standards are”

BARONESS WOLF OF DULWICH
 BARONESS GARDEN OF FROGNAL

- 168 Page 14, line 32, at end insert –
 “() In fulfilling its responsibilities under this section to assess standards for the purpose of determining whether institutions satisfy initial or ongoing conditions of registration applying to higher education providers, the OfS must have due regard to any advice received from the Quality Assessment Committee.”

- 169 Page 14, line 34, leave out “standards” and insert “systems and processes the provider has in place to ensure appropriate standards are”

- 170 Page 14, line 42, leave out “standards” and insert “systems and processes the provider has in place to ensure appropriate standards are”

LORD STEVENSON OF BALMACARA

- 170A 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”.
- (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 –

Clause 23 - continued

- (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

BARONESS GARDEN OF FROGNAL
LORD STOREY

171 Page 15, line 11, at end insert –

- “() A member of the Committee must be appointed as Chair, and that individual must not be a member of or otherwise affiliated to a registered political party.”

BARONESS GARDEN OF FROGNAL
LORD STOREY
LORD STEVENSON OF BALMACARA
BARONESS BAKEWELL

172 Page 15, line 15, at end insert “, and the collective experience of the members must span a broad range of the different types of higher education providers in England, including those offering part-time and distance learning.”

VISCOUNT HANWORTH

173 Page 15, line 20, leave out subsection (6) and insert –

- “(6) No member of the Committee may be an individual who is a member of the OfS.”

LORD STEVENSON OF BALMACARA

174 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

175 Page 15, line 25, at beginning insert “Subject to subsection (3),”

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

LORD NORTON OF LOUTH

177 Page 15, line 25, leave out “give ratings” and insert “provide information”

LORD LUCAS

178 Page 15, line 25, after “ratings” insert “ and commendations”

LORD STEVENSON OF BALMACARA

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

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE
BARONESS GARDEN OF FROGNAL

180 Page 15, line 26, leave out “, and the standards applied to, ”

LORD STEVENSON OF BALMACARA

181 Page 15, line 27, leave out “where they apply for such a rating”

LORD NORTON OF LOUTH

182 Page 15, line 28, leave out “a rating” and insert “information”

LORD STEVENSON OF BALMACARA

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

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE
BARONESS GARDEN OF FROGNAL

184 Page 15, line 31, leave out “, and the standards applied to,”

LORD STEVENSON OF BALMACARA

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

LORD NORTON OF LOUTH

186 Page 15, line 32, leave out “a rating” and insert “information”

LORD LIPSEY

187 Page 15, line 32, at end insert –

“() The scheme introduced under subsection (1) must be laid before and approved by a resolution of each House of Parliament before it may come into effect.”

Clause 25 - continued

188 Page 15, line 32, at end insert –

“() No such scheme shall take account of any data derived from the National Survey of Students.”

LORD LIPSEY
BARONESS WOLF OF DULWICH

189 Page 15, line 32, at end insert –

“() Before any scheme under subsection (1) is introduced which would draw upon student satisfaction indicators derived from the National Survey of Students, the Secretary of State must establish a public inquiry into the statistical validity of that Survey.”

LORD LIPSEY

190 Page 15, line 32, at end insert –

“() No data source shall be used to underpin the scheme under subsection (1) unless it has been listed in a statutory instrument made by the Secretary of State, which may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

LORD LUCAS

191 Page 15, line 32, at end insert –

“() Such ratings –
 () shall be on a scale of 1 to 10, 10 being the best;
 () may only be awarded for each aspect of each course separately;
 () may not be published as an average or otherwise summarised for a course or a provider.”

192 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.”

193 Page 15, line 32, at end insert –

“() In making such arrangements, the OfS shall ensure that small and specialist providers, and those serving particular segments of the population, are not at a disadvantage.”

BARONESS WOLF OF DULWICH

194 Page 15, line 32, at end insert –

“() All indicators and statistics used by the OfS in evaluating and rating the quality of higher education, or the threshold or other standards applied to higher education, must –
 (a) be criterion-referenced and provide a substantive indication of attainment, or degree of attainment of the criterion measure, and

Clause 25 - continued

(b) not include norm-referenced statistics.”

LORD STEVENSON OF BALMACARA

195 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).”

196 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.”

LORD STOREY

BARONESS GARDEN OF FROGNAL

197 Page 16, line 23, at end insert –

“(7) 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 each House of Parliament.

(8) Prior to the scheme being laid before Parliament under subsection (7) the OfS must make an assessment of –

- (a) the evidence that any proposed metric for assessing teaching quality is correlated to teaching quality,
- (b) any potential unintended consequences that could arise from implementing the scheme, including proposals on how such risks can be mitigated.

(9) Prior to making an assessment under subsection (8) the OfS must consult –

- (a) bodies representing the interests of academic staff employed by 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.

(10) The assessments made under subsection (8) must be published.”

Clause 25 - continued

LORD STEVENSON OF BALMACARA

198 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 LIPSEY

LORD NORTON OF LOUTH

LORD STEVENSON OF BALMACARA

The above-named Lords give notice of their intention to oppose the Question that Clause 25 stand part of the Bill.

After Clause 25

BARONESS GARDEN OF FROGNAL

LORD STOREY

199 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.”

BARONESS WOLF OF DULWICH

LORD STEVENSON OF BALMACARA

BARONESS BROWN OF CAMBRIDGE

200 Insert the following new Clause –

“Assessments under section 25: international students

The quality ratings attributed to a registered higher education provider under section 25 of this Act may not be used to determine whether a provider may enrol non-EU international students.”

After Clause 25 - continued

BARONESS WOLF OF DULWICH

201 Insert the following new Clause—

“Statistics used by the OfS

- (1) The OfS must ensure that all statistics collected and analysed by the OfS in pursuance of its activities in relation to quality or standards are produced in accordance with UK Statistics Authority's Code of Practice for Official Statistics and are assessed by the Office for Statistics Regulation to evaluate compliance and establish whether they meet the requirements for official statistics, or the requirements for national statistics.
- (2) The OfS must publish, on its website, details of all statistics used in carrying out its duties related to quality or standards in higher education, which must include—
 - (a) whether the assessment in subsection (1) has determined that the statistics meet the requirements for official statistics, or the requirements for national statistics; and
 - (b) where statistics have been combined and weighted to create indicators for use in pursuing any of its functions, a clear description and justification of how the indicator has been created, including component weightings.”

Clause 26

LORD STEVENSON OF BALMACARA

201A 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

Clause 26 - continued

- (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 subsection (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.

Schedule 4

LORD STOREY

BARONESS GARDEN OF FROGNAL

LORD STEVENSON OF BALMACARA

202 Page 80, line 13, leave out “may” and insert “must”

LORD STEVENSON OF BALMACARA

203 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,”

BARONESS WOLF OF DULWICH

204 Page 81, line 6, leave out from “quality” to end of line 7 and insert “and standards of higher education provided by English higher education providers for the purpose of registration”

205 Page 81, line 14, at end insert—

“() In this Schedule, “standards” has the same meaning as in section 13(2).”

206 Page 81, line 23, leave out from “quality” to end of line 24 and insert “and standards of higher education provided by English higher education providers for the purpose of registration”

Schedule 4 - continued

LORD LUCAS

- 207 Page 81, line 42, at end insert “and that no class of registered higher education providers is unrepresented, and that all individual registered higher education providers have had a voice in who is chosen to be representative of them,”

LORD STEVENSON OF BALMACARA

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

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

BARONESS WOLF OF DULWICH

- 210 Page 82, line 19, leave out from “quality” to end of line 20 and insert “and standards of higher education provided by English higher education providers for the purpose of registration, or”

LORD STEVENSON OF BALMACARA

- 211 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,”

BARONESS WOLF OF DULWICH

- 212 Page 84, line 4, at end insert “independence and”

LORD STOREY

BARONESS GARDEN OF FROGNAL
LORD STEVENSON OF BALMACARA

- 213 Page 84, line 11, at end insert –
“(5) Any directions given under this section –
(a) must not require any action that could adversely impact upon the designated body's suitability to carry out the assessment functions in paragraph 4;
(b) must be compatible with any duties that the persons who determine the strategic priorities of the body are also subject to under the Companies Act 2006 and the Charities Act 2011; and
(c) must not relate to the operational activity of the body in carrying out the assessment functions unless the OfS has informed the Secretary of State about significant concerns under paragraph 11.”

LORD STEVENSON OF BALMACARA

LORD BRAGG

- 213A Leave out Schedule 4 and insert the following new Schedule –

“THE QUALITY ASSURANCE OFFICE

Status

Schedule 4 - continued

- 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 –
 - (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 –

Schedule 4 - continued

- (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.

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 –

Schedule 4 - continued

- (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.

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 Schedule.
- 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 –

Schedule 4 - continued

- (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.
- 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

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Schedule 4 be the Fourth Schedule to the Bill.

Clause 27

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE
BARONESS GARDEN OF FROGNAL

- 214** Page 17, line 15, leave out “condition relating to quality or standards is” and insert “conditions relating to quality or standards are”

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL

- 215** Page 17, line 20, leave out “condition relating to quality or standards is” and insert “conditions relating to quality and standards are”

BARONESS WOLF OF DULWICH

- 216** Page 17, line 22, leave out subsection (3) and insert—
- “() The amount of a fee payable under subsection (2)(a) by an institution or provider—
- (a) must be calculated by reference to costs incurred by the designated body in the performance by the body of functions under section 23(1) in relation to the institution or provider, and
 - (b) may not be calculated by reference to costs incurred by the designated body in the performance of any other functions or in relation to a different institution or provider.”

- 217** Page 17, line 40, leave out “unconnected” and insert “connected”

LORD STEVENSON OF BALMACARA
LORD BRAGG

- 217A** 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 (the QAO) 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

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

Clause 28

LORD STEVENSON OF BALMACARA

- 218** Page 18, line 12, at end insert
 “() The OfS must appoint an independent Director for Fair Access and Participation responsible for approving access and participation plans.”
- 219** Page 18, line 14, leave out “OfS may, if it” and insert “Director for Fair Access and Participation may, if the Director”
- 220** Page 18, line 14, at end insert –
 “() The Director for Fair Access and Participation may make recommendations to the OfS on the matters which the OfS should include in guidance that the Director will have regard to in deciding whether to approve plans.”
- 221** Page 18, line 15, after first “OfS” insert “, having considered any recommendations made by the Director for Fair Access and Participation and having consulted the Director,”
- 222** Page 18, line 15, leave out second “OfS” and insert “Director for Fair Access and Participation”
- 223** Page 18, line 16, at end insert –
 “() Where the Director for Fair Access and Participation considers that there is significant risk to widening participation or that access targets will not be achieved, the Director may issue to a provider, or a class of providers which have similar and identifiable characteristics affecting the satisfying of an access and participation plan condition –
 (a) guidance setting out additional matters to have regard to in connection with approving the plan; and
 (b) a warning.”
- 224** Page 18, line 16, at end insert –
 “() The OfS must, in deciding whether to approve a plan, have regard to whether the governing body of an institution has consulted with relevant student representatives in producing its plan.
 () In this section “relevant student representatives” means representatives who may be deemed to represent students on higher education courses provided by the institution including, but not limited to, persons or bodies as described by Part 2 of the Education Act 1994 (students’ unions).”
- 225** Page 18, line 19, leave out “OfS” and insert “Director for Fair Access and Participation”

Clause 31

LORD ADDINGTON
BARONESS BRINTON

226 Page 19, line 22, at end insert –

“() In preparing, revising or implementing the provisions of a plan which relate to equality of opportunity, the governing body may take regular advice from bodies representing minorities nominated by the Equality and Human Rights Commission, about appropriate steps to improve ethnic and gender diversity representation and representation of an appropriate range of disability groups.”

227 Page 19, line 38, at end insert “which must include providing training for staff in awareness and understanding of all commonly occurring disabilities,”

LORD WALLACE OF TANKERNESS

228 Page 19, line 38, at end insert “set by the institution in compliance with specific duties imposed under section 153 of the Equality Act 2010”

BARONESS BRINTON
LORD ADDINGTON

229 Page 19, line 38, at end insert –

“() requiring the specifying of the support and advice provided for students with disabilities;”

THE EARL OF LISTOWEL

229A Page 19, line 38, at end insert –

“() requiring the governing body of the institution to treat care leavers as a priority group in attracting applications from prospective students and providing financial and other support to students,”

229B Page 19, line 38, at end insert –

“() requiring the governing body of the institution to make residential accommodation available to care leavers for the entire year, including outside term times,”

LORD STEVENSON OF BALMACARA

230 Page 19, line 43, at end insert –

“() requiring the governing body of an institution to take, or secure the taking of, measures to enable students to undertake courses on a part-time basis where appropriate”

231 Page 19, line 43, at end insert –

“() requiring the governing body of an institution to make available to students and prospective students information about credit transfer and “exit” awards,

() requiring the governing body of an institution to make available to students ongoing support for retention and attainment”

Clause 31 - continued

232 Page 19, line 43, at end insert

“() relating to the institution’s policies for part-time and mature students”

LORD WALLACE OF TANKERNESS

233 Page 19, line 43, at end insert –

“() The “promotion of equality of opportunity” describes the matters set out in section 149(1)(a) to (c) of the Equality Act 2010.”

Clause 33

LORD STEVENSON OF BALMACARA

234 Page 20, line 30, at end insert

“() enabling the Director for Fair Access and Participation to appeal to the Secretary of State to overrule the decision of the Office for Students in regard to widening participation.”

After Clause 33

LORD ADDINGTON
BARONESS BRINTON

235 Insert the following new Clause –

“Review of the provision of support for students with disabilities or with specific cultural needs

Two years after the coming into force of this Part, and every two years thereafter, the OfS shall commission a review to identify any inconsistencies and inefficiencies in the provision of support for students with disabilities, and those with specific cultural needs, in order to assist the OfS to identify unnecessary or inefficient expenditure by such students or those aspiring to become students.”

Clause 34

LORD STEVENSON OF BALMACARA

236 Page 20, line 32, leave out “may” and insert “should”

Clause 36

BARONESS GARDEN OF FROGNAL
LORD STOREY
BARONESS BAKEWELL

237 Page 21, line 14, after “opportunity” insert “, including part-time provision for students aged 21 and over,”

After Clause 39

BARONESS WOLF OF DULWICH
 BARONESS GARDEN OF FROGNAL
 LORD STOREY
 LORD STEVENSON OF BALMACARA

238 Insert the following new Clause—

“Application of Freedom of Information Act 2000 to registered providers

(1) Schedule 1 to the Freedom of Information Act 2000 is amended as follows.

(2) In Part 4, paragraph 53, after sub-paragraph (1)(a) insert—

“(aa) a registered higher education provider receiving financial support from the Office for Students under section 37 or 38 of the Higher Education and Research Act 2017;

(ab) a registered higher education provider, within the meaning of section 3 of the Higher Education and Research Act 2017, providing a course designated for the purpose of student support under section 22 of the Teaching and Higher Education Act 1998;”.

Clause 40

LORD STEVENSON OF BALMACARA

239 Page 23, line 3, at beginning insert “Subject to subsections (1A) and (1B),”

240 Page 23, line 4, leave out “or research awards or both”

VISCOUNT YOUNGER OF LECKIE

241 Page 23, line 6, leave out paragraph (b)

LORD STEVENSON OF BALMACARA

242 Page 23, line 6, after “grant” insert “taught awards and”

BARONESS GARDEN OF FROGNAL
 LORD STOREY

243 Page 23, line 6, at end insert “and Certificates of Higher Education”

BARONESS WOLF OF DULWICH
 BARONESS BROWN OF CAMBRIDGE

244 Page 23, line 6, at end insert—

“() The OfS may not authorise a provider to grant research awards under subsection (1) unless it has first consulted—

(a) UKRI; and

(b) such other persons as it considers appropriate.”

Clause 40 - continued

LORD STEVENSON OF BALMACARA

245 Page 23, line 6, at end insert –

“(1A) In order to award a recognised foundation, taught or research degree in the United Kingdom, a registered higher education provider must be expressly authorised to do so by virtue of a Royal Charter, by Act of Parliament or by the Privy Council.

(1B) The OfS may make an authorisation under subsection (1) only if the provider meets criteria which shall cover governance and academic management; academic standards and quality assurance; scholarship and the pedagogical effectiveness of staff; and the environment supporting the delivery of programmes.”

VISCOUNT YOUNGER OF LECKIE

246 Page 23, line 9, leave out “, research awards or foundation degrees” and insert “or research awards”

247 Page 23, line 11, leave out “, research awards or foundation degrees” and insert “or research awards”

248 Page 23, line 12, leave out “, research awards or foundation degrees” and insert “or research awards”

249 Page 23, line 15, after “degree” insert “(including a foundation degree)”

250 Page 23, line 24, at end insert –

““foundation degree only authorisation” means authorisation under subsection (1) to grant taught awards where foundation degrees are the only degrees which the provider is authorised to grant.”

LORD NORTON OF LOUTH
LORD KERSLAKE

251 Page 23, line 24, at end insert –

“() The OfS may not authorise a provider under subsection (1) unless –

- (a) the OfS is assured that the provider is able to maintain the required standards of a UK degree for the period in which the authorisation has effect,
- (b) the provider has in place validation arrangements, and
- (c) the OfS is assured that the provider operates in the interests of its students and the public.

() “Validation arrangements” has the same meaning as in section 46(4).”

Clause 40 - continued

LORD KERSLAKE
LORD STEVENSON OF BALMACARA

252 Page 23, line 24, at end insert –

“() The OfS may not authorise a provider under subsection (1) as part of a probationary arrangement.

() A “probationary arrangement” means any arrangement in which a provider has the power to award authorised taught awards, research awards or foundation degrees (as the case may be) for a period of time (a “probation period”) that the OfS intends to use to determine whether the standards of education delivered by the provider are sufficient to warrant an authorisation, after the probation period had expired, for a longer or an indefinite period.”

VISCOUNT YOUNGER OF LECKIE

253 Page 23, leave out line 25 and insert –

“(4) An order under subsection (1) which would give a provider foundation degree only authorisation may be made only if –

(a) the provider is an English further education provider,”

LORD STEVENSON OF BALMACARA

254 Page 23, line 28, at end insert

“() the provider operates in the interest of students and the public.”

255 Page 23, line 28, at end insert

“() there is reasonable assurance that a provider is able to maintain the required standards for the duration of whatever authorisation period is set by the OfS.”

256 Page 23, line 28, at end insert –

“() the OfS is assured that the provider is able to maintain the required standards of a UK degree for the duration of the authorisation, and

() the OfS is assured that the provider operates in the public interest and in the interest of students.”

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE
BARONESS GARDEN OF FROGNAL

257 Page 23, line 28, at end insert –

“() The OfS may not authorise a provider for the first time under subsection (1)(a) unless the provider has in place validation arrangements.

() In this section, “validation arrangements” has the same meaning as in section 46(4).”

VISCOUNT YOUNGER OF LECKIE

258 Page 23, line 32, leave out “41(3)” and insert “41(2)”

Clause 40 - continued

LORD KERSLAKE
LORD STEVENSON OF BALMACARA

259 Page 23, line 38, at end insert –

“() The date that an authorisation under subsection (1) takes effect may not precede a determination, to be made by the OfS, of the ability of the provider to deliver education to required standards, with specific regard to the history of the provider of delivering education.”

LORD KERSLAKE

260 Page 23, line 38, at end insert –

“() The OfS may not authorise a provider under subsection (1) for a period of time that is less than an indefinite period unless at the point at which the authorisation is granted it would also have confidence in authorising the provider under subsection (1) for an indefinite period.”

VISCOUNT YOUNGER OF LECKIE

261 Page 23, line 40, leave out “, research awards or foundation degrees” and insert “or research awards”

262 Page 24, line 3, leave out “, research award or foundation degree” and insert “or research award”

263 Page 24, line 7, leave out “, research award or foundation degree” and insert “or research award”

LORD STEVENSON OF BALMACARA

264 Page 24, line 9, at end insert

“() In making any orders under this section, and sections 41, 42 and 43, the OfS must have due regard to the need to maintain confidence in the higher education sector, and in the awards which it collectively grants, among students, employers, and the wider public.”

BARONESS BROWN OF CAMBRIDGE

264A★ Page 24, line 9, at end insert –

“() The OfS must consult UKRI before making any order under subsection (1) relating to research awards.”

LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

265 Page 24, line 11, after “instrument” insert “with the approval of the Secretary of State”

Clause 40 - continued

LORD STEVENSON OF BALMACARA

266 Page 24, line 11, after “instrument” insert “approved and made by the Privy Council as an Order in Council”

VISCOUNT YOUNGER OF LECKIE

267 Page 24, leave out lines 18 and 19

LORD STEVENSON OF BALMACARA

268 Page 24, line 21, at end insert –

“() The OfS must consult with UKRI, including Research England, and the appropriate National Academies and learned societies before authorising any provider to grant research awards.”

After Clause 40

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL

269 Insert the following new Clause –

“Independent scrutiny process for degree awarding powers and university title

- (1) Where a body has been designated under Schedule 4, the OfS must seek the advice of the designated body on –
 - (a) the general exercise of the OfS's functions under sections 40, 42, 43 and 53 of this Act, and section 77 of the Further and Higher Education Act 1992;
 - (b) particular use of the OfS's powers under section 40(1) of this Act; and
 - (c) particular use of the OfS's powers under section 77 of the Further and Higher Education Act 1992.
- (2) The OfS must seek the advice of the designated body before –
 - (a) authorising a registered higher education provider or qualifying further education provider to grant taught awards, research awards or foundation degrees under section 40(1) of this Act;
 - (b) varying any authorisation made under section 40(1) of this Act so as to authorise a registered higher education provider or qualifying further education provider to grant a category of award or degree that, prior to the variation of the authorisation, it was not authorised to grant;
 - (c) providing consent under section 77 of the Further and Higher Education Act 1992 for an education institution or body corporate to change its name so as to include the word “university” in the name of the institution or body corporate.
- (3) The OfS must seek the advice of the designated body before –
 - (a) revoking an authorisation to grant taught awards, research awards or foundation degrees;

After Clause 40 - continued

- (b) varying any authorisation to grant taught awards, research awards, or foundation degrees so as to revoke the authorisation of a registered higher education provider or qualifying further education provider to grant a category of award that, prior to the variation of the authorisation, it was authorised to grant.
- (4) Subsection (3) applies whether the authorisation being revoked or varied was given –
 - (a) by an order made under section 40(1) of this Act,
 - (b) by or under any Act of Parliament, other than under section 40(1) of this Act, or
 - (c) by Royal Charter.
- (5) In providing its advice to the OfS, the designated body must in particular consider the need for students, employers and the public to have confidence in the higher education system and the awards which are granted by it.
- (6) The OfS must have regard to the advice given to it by the designated body or committee under subsections (2) and (3).
- (7) Where no body is designated under Schedule 4, the OfS must establish a committee called the “Committee on Degree Awarding Powers and University Title” to carry out the functions prescribed by this section to a body designated under Schedule 4.
- (8) The majority of the members of any Committee set up under subsection (7) must be individuals who appear to the OfS to have experience of providing higher education on behalf of an English higher education provider or being responsible for the provision of higher education by such a provider.
- (9) In appointing members of the Committee who meet the criteria in subsection (8), the OfS must have regard to the desirability of the members being engaged in, or responsible for, the provision of higher education at the time of their appointment.
- (10) The majority of the members of the Committee must be individuals who are not members of the OfS.
- (11) Paragraph 8 of Schedule 1 applies to a committee set up under subsection (7).
- (12) When providing this advice in relation to a university title, the designated body or committee must report its views on the merits of an application in relation to the following factors –
 - (a) whether the provider has a primary purpose of teaching, scholarship and research,
 - (b) the provider’s financial accountability and independence,
 - (c) the provider’s accountability to students, the academic community and the wider public.”

Clause 41

VISCOUNT YOUNGER OF LECKIE

Clause 41 - continued

- 271 Page 24, line 27, leave out “and degrees”
- 272 Page 24, line 29, leave out “(a)”
- 273 Page 24, line 41, leave out subsection (3) and insert –
 “(3) But in the case of a foundation degree only authorisation, the references in subsection (2)(c) and (d) to degrees are to foundation degrees only.”
- 274 Page 25, line 7, leave out “, research award or foundation degree” and insert “or research award”
- 275 Page 25, line 9, leave out “and (3)(b)”

After Clause 41

LORD STEVENSON OF BALMACARA

- 276 Insert the following new Clause –
“Automatic review of authorisation
- (1) The OfS must consider whether to vary or revoke an authorisation given under section 40(1) –
- (a) if the ownership of the registered provider is transferred,
 - (b) if the owner of the registered provider has restrictions placed on its degree-awarding powers in relation to another registered provider under its control or ownership, or
 - (c) for any other reason considered to be in the interest of students enrolled at the institution or the public.
- (2) A decision taken under subsection (1) to vary or revoke an authorisation shall be carried out in accordance with section 43.”

Clause 43

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 277 Page 25, line 20, leave out “The OfS may by order” and insert “On the advice of the OfS, the Secretary of State may by order made by statutory instrument”

VISCOUNT YOUNGER OF LECKIE

- 278 Page 25, line 25, leave out “, research awards or foundation degrees” and insert “or research awards”

Clause 43 - continued

279 Page 25, line 29, at end insert—

“() When applying section 40(4) and (5) in the case of such an order, the reference in section 40(5) to a foundation degree granted other than by virtue of section 41(2)(c) or (d) (honorary and staff degrees) is to be read as a reference to a foundation degree granted other than by virtue of whatever is the equivalent of section 41(2)(c) or (d) in the case of the provider.”

LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

280 Page 25, line 30, leave out “OfS” and insert “Secretary of State”

281 Page 25, line 32, leave out subsection (5)

LORD STEVENSON OF BALMACARA

282 Page 25, line 34, at end insert

“() A statutory instrument containing an order under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 43 stand part of the Bill.

Clause 44

LORD STEVENSON OF BALMACARA

283 Page 26, line 3, leave out paragraph (b)

LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

284 Page 26, line 5, leave out “OfS” and insert “Secretary of State”

285 Page 26, line 7, leave out “OfS’s” and insert “Secretary of State’s”

286 Page 26, line 13, leave out “OfS” and insert “Secretary of State”

LORD STEVENSON OF BALMACARA

287 Page 26, line 14, after “provider” insert “and other relevant organisations”

Clause 44 - *continued*

LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

288 Page 26, line 16, leave out “OfS” and insert “Secretary of State”

289 Page 26, line 18, leave out “OfS” and insert “Secretary of State”.

VISCOUNT YOUNGER OF LECKIE

290 Page 26, line 18, leave out from second “the” to end of line 20 and insert “notice of the decision must specify the date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1).”

LORD STEVENSON OF BALMACARA

291 Page 26, line 19, leave out “or the order under section 43(1)”

VISCOUNT YOUNGER OF LECKIE

292 Page 26, line 24, after “The” insert “order under section 40(1) or 43(1) implementing the decision to vary or revoke the authorisation may not be made and the”

293 Page 26, line 24, leave out from “when” to end of line 26 and insert “—

(a) an appeal under section 45(1)(a) or (b), or a further appeal, could be brought in respect of the decision to vary or revoke, or

(b) such an appeal is pending.”

294 Page 26, line 27, after “prevent” insert “the order under section 40(1) or 43(1) being made or”

LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

295 Page 26, line 28, leave out “OfS” and insert “Secretary of State”

VISCOUNT YOUNGER OF LECKIE

296 Page 26, line 29, at end insert —

“(10) Where subsection (8) ceases to prevent a variation or revocation taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1).

(11) But that is subject to what has been determined on any appeal under section 45(1)(a) or (b), or any further appeal, in respect of the decision to vary or revoke.”

Clause 45

VISCOUNT YOUNGER OF LECKIE

- 297 Page 26, leave out lines 32 and 33 and insert “either or both of the following—
- (a) a decision of the OfS to vary or revoke, by a further order under section 40(1) or an order under section 43(1), an authorisation given to it;
 - (b) a decision of the OfS as to the date specified under section 44(6) as the date on which the variation or revocation takes effect.”

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 298 Page 26, line 32, leave out “of the OfS”

LORD STEVENSON OF BALMACARA

- 299 Page 26, line 33, leave out “or an order under section 43(1)”

VISCOUNT YOUNGER OF LECKIE

- 300 Page 26, line 40, at end insert—
- “() vary the date on which the variation or revocation takes effect under the order to be made under section 40(1) or 43(1);”

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

- 301 Page 26, line 41, leave out paragraph (c)

VISCOUNT YOUNGER OF LECKIE

- 302 Page 26, line 42, after “decision” insert “(including the date on which the variation or revocation takes effect)”

Clause 46

VISCOUNT YOUNGER OF LECKIE

- 303 Page 27, line 5, leave out “and foundation degrees”

- 304 Page 27, line 7, leave out “and foundation degrees”

LORD LUCAS

- 305 Page 27, line 8, at end insert—
- “() The OfS may propose conditions on validation arrangements between two registered higher education providers in order to protect the student interest including—
 - (a) referring registered providers to an appointed arbitration panel to resolve disputes related to existing arrangements, and
 - (b) giving guidance to registered providers on existing arrangements.”

Clause 46 - continued

LORD STEVENSON OF BALMACARA

306 Page 27, line 10, at end insert –

“() Such commissioning arrangements shall include commissioning the Open University as a validator of last resort.”

VISCOUNT YOUNGER OF LECKIE

307 Page 27, line 16, leave out “or a foundation degree”

308 Page 27, line 18, leave out “or a foundation degree”

309 Page 27, line 21, leave out “or foundation degrees”

LORD STEVENSON OF BALMACARA

310 Page 27, line 27, leave out paragraph (b)

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL

311 Page 27, line 27, at end insert –

“() The conditions specified by the OfS under subsection (2) must provide for any higher education provider with which the OfS has entered into commissioning arrangements under subsection (1) to be able to decline to enter into validation arrangements on grounds of the quality of higher education provided by a provider seeking to enter into validation arrangements with it.”

Clause 47

LORD STEVENSON OF BALMACARA

312 Page 27, line 29, leave out “OfS” and insert “QAO”

313 Page 27, line 31, leave out “OfS” and insert “QAO”

314 Page 27, line 32, leave out “OfS” and insert “QAO”

315 Page 27, line 33, leave out sub-paragraph (i)

316 Page 27, line 36, leave out “OfS” and insert “QAO”

VISCOUNT YOUNGER OF LECKIE

317 Page 27, line 38, leave out “and foundation degrees”

318 Page 27, line 39, leave out “and foundation degrees”

LORD STEVENSON OF BALMACARA

319 Page 27, line 41, leave out “OfS” and insert “QAO”

Clause 47 - continued

- 320 Page 27, line 43, leave out “OfS” and insert “QAO”
- 321 Page 28, line 1, leave out “OfS” and insert “QAO”
- 322 Page 28, line 5, leave out “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 323 Page 28, line 8, leave out “or foundation degrees”
- LORD STEVENSON OF BALMACARA
- 324 Page 28, line 11, leave out “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 325 Page 28, line 12, leave out “or foundation degree”
- LORD STEVENSON OF BALMACARA
- 326 Page 28, line 13, leave out “OfS” and insert “QAO”
- 327 Page 28, line 15, leave out first “OfS” and insert “QAO”
- 328 Page 28, line 15, leave out second “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 329 Page 28, line 16, leave out “or a foundation degree”
- 330 Page 28, line 18, leave out “or a foundation degree”
- LORD STEVENSON OF BALMACARA
- 331 Page 28, line 19, leave out “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 332 Page 28, line 21, leave out “or foundation degrees”
- LORD STEVENSON OF BALMACARA
- 333 Page 28, line 27, leave out paragraph (b)
- VISCOUNT YOUNGER OF LECKIE
- 334 Page 28, line 29, leave out “or a foundation degree”
- LORD STEVENSON OF BALMACARA
- 335 Page 28, line 29, leave out “OfS” and insert “QAO”
- VISCOUNT YOUNGER OF LECKIE
- 336 Page 28, line 30, leave out “or a foundation degree”

Clause 47 - continued

LORD STEVENSON OF BALMACARA

337 Page 28, line 31, leave out “OfS” and insert “QAO”

338 Page 28, line 32, leave out “OfS” and insert “QAO”

BARONESS WOLF OF DULWICH
LORD NORTON OF LOUTH
BARONESS BROWN OF CAMBRIDGE
BARONESS GARDEN OF FROGNAL*The above-named Lords give notice of their intention to oppose the Question that Clause 47 stand part of the bill.***Clause 51**

LORD STEVENSON OF BALMACARA

339 Page 32, line 6, leave out “(instead of the Privy Council) consents” and insert “and the Privy Council consent”

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 51 stand part of the Bill.***Clause 52**

LORD STEVENSON OF BALMACARA

340 Page 32, line 39, leave out “Office for Students” and insert “Privy Council”

341 Page 33, leave out lines 8 to 11

342 Page 33, leave out lines 12 to 15

343 Page 33, line 16, after “Students” insert “and the Privy Council”

*Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 52 stand part of the Bill.***Clause 53**LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

344 Page 33, line 37, leave out “The OfS may by order” and insert “On the advice of the OfS, the Secretary of State may by order made by statutory instrument”

Clause 53 - continued

LORD STEVENSON OF BALMACARA

345 Page 33, line 37, after “OfS” insert “and the Privy Council”

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

346 Page 34, line 1, leave out “OfS” and insert “Secretary of State”

347 Page 34, line 8, leave out subsection (4)

LORD STEVENSON OF BALMACARA

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 53 stand part of the Bill.

Clause 54

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

348 Page 34, line 19, leave out “OfS” and insert “Secretary of State”

349 Page 34, line 22, leave out “OfS’s” and insert “Secretary of State’s”

350 Page 34, line 28, leave out “OfS” and insert “Secretary of State”

351 Page 34, line 31, leave out “OfS” and insert “Secretary of State”

352 Page 34, line 33, leave out “OfS” and insert “Secretary of State”

VISCOUNT YOUNGER OF LECKIE

353 Page 34, line 34, leave out from second “the” to end of line 35 and insert “notice of the decision must specify the date on which the revocation takes effect under the order to be made under section 53(1).”

354 Page 34, line 39, after “The” insert “order under section 53(1) implementing the decision to revoke the authorisation, consent or other approval may not be made and the”

355 Page 34, line 39, leave out from “when” to end of line 41 and insert “—

- (a) an appeal under section 55(1)(a) or (b), or a further appeal, could be brought in respect of the decision to revoke, or
- (b) such an appeal is pending.”

Clause 54 - continued

356 Page 34, line 42, after “prevent” insert “the order under section 53(1) being made or”

LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

357 Page 34, line 43, leave out “OfS” and insert “Secretary of State”

VISCOUNT YOUNGER OF LECKIE

358 Page 34, line 43, at end insert –

“(10) Where subsection (8) ceases to prevent a revocation taking effect on the date specified under subsection (6), the OfS is to determine a future date on which the revocation takes effect under the order to be made under section 53(1).

(11) But that is subject to what has been determined on any appeal under section 55(1)(a) or (b), or any further appeal, in respect of the decision to revoke.”

LORD STEVENSON OF BALMACARA

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 54 stand part of the Bill.

Clause 55

VISCOUNT YOUNGER OF LECKIE

359 Page 35, line 3, leave out from “against” to end of line 5 and insert “either or both of the following –

(a) a decision of the OfS to revoke, by an order under section 53(1), an authorisation, consent or other approval given to the institution to include the word “university” in its name;

(b) a decision of the OfS as to the date specified under section 54(6) as the date on which the revocation takes effect.”

LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

360 Page 35, line 3, leave out “OfS” and insert “Secretary of State”

VISCOUNT YOUNGER OF LECKIE

361 Page 35, line 12, at end insert –

“() vary the date on which the revocation takes effect under the order to be made under section 53(1);”

Clause 55 - continued

LORD LISVANE
LORD JUDGE
LORD NORTON OF LOUTH
BARONESS O'NEILL OF BENGARVE

362 Page 35, line 13, leave out paragraph (c)

VISCOUNT YOUNGER OF LECKIE

363 Page 35, line 14, after “decision” insert “(including the date on which the revocation takes effect)”

LORD STEVENSON OF BALMACARA

Lord Stevenson of Balmacara gives notice of his intention to oppose the Question that Clause 55 stand part of the Bill.

Schedule 5

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

364 Page 85, line 14, at end insert –

“() the suspected breach may constitute fraud, or concerns serious or wilful mismanagement of public funds,”

Before Clause 59

VISCOUNT YOUNGER OF LECKIE

365 Insert the following new Clause –

“Duty to compile and make available higher education information

- (1) The relevant body must –
 - (a) compile appropriate information relating to registered higher education providers and the higher education courses they provide, and
 - (b) make the information available in an appropriate form and manner to the OfS, UKRI and the Secretary of State.
- (2) In this section “the relevant body” means –
 - (a) the designated body (see section 60), or
 - (b) if there is no such body, the OfS.
- (3) What is “appropriate” for the purposes of subsection (1)(a) and (b) is to be determined –
 - (a) by the designated body if the OfS has notified the body that it is required to do so (and has not withdrawn the notification), or
 - (b) otherwise, by the OfS.
- (4) A notification under subsection (3) may relate to one or both of the paragraphs of subsection (1).

Before Clause 59 - continued

- (5) When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), it must in particular consider what would be helpful to the persons mentioned in subsection (1)(b).
- (6) The OfS must from time to time obtain and consider, or require the designated body to obtain and consider, the views of the persons listed in subsection (7) about the information that should be made available under this section.
- (7) Those persons are –
 - (a) UKRI,
 - (b) the Secretary of State, and
 - (c) such other persons as the body seeking views considers appropriate.
- (8) In performing the duty under subsection (1)(a), the relevant body must –
 - (a) cooperate with other persons who collect information from registered higher education providers, and
 - (b) have regard to the desirability of reducing the burdens on such providers relating to the collection of information.
- (9) In carrying out other functions under this section, the OfS and the designated body must have regard to the desirability of reducing the burdens described in subsection (8)(b).
- (10) The functions conferred by this section do not affect any other functions of the OfS regarding information.”

Clause 59

LORD STEVENSON OF BALMACARA

366 Page 37, line 3, leave out “body” and insert “bodies”

VISCOUNT YOUNGER OF LECKIE

367 Page 37, line 3, leave out from “of,” to end of line 5 and insert “appropriate information relating to registered higher education providers and the higher education courses they provide”

LORD STEVENSON OF BALMACARA

368 Page 37, line 8, at end insert –

- “() The information must cover key workforce data at individual institutions, including –
- (a) number of staff employed on non-permanent contracts;
 - (b) proportion of teaching delivered by staff on non-permanent contracts; and
 - (c) staff-to-student ratios.”

VISCOUNT YOUNGER OF LECKIE

369 Page 37, line 10, leave out paragraph (a) and insert –
“(a) at appropriate times, and”

Clause 59 - continued

370 Page 37, line 12, leave out from “published” to end of line 13 and insert “in an appropriate form and manner.”

LORD LUCAS

371 Page 37, line 13, at end insert “, and wherever possible must be published as open data, using informative and easily linkable identifiers, as soon as it is practicable to do so.”

VISCOUNT YOUNGER OF LECKIE

372 Page 37, line 13, at end insert –

“(4A) What is “appropriate” for the purposes of subsections (1), (3) and (4) is to be determined –

- (a) by the designated body if the OfS has notified the body that it is required to do so (and has not withdrawn the notification), or
- (b) otherwise, by the OfS.

(4B) A notification under subsection (4A) may relate to one or more of subsections (1), (3) and (4).”

373 Page 37, line 14, leave out from beginning to “must” in line 15 and insert “When the designated body or the OfS determines what is appropriate for the purposes of subsection (1), (3) or (4), it”

LORD STEVENSON OF BALMACARA

374 Page 37, line 14, after “when” insert “, where”

VISCOUNT YOUNGER OF LECKIE

375 Page 37, line 17, leave out “in England”

LORD STEVENSON OF BALMACARA

376 Page 37, line 19, at beginning insert “all”

377 Page 37, line 19, after “people” insert “, whatever their age or individual circumstances,”

LORD LUCAS

378 Page 37, line 19, at end insert “, in particular in relation to how competitive each course is, what qualifications and tariff score are actually required for admission (for ordinary applications and in clearing), and when in the admissions cycle it is advantageous to apply”

LORD STEVENSON OF BALMACARA

379 Page 37, line 20, at end insert –

“() existing and potential higher education staff.”

Clause 59 - continued

LORD LUCAS

380 Page 37, line 20, at end insert –

“() In reaching its conclusions regarding the publication of information under subsection (5) the OfS must consider what information is available from independent providers that it would be in the interest of the persons mentioned in subsection (5) to have easily available to them at the same time, and which would usefully complement the information available to the OfS, and must arrange for such information to be made so available.”

VISCOUNT YOUNGER OF LECKIE

381 Page 37, line 21, after “consult” insert “, or require the designated body to consult,”

382 Page 37, line 28, leave out “in England”

LORD LUCAS

383 Page 37, line 32, at end insert –

“() a number of persons that, taken together, appear to the OfS to represent the interests of people thinking about undertaking courses of higher education, in particular schools and colleges,”

LORD STEVENSON OF BALMACARA

384 Page 37, line 32, at end insert –

“() a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff, and”

VISCOUNT YOUNGER OF LECKIE

385 Page 37, line 39, leave out “its”

386 Page 37, line 39, after “OfS” insert “and the designated body”

387 Page 37, line 44, leave out “in England”

Clause 60

VISCOUNT YOUNGER OF LECKIE

388 Page 38, line 2, leave out first “section” and insert “sections (*Duty to compile and make available higher education information*) and”

389 Page 38, line 6, leave out “section” and insert “sections (*Duty to compile and make available higher education information*) and”

390 Page 38, line 10, leave out from “decision” to end of line 11 and insert “about what is appropriate for the purposes of section (*Duty to compile and make available higher education information*)(1) or section 59(1), (3) or (4).”

Clause 60 - continued

391 Page 38, line 14, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) or”

LORD LUCAS

392 Page 38, line 21, at end insert “under any enactment.”

Schedule 6

LORD LUCAS

393 Page 90, line 7, at end insert “, or whether such a body might be created.”

VISCOUNT YOUNGER OF LECKIE

394 Page 90, line 17, leave out “in England”

LORD LUCAS

395 Page 90, line 21, at end insert –

“() a number of persons that, taken together, appear to the OfS to represent the interests of people thinking about undertaking courses of higher education, in particular schools and colleges, and”

LORD STEVENSON OF BALMACARA

396 Page 90, line 21, at end insert –

“() a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff,”

VISCOUNT YOUNGER OF LECKIE

397 Page 91, line 6, leave out “section” and insert “sections (*Duty to compile and make available higher education information*) and”

LORD LUCAS

398 Page 91, line 20, leave out “D” and insert “E”

VISCOUNT YOUNGER OF LECKIE

399 Page 91, line 21, leave out “duty of the relevant body under section” and insert “duties of the relevant body under sections (*Duty to compile and make available higher education information*)(1) and”

LORD LUCAS

400 Page 91, line 25, at end insert –

“() no class of registered higher education providers is unrepresented, and that all individual registered higher education providers have had a voice in who is chosen to be representative of them,”

Schedule 6 - continued

- 401 Page 91, line 34, at end insert –
 “() Condition E is that the constitution of the body requires it to place the interests of students on higher education courses and of those thinking of undertaking such courses ahead of the interests of registered higher education providers and of the body’s own commercial gain.”
- 402 Page 91, line 34, at end insert –
 “() Condition E is that the body should have been subject to a full and independent audit of its IT and other systems, and that these should have been found to provide an up-to-date, proper and resilient foundation for the services that the body might be required to provide.”
- 403 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.”
- 404 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.”
- VISCOUNT YOUNGER OF LECKIE
- 405 Page 92, line 11, leave out “in England”
- LORD STEVENSON OF BALMACARA
- 406 Page 92, line 12, at end insert –
 “() a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff,”
- LORD LUCAS
- 407 Page 92, line 15, at end insert –
 “() a number of persons that, taken together, appear to the OfS to represent the interests of people thinking about undertaking courses of higher education, in particular schools and colleges, and”
- VISCOUNT YOUNGER OF LECKIE
- 408 Page 92, line 27, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and”
- 409 Page 92, line 31, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and”

Schedule 6 - continued

410 Page 92, line 38, leave out “duty under section” and insert “duties under sections (*Duty to compile and make available higher education information*)(1) and”

411 Page 93, line 11, leave out “in England”

412 Page 93, line 22, leave out “duty under section” and insert “duties under section (*Duty to compile and make available higher education information*)(1) or”

Clause 61

LORD LUCAS

413 Page 38, line 31, after “costs” insert “necessarily”

VISCOUNT YOUNGER OF LECKIE

414 Page 38, line 32, leave out “duty under section 59(1) and its other”

BARONESS WOLF OF DULWICH

415 Page 38, line 37, leave out “unconnected” and insert “connected”

Clause 63

LORD LUCAS

416 Page 39, line 37, at end insert “, limited to the specific activities of the registered provider under the same contractual conditions as registration.”

417 Page 39, line 41, at end insert “limited to the specific activities of the registered provider under the same contractual conditions as registration,”

418 Page 40, line 2, after “documents” insert “, limited to the specific activities of the registered provider under the same contractual conditions as registration,”

419 Page 40, line 4, at end insert “, who must act under the same conditions of confidentiality and commercial sensitivity as the researcher and regulator”

Clause 64BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

420 Page 40, line 26, leave out subsection (3) and insert –

“() The regulations may not provide for the fees to be calculated except by reference to costs incurred, or to be incurred, by the OfS in the performance of its functions connected with the institution in question.”

Clause 65

BARONESS WOLF OF DULWICH

421 Page 41, line 12, after “may” insert “not”

Schedule 7

VISCOUNT YOUNGER OF LECKIE

422 Page 94, line 20, leave out from “when” to end of line 22 and insert “—

(a) an appeal under paragraph 3(1)(a) or (b), or a further appeal, could be brought in respect of the requirement to pay the costs, or

(b) such an appeal is pending.”

Clause 68

LORD STEVENSON OF BALMACARA

423 Page 42, line 12, leave out from “OfS” to end of line 13 and insert “for its set-up and running costs.”

BARONESS WOLF OF DULWICH

LORD STOREY

BARONESS GARDEN OF FROGNAL

424 Page 42, line 13, at end insert —

“() In determining the terms and conditions under subsection (1), the Secretary of State must have due regard to any advice given to him or her by the OfS.”

LORD STEVENSON OF BALMACARA

425 Page 42, line 17, after “have” insert “particular”

BARONESS WOLF OF DULWICH

BARONESS GARDEN OF FROGNAL

LORD STEVENSON OF BALMACARA

426 Page 42, line 17, after first “to” insert “the principle of institutional autonomy for English higher education providers and”

LORD STOREY

BARONESS GARDEN OF FROGNAL

427 Page 42, line 34, at end insert “, nor must it require the OfS to perform a function in a way that prohibits the OfS from funding a particular course of study”

Clause 69

LORD STEVENSON OF BALMACARA

428 Page 43, line 37, at end insert —

“() bodies representing the interests of higher education staff, and”

After Clause 69

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

429 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.”

Clause 71

BARONESS WOLF OF DULWICH
LORD STOREY
BARONESS GARDEN OF FROGNAL

430 Page 44, line 30, at end insert—

“() In giving such directions, the Secretary of State must have due regard to any advice given to him or her by the OfS.”

LORD STEVENSON OF BALMACARA

431 Page 44, line 31, after “have” insert “particular”

BARONESS WOLF OF DULWICH
BARONESS GARDEN OF FROGNAL
LORD STEVENSON OF BALMACARA

432 Page 44, line 31, after “to” insert “the principle of institutional autonomy for English higher education providers and”

LORD STOREY
BARONESS GARDEN OF FROGNAL

433 Page 45, line 7, at end insert “, nor must it direct the OfS to perform a function in a way that prohibits the OfS from funding a particular course of study”

Clause 72

LORD STEVENSON OF BALMACARA

434 Page 45, line 29, at end insert—

“() Any information received by the Secretary of State under subsection (1) must be made publicly available.”

Clause 73

LORD STEVENSON OF BALMACARA

435 Page 46, line 15, at end insert –

“() Where a body fails to comply under subsection (1), the Secretary of State must exercise powers under subsection (6) proportionately if the failure to comply with the duty is due to the cost of collecting and administering such data.”

Clause 79

VISCOUNT YOUNGER OF LECKIE

436 Page 48, line 29, at end insert –

““foundation degree only authorisation” has the meaning given by section 40(3);”

437 Page 49, line 14, at end insert –

“() When construing references in this Part to a time when an appeal could be brought, any possibility of an appeal out of time is to be ignored.”

Clause 80

VISCOUNT YOUNGER OF LECKIE

438 Page 50, line 42, at end insert –

“(ha) in relation to England, for contributions made in respect of an alternative payment to be dealt with, with the consent of the Treasury, otherwise than by payment into the Consolidated Fund;”

439 Page 50, line 43, at beginning insert “in relation to Wales,”

Clause 82

VISCOUNT YOUNGER OF LECKIE

440 Page 52, line 34, after “persons” insert “(whether before or after the regulations are made)”

441 Page 52, line 46, after “persons” insert “(whether before or after the regulations are made)”

After Clause 82

LORD SHARKEY

LORD WILLIS OF KNARESBOROUGH

442 Insert the following new Clause –

“Sharia-compliant student finance: deadline

The Secretary of State must introduce a Sharia-compliant student finance scheme to be available to students expecting to enter tertiary education in the autumn of 2018.”

After Clause 82 - continued

LORD DUBS
 BARONESS LISTER OF BURTERSETT
 THE LORD BISHOP OF DURHAM
 LORD JUDD

443 Insert the following new Clause—

“Access to support for students recognised as needing protection

- (1) Within six months from the day on which this Act comes into force, the Secretary of State must, by regulations, make provision for financial support for higher education courses offered to students with certain immigration statuses.
- (2) The regulations specified in subsection (1) must include, but shall not be restricted to—
 - (a) provision for persons who have been brought to the UK under the Syrian Vulnerable Persons Relocation Scheme, or any equivalent scheme, and their family members to access student loans on the same basis as refugees recognised in-country, and
 - (b) provision for persons who have claimed asylum and been granted a form of leave to remain in the UK to be eligible for—
 - (i) home fees for a higher education course if they have been ordinarily resident in the United Kingdom and Islands since being granted leave, and
 - (ii) student loans for a higher education course, if—
 - (a) they have been ordinarily resident in the United Kingdom and Islands since being granted leave, and
 - (b) are ordinarily resident in the United Kingdom and Islands on the first day of the first academic term of that course.
- (3) In this section—

“home fees” means fees for a higher education course charged to persons considered as “qualifying persons” under regulations made under the Higher Education Act 2004;

“student loans” means loans made to students in connection with their undertaking of a higher education course under the Teaching and Higher Education Act 1998.”

BARONESS GARDEN OF FROGNAL
 LORD STOREY

444 Insert the following new Clause—

“Student support: requirement to assess repayment terms

- (1) The Teaching and Higher Education Act 1998 is amended as follows.
- (2) In section 22 (new arrangements for giving financial support to students)—
 - (a) in subsection (3)(b), after “and” insert “, subject to subsection (3A)”;
 - (b) after subsection (3) insert—

After Clause 82 - continued

“(3A) Regulations under subsection (3)(b) must include a level of earnings below which a person shall not be required to make repayments of such a loan.”

(3) After section 22 insert –

“22A Duty to assess consumer prices in determining terms for loan repayments

- (1) In relation to regulations made subject to the requirement in section 22(3A), the Secretary of State must, for each tax year, review UK consumer price inflation for the period since the last review under this subsection.
- (2) If the review concludes that consumer prices for the previous tax year have increased, the Secretary of State must, by regulations under section 22(3)(b), amend the level of earnings specified in accordance with the requirement in section 22(3A) by the same percentage increase as UK consumer price inflation as determined under subsection (1).
- (3) If the Secretary of State is not required to make regulations under this section, the Secretary of State shall lay before each House of Parliament a report explaining the reasons for arriving at that determination.
- (4) For the purpose of this section –
 - “consumer prices” means the Consumer Price Index;
 - “consumer price inflation” refers to the annual assessment made by the Office for National Statistics’ Consumer Price Inflation Statistical Bulletin.”

LORD LUCAS

445 Insert the following new Clause –

“Student Loans Company

The Secretary of State must instruct the Student Loans Company to facilitate communication between the OfS and current and former borrowers.”

LORD WATSON OF INVERGOWRIE

446 Insert the following new Clause –

“Revocation of the Education (Student Support) (Amendment) Regulations 2015

The Education (Student Support) (Amendment) Regulations 2015 (S.I. 1951/2015) are revoked.”

447 Insert the following new Clause –

“Higher Education loans: restrictions on modification of repayment conditions

- (1) A loan made by the Secretary of State to eligible students in connection with their undertaking a higher education course or further education course under the Teaching and Higher Education Act 1998 must –
 - (a) not be subject to changes in repayment conditions retroactively without agreement from each House of Parliament;

After Clause 82 - continued

- (b) not be subject to changes in repayment conditions in the event of the loan being sold to private concerns, unless these changes are made to all loans, in the manner prescribed above;
 - (c) be subject to beneficial changes, principally to the repayment threshold, in line with average earnings.
- (2) In section 8 of the Sale of Student Loans Act 2008, for subsection (1) substitute –
- “(1) Loans made in accordance with regulations under section 22 of the Teaching and Higher Education Act 1998 are to be regulated by the Consumer Credit Act 1974.”

448

Insert the following new Clause –

“Student support: restricted modification of repayment terms

- (1) Section 22 of the Teaching and Higher Education Act 1998 (power to give financial support to students) is amended in accordance with subsections (2) to (4).
- (2) In subsection (2)(g) at the beginning insert “Subject to subsections (3A) and (3B),”.
- (3) In subsection (2)(g) omit the words from “section” to the end.
- (4) After subsection (3) insert –
 - “(3A) Other than in accordance with subsection (3B), no provision may be made under subsection (2)(g) relating to the repayment of a loan that has been made available under this section once the parties to that loan (including the borrower) have agreed the terms and conditions of repayment, including during –
 - (a) the period of enrolment on a course specified under subsection (1)(a) or (1)(b), and
 - (b) the period of repayment.
 - (3B) Any modification to any requirement or other provision relating to the repayment of a loan made available under this section and during the periods specified in subsection (3A) shall only be made if approved by an independent panel.
 - (3C) The independent panel shall approve modifications under subsection (3B) if such modifications meet conditions to be determined by the panel.
 - (3D) The approval conditions under subsection (3C) must include that –
 - (a) the modification is subject to consultation with representatives of the borrowers,
 - (b) the majority of the representative group consider the modification to be favourable to the majority of students and graduates who have entered loans, and
 - (c) there is evidence that those on low incomes will be protected.
 - (3E) The independent panel shall consist of three people appointed by the Secretary of State, who (between them) must have experience of –
 - (a) consumer protection,
 - (b) loan modification and mediation,

After Clause 82 - continued

- (c) the higher education sector, and
- (d) student finance.””

449 Insert the following new Clause –

“Student loans: regulation

- (1) Any loan granted under section 22(1) of the Teaching and Higher Education Act 1998 (student loans), irrespective of the date on which the loan was granted, shall be regulated by the Financial Conduct Authority.
- (2) Any person responsible for arranging, administering or managing, or offering or agreeing to manage, student loans shall be regulated by the Financial Conduct Authority.”

THE EARL OF LISTOWEL

449A Insert the following new Clause –

“Financial support for adults who have previously held care leaver status

The Secretary of State must make regulations under section 22 of the Teaching and Higher Education Act 1998 (new arrangements for giving financial support to students) providing that adults who have previously held care leaver status under the Children (Leaving Care) Act 2000 are eligible for grants which cover the full cost of their course fees when enrolled on higher or further education courses.”

Clause 83**VISCOUNT YOUNGER OF LECKIE**

450 Page 53, line 13, at end insert –

- “() in the words before paragraph (a), omit “in England or Wales”,
- () in the opening words of paragraph (a) –
 - (i) after “university” insert “in England or Wales”, and
 - (ii) after “the 1992 Act” insert “or section 37 or 87 of the Higher Education and Research Act 2017 (“the 2017 Act”)”,

451 Page 53, line 14, leave out from “section 40” to end to line 15 and insert “or 43 of the 2017 Act”,”

452 Page 53, line 15, at end insert –

- “() in paragraph (b), after “institution” insert “in England or Wales”,
- () in paragraph (c), after “institution” insert “in England or Wales”,
- () in paragraph (d), at beginning insert “an institution in Wales which is”,”

453 Page 53, line 17, after “(da)” insert “an institution in England which is”

454 Page 53, line 19, at end insert –

- “(ba) in paragraph (e) –
 - (i) after “institution” insert “in England or Wales”, and

Clause 83 - continued

- (ii) for “another paragraph” substitute “any of the preceding paragraphs;”

455 Page 53, line 19, at end insert –

“(bb) after paragraph (e) insert –

“(ea) an institution in England (other than one within any of the preceding paragraphs of this section) which provides higher education courses leading to the grant of an award by or on behalf of –

- (i) another institution in England within another paragraph of this section, or
 (ii) the Office for Students where the grant is authorised by regulations under section 47(1) of the 2017 Act;”, and”

456 Page 53, leave out lines 20 and 21 and insert –

“() in paragraph (f) –

- (i) after “institution” insert “in England or Wales”, and
 (ii) after “the 1992 Act” insert “or section 40 or 43 of the 2017 Act”.”

457 Page 53, line 21, at end insert –

“() In section 12(3) (qualifying complaints), for “paragraph (e)” substitute “paragraph (da), (e), (ea)”.”

458 Page 53, line 24, leave out “in England”

459 Page 53, line 33, leave out “in England”

460 Page 53, line 40, leave out “paragraph (e)” and insert “paragraph (da), (e), (ea)”

461 Page 53, line 41, leave out “either of those paragraphs” and insert “the paragraph in question”

After Clause 83

LORD HANNAY OF CHISWICK
BARONESS GARDEN OF FROGNAL
BARONESS ROYALL OF BLAISDON
LORD PATTEN OF BARNES

462 Insert the following new Clause—

“Students at higher education establishments: treatment for public policy purposes

The Secretary of State has a duty to encourage international students to attend higher education establishments covered by this Act, and to that end shall ensure that no student, either undergraduate or postgraduate, who has received an offer to study at such a higher education establishment shall be treated for public policy purposes as an economic migrant to the UK, for the duration of their studies at such an establishment.”

463 Insert the following new Clause—

“Students at higher education establishments: immigration

Persons, who are not British citizens, who receive an offer to study as an undergraduate or postgraduate student at a higher education establishment shall not, in respect of that course of study, be subject to more restrictive immigration controls or conditions than were in force for a person in their position on the day on which this Act was passed.”

464 Insert the following new Clause—

“Academic staff at higher education establishments: immigration

Persons, who are not British citizens, who receive an offer of employment as a member of academic staff at a higher education establishment shall not, in respect of that employment, be subject to more restrictive immigration controls or conditions than were in force for a person in their position on the day on which this Act was passed.”

LORD LUCAS

465 Insert the following new Clause—

“Publication of student visa information

The Secretary of State shall, in respect of applications from potential international students for visas to allow them to attend courses provided by registered higher education providers in England and Wales, publish on an annual basis the number and types of study visa granted, by institution, and what proportion they represent of the relevant numbers and types of applications made.”

After Clause 84

LORD DUBS
BARONESS JONES OF MOULSECOOMB
BARONESS GARDEN OF FROGNAL
LORD MACDONALD OF RIVER GLAVEN

466 Insert the following new Clause—

“Disapplication of duty in Counter-Terrorism and Security Act 2015 to higher education institutions

- (1) The Counter-Terrorism and Security Act 2015 is amended as follows.
- (2) In section 27(2) at the end insert—
 - “(k) a qualifying institution as defined by section 11 of the Higher Education Act 2004;
 - (l) an institution providing courses of a description mentioned in Schedule 6 to the Educational Reform Act 1988 (higher education courses);
 - (m) an institution providing fundable higher education as defined by section 5 of the Further and Higher Education (Scotland) Act 2005.”
- (3) In section 31(1)—
 - (a) in paragraph (a) after “1996” insert “or the Further and Higher Education (Scotland) Act 2005”;
 - (b) omit paragraphs (b) and (c).
- (4) In section 32 (monitoring of performance: further and higher education bodies)—
 - (a) in subsection (1) omit from “2015” to the end;
 - (b) in subsection (2) omit “or a relevant higher education body”;
 - (c) in subsection (4) omit “or a relevant higher education body”;
 - (d) omit subsection (5)(b);
 - (e) in subsection (9)(a) omit “, and includes the Open University”.
- (5) In section 33 (power to give directions: section 32)—
 - (a) in subsection (1) omit “or a relevant higher education body”;
 - (b) in subsection (4) omit “, “relevant higher education body””.
- (6) In Schedule 6 (specified authorities)—
 - (a) in Part 1 omit —
 - (i) “The governing body of a qualifying institution within the meaning given by section 11 of the Higher Education Act 2004.”;
 - (ii) “courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses).”;
 - (b) in Part 2 after “post-16” insert “further”.
- (7) In Schedule 7 (partners of local panels)—
 - (a) in Part 1 omit—
 - (i) “The governing body of a qualifying institution within the meaning given by section 11 of the Higher Education Act 2004.”;
 - (ii) “courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses).”;

After Clause 84 - continued

- (b) in Part 2 after “post-16” insert “further”.

LORD STOREY
BARONESS GARDEN OF FROGNAL
BARONESS WOLF OF DULWICH

467

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.
- (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.”

After Clause 84 - continued

LORD STEVENSON OF BALMACARA
BARONESS DEECH

468 Insert the following new Clause –

“Higher education providers: freedom of speech

All registered English higher education providers must ensure that their students, staff and invited speakers are able to practise freedom of speech in the provider’s premises, forums and events on all matters not specifically prohibited by law.”

BARONESS DEECH
LORD POLAK

469 Insert the following new Clause –

“Higher education providers: unlawful speech

All registered higher education providers must put in place measures to prevent unlawful speech by staff, students and invited speakers in the provider’s premises, forums and events.”

Schedule 8

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

470 Page 96, line 3, at end insert –

“(4) The Secretary of State may by order provide for a research institution which offers research degrees accredited by a higher education institution to become a higher education corporation.”

LORD WATSON OF INVERGOWRIE

471 Page 96, leave out lines 34 to 37

Schedule 9

LORD SHARKEY
LORD WILLIS OF KNARESBOROUGH

472 Page 100, line 32, leave out from “UKRI,” to “experience” in line 33 and insert “ensure that the members have (between them) significant direct”

LORD FOX
BARONESS GARDEN OF FROGNAL

473 Page 100, line 32, leave out from “UKRI,” to “experience” in line 33 and insert “be able to demonstrate a significant presence of Board members that have”

LORD WILLIS OF KNARESBOROUGH
LORD SHARKEY
LORD STEVENSON OF BALMACARA

474 Page 100, line 38, after “commercial” insert “, charitable”

Schedule 9 - continued

LORD SHARKEY
LORD WILLIS OF KNARESBOROUGH
LORD STEVENSON OF BALMACARA

- 475 Page 100, line 39, at end insert –
“() funding of research from the charitable sector.”

LORD PATEL
LORD WALLACE OF TANKERNESS
LORD WATSON OF INVERGOWRIE
LORD JUDD

- 476 Page 100, line 39, at end insert –
“in the higher education sector of England, Scotland, Wales and Northern Ireland.”

BARONESS GARDEN OF FROGNAL
LORD STOREY

- 477 Page 101, line 2, leave out from “least” to end of line 4 and insert “ –
(a) one person with relevant experience of Scotland;
(b) one person with relevant experience of Wales;
(c) one person with relevant experience of Northern Ireland;
with the respective agreement of the Scottish Government, Welsh Government
and Northern Ireland Executive.”

LORD WILLIS OF KNARESBOROUGH
LORD SHARKEY
LORD STEVENSON OF BALMACARA

- 478 Page 101, line 4, at end insert –
“() The Secretary of State must, in appointing the members of UKRI, have regard to the desirability of the members including at least one person with relevant experience in the charitable research sector.”

- 479 Page 101, line 10, at end insert –
“() research involving the charitable sector”

BARONESS BROWN OF CAMBRIDGE
LORD KREBS
LORD MAIR
LORD BROERS

- 479A★ Page 101, leave out lines 13 to 18 and insert –
“(a) a non-executive chair,
(b) the Chief Executive of the science and humanities Council or of Innovate UK, as appropriate, and
(c) at least four and not more than eight other members (the “ordinary Council members”).”

Schedule 9 - continuedLORD WILLIS OF KNARESBOROUGH
LORD SHARKEY

- 480** Page 101, line 15, leave out “five and not more than nine” and insert “nine and not more than 13”
- 481** Page 101, line 15, after “members” insert “, of whom no fewer than four must be lay members,”

BARONESS BROWN OF CAMBRIDGE
LORD MAIR
LORD BROERS

- 481A★** Page 101, line 18, at end insert –
“() In the case of Innovate UK, the non-executive chair shall be from a science-related business background, as shall the majority of the ordinary Council members.”

BARONESS BROWN OF CAMBRIDGE
LORD KREBS

- 481B★** Page 101, line 19, leave out sub-paragraph (3)
- 481C★** Page 101, line 21, leave out “other”
- 481D★** Page 101, line 21, leave out “UKRI after consulting the executive chair” and insert “the Council chair after consulting UKRI”

LORD PATEL
LORD WALLACE OF TANKERNES
LORD WATSON OF INVERGOWRIE

- 482** Page 101, line 24, at end insert –
“() The Secretary of State must, in appointing members of each Council, have regard to the desirability of the members (between them) having experience of research in the higher education sector in England, Scotland, Wales and Northern Ireland.”

BARONESS BROWN OF CAMBRIDGE
LORD KREBS

- 482A★** Page 103, line 31, at end insert –
“() UKRI shall establish an executive committee of the Councils’ chief executives, chaired by the Chief Executive of UKRI.”
- 482B★** Page 104, line 1, leave out sub-paragraph (4)

Schedule 9 - continued

BARONESS BROWN OF CAMBRIDGE
LORD MAIR
LORD BROERS

- 482C★** Page 105, line 30, at end insert –
“(d) form, participate in forming or invest in a commercial arrangement including a company, partnership or other similar form of organisation for the purposes of supporting economic growth through commercialising research or promoting university-business collaboration (up to a financial limit determined periodically by the Secretary of State).”

Clause 86

BARONESS GARDEN OF FROGNAL
LORD STOREY

- 483** Page 55, line 12, leave out paragraph (h)

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

- 484** Page 55, line 18, at end insert –
“() The Secretary of State must carry out a consultation exercise prior to any recommendation to add or omit a Council under subsection (2).”

Clause 87

VISCOUNT YOUNGER OF LECKIE

- 485** Page 55, line 26, at end insert –
“() facilitate, encourage and support knowledge exchange in relation to science, technology, humanities and new ideas,”

BARONESS BROWN OF CAMBRIDGE

- 485A★** Page 55, line 32, at end insert –
“() facilitate, encourage and support the development of activities in higher education providers associated with entrepreneurship, innovation, commercialisation and support of regional economic growth.”

- 485B★** Page 55, line 32, at end insert –
“() validate, through the science and humanities Councils and in collaboration with the OfS, the award of any degree-awarding powers for postgraduate and research-based degrees.”

LORD PATEL
LORD WALLACE OF TANKERNES
LORD WATSON OF INVERGOWRIE

- 486** Page 55, line 35, at end insert “but must be exercised in such a way as to be for the benefit of England, Scotland, Wales and Northern Ireland”

Clause 87 - continued

VISCOUNT YOUNGER OF LECKIE

487 Page 55, line 38, at end insert –

- “() For the purposes of this Part, “knowledge exchange”, in relation to science, technology, humanities or new ideas, means a process or other activity by which knowledge is exchanged where –
- (a) the knowledge is in, or in connection with, science, technology, humanities or new ideas (as the case may be), and
 - (b) the exchange contributes, or is likely to contribute, (whether directly or indirectly) to an economic or social benefit in the United Kingdom or elsewhere.”

LORD HANNAY OF CHISWICK
 BARONESS GARDEN OF FROGNAL
 BARONESS ROYALL OF BLAISDON
 LORD PATTEN OF BARNES

488 Page 55, line 38, at end insert –

- “() In carrying out its functions under subsection (1), UKRI shall take every possible opportunity to encourage and facilitate the maximum co-operation between British higher education and research establishments and those based outside the UK, and in particular with projects and programmes funded by the European Union.”

LORD PATEL

489 Page 55, line 38, at end insert –

- “() In carrying out its functions under subsection (1), UKRI must recognise the autonomy of the Research Councils, their institutions and their partnerships and relationships, and the principle of subsidiarity in decision-making.”

After Clause 87

BARONESS GARDEN OF FROGNAL
 LORD STOREY

490 Insert the following new Clause –

“UKRI report: international specialist employees

- (1) Within six months of section 84 coming into force, and every year thereafter, UKRI shall report to the Secretary of State on –
 - (a) EU (excluding people from the UK), and
 - (b) non-EU,
 specialist employees employed by UKRI and English higher education providers.
- (2) For the purposes of this section “specialist employee” –
 - (a) in relation to a Council, has the same meaning as in section 88(3), and
 - (b) in relation to an English higher education provider, means the academic staff of the institution.

After Clause 87 - continued

- (3) Should any report made under subsection (1) identify a decrease in the number of international specialist employees since the previous report, the Secretary of State must make an assessment of the impact of that reduction on UKRI's ability to deliver its functions under section 87.
- (4) The Secretary of State shall lay any report produced under this section before each House of Parliament."

Clause 88

BARONESS BROWN OF CAMBRIDGE
LORD MAIR
LORD BROERS

490A★ Page 56, line 3, after "loans" insert ", investments"

BARONESS BROWN OF CAMBRIDGE
LORD KREBS

490B★ Page 56, line 18, at end insert –

“() In exercising the power under section 87, UKRI and the Research Councils must operate fair, open and transparent competitions for funding.”

LORD WALLACE OF TANKERNESS

Lord Wallace of Tankerness gives notice of his intention to oppose the Question that Clause 88 stand part of the Bill.

Clause 89

BARONESS BROWN OF CAMBRIDGE
LORD KREBS

490C★ Page 56, line 21, leave out "such" and insert "the"

490D★ Page 56, line 22, leave out "as UKRI may determine"

LORD SHARKEY
LORD WILLIS OF KNARESBOROUGH
LORD STEVENSON OF BALMACARA

491 Page 56, line 23, at end insert ", and must in making the arrangements provide that the functions may be carried out in direct partnership with other funding bodies."

LORD MACKAY OF CLASHFERN

492 Page 57, line 13, after "scientist" insert ", or other person whose knowledge or experience is important to the operation of that Council,"

LORD WILLIS OF KNARESBOROUGH
LORD SHARKEY

493 Page 57, line 18, after "growth" insert ", resilience and other policy objectives"

Clause 89 - continued

494 Page 57, line 19, after “life” insert “including social inclusion and community cohesion”

495 Page 57, line 20, at end insert –
“(c) improving the United Kingdom’s science and knowledge base”

BARONESS BROWN OF CAMBRIDGE
LORD KREBS

495A★ Page 57, line 20, at end insert –
“(c) improving knowledge and understanding through research in the areas within its remit.”

BARONESS BROWN OF CAMBRIDGE
LORD MAIR
LORD BROERS

495B★ Page 57, line 20, at end insert –
“() Arrangements may not be made under this section for the exercise by the science and humanities Councils of Innovate UK’s function described in section 90(3)(a).”

Clause 90

BARONESS BROWN OF CAMBRIDGE
LORD MAIR
LORD BROERS

495C★ Page 57, line 27, leave out “UKRI” and insert “Innovate UK’s Council”

495D★ Page 57, line 27, after “determine” insert “including the power to make grants, loans, payments and to form, participate in forming or invest in commercial arrangements including a company, partnership or other similar form of organisation,”

BARONESS GARDEN OF FROGNAL
LORD STOREY

The above-named Lords give notice of their intention to oppose the Question that Clause 90 stand part of the Bill.

Clause 91

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

496 Page 58, line 1, leave out “either or both” and insert “any or all”

VISCOUNT YOUNGER OF LECKIE

497 Page 58, line 3, after “research” insert “into, or knowledge exchange in relation to, science, technology, humanities or new ideas”

Clause 91 - continued

498 Page 58, line 7, at end insert “into, or knowledge exchange in relation to, science, technology, humanities or new ideas”

BARONESS WOLF OF DULWICH

499 Page 58, line 7, at end insert –

“() the undertaking of activities, or provision of facilities, to support interaction between the provider and external parties, where this promotes the social or economic impact of the research undertaken by the provider.”

BARONESS BROWN OF CAMBRIDGE

499A★ Page 58, line 7, at end insert –

“() the undertaking of activities or provision of facilities by the provider in support of innovation, enterprise and local economic growth.”

VISCOUNT YOUNGER OF LECKIE

500 Page 58, leave out lines 11 and 12 and insert “ –

(a) the undertaking of research into science, technology, humanities or new ideas by eligible higher education providers receiving financial support which is within subsection (2), or

(b) the undertaking of knowledge exchange in relation to science, technology, humanities or new ideas by eligible education providers receiving such financial support.”

Clause 93

LORD PATEL

LORD WALLACE OF TANKERNESS

LORD WATSON OF INVERGOWRIE

501 Page 59, line 2, at end insert –

“() The Secretary of State must, before exercising powers under subsection (4), consult the Scottish Government, the Welsh Government and the Northern Ireland Executive and have regard to their views in respect of any proposed research and innovation strategy.”

Clause 95

LORD PATEL

LORD WALLACE OF TANKERNESS

LORD WATSON OF INVERGOWRIE

502 Page 59, line 32, at end insert –

“() In making grants to UKRI under subsection (1), the Secretary of State must specify the separate allocation of funding to be made by UKRI in respect of functions exercisable by –

Clause 95 - continued

- (a) the Councils mentioned in section 89(1), pursuant to arrangements under that section,
- (b) Innovate UK, pursuant to arrangements made under section 90, and
- (c) Research England, pursuant to arrangements made under section 91, and UKRI funding may not, without the specific approval of Parliament by means of a resolution of each House, vary the allocation of funding specified by the Secretary of State under this subsection.”

BARONESS WOLF OF DULWICH
 BARONESS GARDEN OF FROGNAL
 LORD STEVENSON OF BALMACARA

- 503 Page 60, line 3, after “(1)” insert “must respect the principle of institutional autonomy set out in section 2(6A), and”

Clause 96

BARONESS BROWN OF CAMBRIDGE
 LORD KREBS

- 503A★ Page 60, line 20, at end insert “subject to upholding the Haldane Principle”

LORD PATEL
 LORD WALLACE OF TANKERNES
 LORD WATSON OF INVERGOWRIE

- 504 Page 60, line 20, at end insert –
- “() The Secretary of State must, before giving a direction under subsection (1), obtain the agreement to the terms of the direction under subsection (1) from the Scottish Government, the Welsh Government and the Northern Ireland Executive.”

BARONESS WOLF OF DULWICH
 LORD STEVENSON OF BALMACARA
 BARONESS GARDEN OF FROGNAL

- 505 Page 60, line 29, at end insert –
- “() In giving directions under this section, the Secretary of State must have regard to the principle of institutional autonomy in respect of English higher education providers.”

Clause 97

BARONESS BROWN OF CAMBRIDGE
 LORD KREBS

- 505A★ Page 61, line 10, at end insert –
- “() Funding allocated under subsection (3)(a) and under subsection (3)(b) shall continue to be grounded in separate and complementary evaluation and allocation methods.”

Clause 98

BARONESS WOLF OF DULWICH
LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

506 Page 61, line 16, at end insert –

“() In exercising its functions, UKRI must have regard to the need to act in a manner compatible with the principle of institutional autonomy in respect of English higher education providers.”

After Clause 102

LORD PATEL
LORD WALLACE OF TANKERNESS
LORD WATSON OF INVERGOWRIE

507 Insert the following new Clause –

“General duty on Secretary of State

In exercising functions under this Part, the Secretary of State must act in the best interests of England, Scotland, Wales and Northern Ireland, and must seek the views of each of the Scottish Government, the Welsh Government and the Northern Ireland Executive before exercising those functions.”

Clause 105

VISCOUNT YOUNGER OF LECKIE

508 Page 64, line 5, at end insert –

““knowledge exchange” has the meaning given by section 87;”

Clause 106

BARONESS BROWN OF CAMBRIDGE

508A★ Page 64, line 13, leave out subsection (1) and insert –

“(1) The OfS and UKRI have a duty to co-operate with one another in the exercise of their functions, including, but not restricted to –

- (a) knowledge exchange;
- (b) the assessment process for research degree awarding powers;
- (c) sharing data to inform research and evaluation studies; and
- (d) providing regular assurance to satisfy respective accountability responsibilities.”

LORD MACKAY OF CLASHFERN
LORD SMITH OF FINSBURY

509 Page 64, line 16, at end insert –

“() Where a decision to be made by the OfS or UKRI relates to –

- (a) the power to award research degrees; or
- (b) research students;

the OfS and UKRI must make the decision jointly.”

Clause 106 - continued

BARONESS BROWN OF CAMBRIDGE

509A★ Page 64, line 16, at end insert –

“() To promote joint working, one member of the Board of the OfS shall be a member of UKRI and vice versa.”

Clause 113

LORD LISVANE

LORD JUDGE

LORD NORTON OF LOUTH

BARONESS O'NEILL OF BENGARVE

510 Page 66, line 42, at end insert –

“() guidance under section 2(7) (general duties);”

511 Page 67, line 4, at end insert –

“() an order under section 43(1) (variation or revocation of other authorisations to grant degrees etc.);”

512 Page 67, line 4, at end insert –

“() an order under section 53(1) (revocation of authorisation to use “university” title);”

VISCOUNT YOUNGER OF LECKIE

513 Page 67, line 24, at end insert “(whether before or after the regulations are made)”**Clause 117**

LORD STEVENSON OF BALMACARA

514 Page 68, line 6, at end insert –

“(za) sections (*UK universities: establishment*) and (*UK universities: functions*);”

Clause 118

VISCOUNT YOUNGER OF LECKIE

515 Page 69, line 16, at end insert –

“() Section 83(2)(ba)(ii) and (3) come into force, in relation to Wales, on such day as the Welsh Ministers may by regulations made by statutory instrument appoint.”

LORD SHARKEY

LORD WILLIS OF KNARESBOROUGH

516 Page 69, line 16, at end insert –

“() Section (*Sharia-compliant student finance: deadline*) comes into force on the day on which this Act is passed.”

Higher Education and Research Bill

SECOND
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

9 January 2017
