

# Higher Education and Research Bill

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

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*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.**

**Clause 10**

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**

## LORD STEVENSON OF BALMACARA

- 122B** Page 76, line 20, after “determines” insert “by regulations”

## 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”

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.*

- 126** [Withdrawn]

**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 –

**After Clause 12 - continued**

- (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;

**Clause 13 - continued**

- ( ) a condition relating to the provision of volunteering and exchange opportunities;
- ( ) a condition relating to the opportunity to join a students' union."

LORD DESAI

**133A★** Page 8, line 26, at end insert –

- “( ) a condition requiring that all student assessments, written and otherwise, including assessed dissertations at both undergraduate and postgraduate levels, are either –
- (i) robustly blind marked to ensure the identity of the student is not known to the marker, or
  - (ii) where it is unavoidable or probable that the identity of the student will be known to the marker, secondarily marked by an independent marker to whom the identity of the student is unknown.”

**133B★** Page 8, line 26, at end insert –

- “( ) a condition requiring that applications are blind assessed, in a way that ensures the name and gender of applicants are not made known to admissions officers who decide whether or not individual applicants are admitted.”

LORD STEVENSON OF BALMACARA

**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.”

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.”

**Clause 13 - continued**

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,

**Clause 14 - continued**

( ) 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).”

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”

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).
- (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 JUDD

- 158A Page 12, line 35, leave out from “OfS” to end and insert “not to register it, to suspend its registration or to remove it from the register under sections 3, 16 or 18.”

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
  - (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**

VISCOUNT HANWORTH

166A Page 14, line 30, leave out from “may” to “of” and insert “appoint an independent body to make assessments”

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”

**Clause 23 - continued**

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.”

VISCOUNT HANWORTH

168A Page 14, line 33, leave out from “must” to “of” and insert “appoint an independent body to make assessments”

BARONESS WOLF OF DULWICH  
BARONESS GARDEN OF FROGNAL

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 –
  - (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).”

**Clause 23 - continued**

*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”

**Clause 25 - continued**

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.”

188 Page 15, line 32, at end insert –

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

**Clause 25 - continued**

LORD LIPSEY  
BARONESS WOLF OF DULWICH  
LORD BEW

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  
    (b) not include norm-referenced statistics.”

**Clause 25 - continued**

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.”

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 –

**Clause 25 - continued**

- (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**

LORD STEVENSON OF BALMACARA

- 236A Page 21, line 10, leave out from first “The” to “report” and insert “OfS must”
- 236B Page 21, leave out lines 14 and 15 and insert “on matters relating to equality of opportunity.”

**Clause 36 - continued**

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”

**Clause 40 - continued**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.”

## 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,

**Clause 40 - continued**

- (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).”

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.”

**256A** Page 23, line 28, at end insert –

- “( ) the provider shows evidence of satisfactory and consistent higher education delivery for a minimum of three years, which period may be extended by the OfS, as part of a partnership with a validating provider.”

**Clause 40 - continued**

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)”

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.”

**Clause 40 - continued**

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”

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.”

THE LORD BISHOP OF PORTSMOUTH

268A★ Page 24, line 21, at end insert –

“( ) Nothing in this Act shall affect the right of the Archbishop of Canterbury, or any other person by virtue of the Ecclesiastical Licences Act 1533, to grant degrees, unless that person is acting as an English higher education provider in awarding a degree to a person who has completed an appropriate course of study and passed an appropriate examination.”

**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



**After Clause 40 - continued**

- (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;
  - (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.

**After Clause 40 - continued**

- (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

- 270** Page 24, line 25, leave out “, research awards and foundation degrees” and insert “and research awards”
- 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.

**After Clause 41 - continued**

- (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”

- 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)

**Clause 44** - *continued*

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”

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”

**Clause 44 - continued**

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 JUDD

**298A** Page 26, line 32, after “OfS” insert “not to award an authorisation under section 40, or”

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);”

**Clause 45 - continued**

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.”

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)

**Clause 46 - continued**

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”

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”

**Clause 47 - continued**

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”

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.*



**After Clause 50**

LORD LUCAS

338A Insert the following new Clause –

**“Degree classification**

- (1) The OfS may arrange for studies designed to investigate potential changes to the system of classification of UK degrees.
- (2) Such studies must include investigation of the benefits and disadvantages of potential changes from the point of view of students.”

**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”

LORD STEVENSON OF BALMACARA

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

**Clause 53 - continued**

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

- 347A Page 34, line 10, 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 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

**Clause 54 - continued**

(b) such an appeal is pending.”

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,”

378 [*Withdrawn*]

379 Page 37, line 20, at end insert –

“( ) existing and potential higher education staff.”

380 [*Withdrawn*]

VISCOUNT YOUNGER OF LECKIE

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

**Clause 59 - continued**

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).”

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.”

393 [*Withdrawn*]

**Schedule 6**

VISCOUNT YOUNGER OF LECKIE

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

## Schedule 6 - continued

## 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,”

- 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 [*Withdrawn*]

- 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 [*Withdrawn*]



**Schedule 6 - continued**

## 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”

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”

**After Clause 63**

LORD LUCAS

- 419A★** Insert the following new Clause—

**“University admissions**

- (1) The OfS may arrange for studies designed to investigate potential improvements to the system of admissions to universities and other higher education providers.
- (2) Such studies may include investigation of the benefits and disadvantages of post-qualification admissions.”

**Clause 64**

BARONESS 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 LUCAS

434A Page 45, line 42, at end insert –

“( ) any behaviour of any user in any aspect of the service.”

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);”

**Clause 79 - continued**

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.”

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.

**After Clause 82 - continued**

- (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—
    - “(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.

**After Clause 82 - continued**

- (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 [*Withdrawn*]

448 [*Withdrawn*]

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.”

**After Clause 82 - continued**

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.”

LORD WATSON OF INVERGOWRIE

**449B** Insert the following new Clause –

**“Financial support: loans**

- (1) In section 22 of the Teaching and Higher Education Act 1998, after subsection (5) insert –
  - “(5A) No provision may be made relating to the repayment of a loan that has been made available under this section which would change the repayment conditions of that loan once the first payment has been made to the borrower or directly to the institution to whom the borrower is liable to make payments.
  - (5B) No provision may be made relating to the repayment of a loan that has been made available under this section, and under which any payments have been made prior to the commencement of section (*financial support: loans*) of the Higher Education and Research Act 2017, which would make any further changes to the repayment conditions of that loan after the commencement of that section.”
- (2) In section 8 of the Sale of Student Loans Act 2008 (consumer credit), 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.””

**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”,



**Clause 83 - continued**

- 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  
        (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 - continued**LORD 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**

LORD MACKAY OF CLASHFERN

- 484A** Page 55, line 22, after “out” insert “basic, applied and strategic”

- 484B** Page 55, line 23, after “support” insert “basic, applied and strategic”

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.”



**Clause 87 - continued**

LORD JUDD

485C Page 55, line 32, at end insert –

“( ) improve knowledge and understanding through research of the areas within its remit.”

LORD PATEL

LORD WALLACE OF TANKERNESS

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”

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.
- (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”

**Clause 89 - continued**

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”

**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,”

**Clause 90 - continued**

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”

**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 –

- (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 TANKERNESS  
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.”

**Clause 96 - continued**

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**

LORD STEVENSON OF BALMACARA

505ZA★ Page 61, line 2, leave out “balanced funding principle” and insert “need for a long-term, stable block grant that allows universities to invest strategically in research in ways which foster their future development”

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 TANKERNES  
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.”

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);”

LORD STEVENSON OF BALMACARA

- 510A Page 66, line 42, at end insert –  
 “() regulations under section 9(4) (mandatory transparency condition for certain providers);  
 () regulations under section 10 (mandatory fee limit condition for certain providers);”

**Clause 113 - continued**

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

**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);”

LORD STEVENSON OF BALMACARA

**512ZA** Page 67, line 4, at end insert –  
“( ) regulations under section 37(3) (financial support for registered higher education providers);  
( ) regulations under section 64(1) (registration fees);  
( ) regulations under section 65(1) (other fees);  
( ) regulations under section 71(1) (Secretary of State’s power to give directions);”

**512A** Page 67, line 11, leave out from “provision)” to end of line 12

**512B** Page 67, line 12, at end insert –  
“( ) regulations under paragraph 2 of Schedule 2 (the fee limit where the provider has an access and participation plan).”

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.”



**Clause 118 - continued**

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

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

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*16 January 2017*

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