

# Higher Education and Research Bill

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## AMENDMENTS TO BE MOVED ON REPORT

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### Clause 3

LORD MACKAY OF CLASHFERN

Page 2, line 9, at end insert –

“(ab) emerging needs for new providers and take appropriate steps to encourage the meeting of those needs,”

### Clause 10

LORD WALLACE OF TANKERNESS

Page 6, line 37, leave out paragraphs (a) and (b) and insert –

“( ) the protected characteristics of the individuals to which they relate;”

Page 6, line 41, at end insert –

“( ) “Protected characteristics” means those characteristics listed in section 149(7) of the Equality Act 2010.”

### Clause 14

LORD WILLIS OF KNARESBOROUGH  
BARONESS GARDEN OF FROGNAL

Page 8, line 35, at end insert –

“( ) a condition relating to the provision by the provider, to each student for use by the student and all those authorised by the student, of the record of the academic attainment or credit which that student has obtained at the end of each year of their study with that provider.”

**Clause 26**

LORD BLUNKETT  
 BARONESS GARDEN OF FROGNAL  
 BARONESS WOLF OF DULWICH

Leave out Clause 26 and insert the following new Clause—

**“Scheme to provide information about the quality of higher education and higher education teaching**

- (1) The Secretary of State must by order bring forward a scheme to assess and provide consistent and reliable information about the quality of education and teaching at English higher education providers and at higher education providers in Wales, Scotland or Northern Ireland which apply to participate in such a scheme.
- (2) The scheme must be wholly or mainly based on the systems in place in higher education providers which ensure that the courses offered are taught to a high standard.
- (3) The Secretary of State, or that body designated by the Secretary of State to develop such a scheme, must, before such a scheme is introduced, and on a regular basis thereafter, obtain independent evaluations, including an evaluation from the Office for National Statistics, of the validity of any data or metrics included in such a scheme.
- (4) Any scheme introduced must evaluate and report on whether an institution meets expectations or fails to meet expectations on quality measures, but must not be used to create a single composite ranking of English higher education providers.
- (5) The Secretary of State’s power to make an order under subsection (1) is exercisable by statutory instrument, a draft of which must be laid before, and approved by, a resolution of each House of Parliament.”

**Clause 32**

LORD WALLACE OF TANKERNESS

Page 20, line 23, at end insert “set by the institution in compliance with specific duties imposed under section 153 of the Equality Act 2010.”

Page 20, line 28, at end insert—

- “( ) In subsection (3)(d) the “promotion of equality of opportunity” includes the matters set out in section 149(1)(a) to (c) of the Equality Act 2010.”

**Clause 48**

LORD MACKAY OF CLASHFERN

Page 29, line 1, leave out subsection (6)

LORD STEVENSON OF BALMACARA

Leave out Clause 48

**Clause 60**

LORD WILLIS OF KNARESBOROUGH  
BARONESS GARDEN OF FROGNAL

Page 38, line 7, at end insert “including the arrangements for providing to each student, for use by the student, and all those authorised by the student, the record of the academic attainment or credit which that student has obtained at the end of each year of their study with that provider,”

**Clause 61**

LORD WILLIS OF KNARESBOROUGH  
BARONESS GARDEN OF FROGNAL

Page 39, line 4, at end insert “and the arrangements for providing to each student, for use by the student, and all those authorised by the student, the record of the academic attainment or credit which that student has obtained at the end of each year of their study with that provider.”

**After Clause 86**

LORD DUBS

Insert the following new Clause –

**“Independent review of the Prevent strategy in higher education institutions**

- (1) Before the end of the period of three months beginning on the day on which this Act is passed, the Secretary of State must appoint an independent reviewer to –
  - (a) conduct an independent review of the operation and effectiveness of the Prevent strategy in relevant higher education institutions; and
  - (b) submit a report to the Secretary of State on the findings of the review.
- (2) The report must address, though may not be limited to, the following matters –
  - (a) the operation and effectiveness of the Prevent strategy in higher education institutions;
  - (b) the interaction of Prevent with –
    - (i) other legal duties on higher education institutions; and
    - (ii) the criminal law as it relates to higher education institutions;
  - (c) existing arrangements for the inspection and monitoring of higher education institutions’ compliance with the Prevent duty; and
  - (d) the nature and extent of training provided to staff working in higher education institutions.
- (3) The independent reviewer may invite evidence from civil society groups and others with expertise in, or experience of, Prevent.
- (4) An individual must not be appointed to the role of independent reviewer if that individual –
  - (a) has a close association with Her Majesty’s Government ; or
  - (b) has concurrent obligations as a Government appointed reviewer.

**After Clause 86 - continued**

- (5) The reviewer must have access to security sensitive information on the same basis as the reviewer appointed under section 36 of the Terrorism Act 2006.
- (6) In appointing the reviewer, the Secretary of State must have regard to the need to ensure the reviewer has the relevant qualifications, including legal qualifications, to carry out his functions.
- (7) The Secretary of State, after consultation with the independent reviewer, must provide the reviewer with such staff as are sufficient to ensure that the reviewer is able properly to carry out his functions.
- (8) The Secretary of State must pay to the reviewer –
  - (a) expenses incurred in carrying out his functions under this section; and
  - (b) such allowances as the Secretary of State determines.
- (9) The Secretary of State must lay before each House of Parliament a copy of the report received under subsection (1)(b).
- (10) In this section, “Prevent” means the Prevent strand of Her Majesty’s Government’s counter-terrorism strategy CONTEST, including the statutory Prevent structure; and “statutory Prevent structure” means the provisions set out at Part 5 of the Counter-Terrorism and Security Act 2015.”

**Clause 89**

LORD MENDELSON

Page 58, line 28, at end insert –

- “( ) In performing its functions, UKRI must have regard to the need to protect the institutional autonomy of English higher education providers, as set out in section 3(7).”

**Clause 95**

LORD WALLACE OF TANKERNESS

Page 62, line 6, at end insert –

- “( ) Before approving the strategy under subsection (1), the Secretary of State must consult with the Scottish Government, the Welsh Government and the Northern Ireland Executive.”

**Clause 100**

LORD WALLACE OF TANKERNESS

Page 64, line 19, leave out subsection (1) and insert –

- “( ) In exercising its functions, UKRI must have regard to –
  - (a) the promotion of research and innovation in Scotland, Wales and Northern Ireland, and
  - (b) the need to use its resources in the most efficient, effective and economic way.”

**Clause 100 - continued**

Page 64, line 22, at and insert –

“( ) The Secretary of State, in exercising the functions of the Secretary of State under this Part, must have regard to the promotion of research and innovation in Scotland, Wales and Northern Ireland.”

**Schedule 1**

BARONESS WOLF OF DULWICH  
BARONESS BROWN OF CAMBRIDGE

Page 77, line 32, at end insert –

“ In exercising its regulatory functions, the OfS must have regard to the Regulators’ Code.”

**Schedule 5**

LORD MACKAY OF CLASHFERN

Page 90, line 15, at end insert “and that all the requirements for the grant specified in this Schedule are met,”

**Schedule 9**

LORD MENDELSON

Page 104, line 26, at end insert –

“( ) at least one member of the OfS Board with at least observer status.”

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*1 March 2017*

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