

Higher Education and Research Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Order of 2nd March 2017, as follows –

Clauses 1 and 2	Clauses 63 to 69
Schedule 1	Schedule 7
Clauses 3 to 11	Clauses 70 to 86
Schedule 2	Schedule 8
Clauses 12 to 16	Clause 87
Schedule 3	Schedule 9
Clauses 17 to 27	Clauses 88 to 111
Schedule 4	Schedule 10
Clauses 28 to 57	Clauses 112 to 118
Schedule 5	Schedules 11 and 12
Clauses 58 to 62	Clauses 119 to 121
Schedule 6	Title.

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 2

LORD LIPSEY
LORD BURNS

BARONESS GARDEN OF FROGNAL

1 Page 2, line 2, leave out “Office for Students” and insert “Office for Higher Education Standards”

Schedule 1

BARONESS GARDEN OF FROGNAL

2★ Page 74, line 37, at end insert “, including those with experience of part-time, adult and distance learning.”

Schedule 1 - continued

VISCOUNT YOUNGER OF LECKIE
 BARONESS BROWN OF CAMBRIDGE
 LORD STEVENSON OF BALMACARA

3 Page 78, line 29, at end insert –

“() The report must include a statement regarding how the OfS has cooperated with UKRI during that year.”

Clause 3

LORD KERSLAKE
 VISCOUNT YOUNGER OF LECKIE
 LORD STEVENSON OF BALMACARA
 BARONESS GARDEN OF FROGNAL

4 Page 2, line 6, at end insert –

“(za) the need to protect the institutional autonomy of English higher education providers,”

LORD MACKAY OF CLASHFERN

5 Page 2, line 9, at end insert –

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

VISCOUNT YOUNGER OF LECKIE

6 Page 2, line 12, at end insert “while also having regard to the benefits for students and employers resulting from collaboration between such providers,”

BARONESS O'NEILL OF BENGARVE
 LORD ADDINGTON

7 Page 2, line 17, at end insert –

“() the need to ensure that all English higher education providers have the same duties to make reasonable adjustments for students with disabilities,”

VISCOUNT YOUNGER OF LECKIE
 BARONESS GARDEN OF FROGNAL

8 Page 2, line 23, at end insert –

“() The reference in subsection (1)(a) to choice in the provision of higher education by English higher education providers includes choice amongst a diverse range of –

- (a) types of provider,
- (b) higher education courses, and
- (c) means by which they are provided (for example, full-time or part-time study, distance learning or accelerated courses).”

Clause 3 - continued

LORD KERSLAKE
 VISCOUNT YOUNGER OF LECKIE
 LORD STEVENSON OF BALMACARA
 BARONESS GARDEN OF FROGNAL

- 9 Page 2, line 27, leave out from “protect” to end of line 34 and insert “the institutional autonomy of English higher education providers.”

VISCOUNT YOUNGER OF LECKIE

- 10 Page 2, line 36, after “but” insert “, whether or not the guidance is framed in that way,”

LORD KERSLAKE
 VISCOUNT YOUNGER OF LECKIE
 LORD STEVENSON OF BALMACARA
 BARONESS GARDEN OF FROGNAL

- 11 Page 3, line 3, at end insert –

“(7) In this Part, “the institutional autonomy of English higher education providers” means –

- (a) the freedom of English higher education providers within the law to conduct their day to day management in an effective and competent way,
- (b) the freedom of English higher education providers –
 - (i) to determine the content of particular courses and the manner in which they are taught, supervised and assessed,
 - (ii) to determine the criteria for the selection, appointment and dismissal of academic staff and apply those criteria in particular cases, and
 - (iii) to determine the criteria for the admission of students and apply those criteria in particular cases, and
- (c) the freedom within the law of academic staff at English higher education providers –
 - (i) to question and test received wisdom, and
 - (ii) to put forward new ideas and controversial or unpopular opinions,

without placing themselves in jeopardy of losing their jobs or privileges they may have at the providers.”

Clause 9

LORD LUCAS

- 12 Page 6, line 17, at end insert –

“(d) a condition that requires the governing body of the provider to collaborate with the OfS and with other providers in supporting the promotion of English education abroad, in particular by facilitating communication between the OfS and current and former students of the provider.”

Clause 9 - continued

13 Page 6, line 17, at end insert—

“() Before the OfS requires a provider to collaborate under subsection 1(d), it must consult with that provider, and the OfS must defray the reasonable costs (as determined by the OfS) to the provider of complying with that request.”

Clause 10

VISCOUNT YOUNGER OF LECKIE

14 Page 6, line 33, at end insert—

“() the number of students who attained a particular degree or other academic award, or a particular level of such an award, on completion of their course with the provider.”

LORD LUCAS

15 Page 6, line 33, at end insert—

“() such other matters as the Secretary of State may, after such consultation as he considers reasonable, by order require.”

LORD WALLACE OF TANKERNESS

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

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

LORD LUCAS

17 Page 6, line 39, at end insert—

“() A provider must ensure that the information published under this section is made available to persons who may be considering undertaking its higher education courses in such manner and at such times as the OfS may after consultation require.”

LORD WALLACE OF TANKERNESS

18 Page 6, line 41, at end insert—

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

After Clause 11

LORD KERSLAKE
LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

19★ Insert the following new Clause –

“Regulated course fees etc: use in relation to section 26

- (1) The scheme established under section 26 must not be used to rank English higher education providers as to the regulated course fees they charge to a qualifying person; or the unregulated course fees they charge to an international student; or the number of fee paying students they recruit, whether they are qualifying persons or international students.
- (2) In this section “regulated course fees”, “qualifying person” and “international student” have the same meaning as in section 11.”

Schedule 2

VISCOUNT YOUNGER OF LECKIE

20 Page 80, line 14, after “in” insert “the case of each provider and each qualifying course”

21 Page 80, line 26, leave out “applicable”

THE DUKE OF WELLINGTON
BARONESS WOLF OF DULWICH

22★ Page 80, line 28, leave out first “rating” and insert “assessment”

23★ Page 80, line 28, leave out second “rating” and insert “assessment”

24★ Page 80, line 28, leave out “ratings” and insert “assessments”

25★ Page 80, line 31, leave out “rating” and insert “assessment”

VISCOUNT YOUNGER OF LECKIE

26 Page 80, line 36, leave out “this paragraph” and insert “sub-paragraph (2)(a)”

27 Page 80, line 37, leave out sub-paragraph (6) and insert –

- “(6) “The sub-level amount” means such amount as may be determined by the Secretary of State for the purposes of sub-paragraph (2)(b) –
- (a) as the sub-level amount in respect of the higher amount, or
 - (b) where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 115 (5)(a), as the sub-level amount in respect of each higher amount.
- (6A) Different amounts may be determined under sub-paragraph (6) for different descriptions of provider.”

28 Page 80, line 40, after “descriptions” insert “of provider”

Schedule 2 - continued

THE DUKE OF WELLINGTON
BARONESS WOLF OF DULWICH

- 29★** Page 81, line 1, leave out “a rating” and insert “an assessment”
- 30★** Page 81, line 3, leave out “a rating” and insert “an assessment”
- 31★** Page 81, line 4, leave out “rating” and insert “assessment”

VISCOUNT YOUNGER OF LECKIE

- 32** Page 81, line 9, leave out “as the floor amount” and insert “—
- (a) as the floor amount in respect of the higher amount, or
 - (b) where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 115 (5)(a), as the floor amount in respect of each higher amount.
- () Where different amounts are prescribed as the higher amount for different cases or purposes by virtue of section 115 (5)(a) —
- (a) the reference in sub-paragraph (8)(a) to the higher amount is to the higher amount in respect of which the sub-level amount is determined, and
 - (b) the reference in sub-paragraph (8)(b) to the floor amount is to the floor amount prescribed under sub-paragraph (9) in respect of that higher amount.”
- 33** Page 81, line 10, leave out sub-paragraph (10)

THE DUKE OF WELLINGTON
BARONESS WOLF OF DULWICH

- 34★** Page 81, line 19, leave out “rating” and insert “assessment”

VISCOUNT YOUNGER OF LECKIE

- 35** Page 81, line 21, leave out “applicable”
- 36** Page 81, line 25, leave out “this paragraph” and insert “sub-paragraph (2)(a)”
- 37** Page 81, line 26, leave out sub-paragraph (5) and insert —
- “(5) “The sub-level amount” means such amount as may be determined by the Secretary of State for the purposes of sub-paragraph (2)(b) —
- (a) as the sub-level amount in respect of the basic amount, or
 - (b) where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 115 (5)(a), as the sub-level amount in respect of each basic amount.
- (5A) Different amounts may be determined under sub-paragraph (5) for different descriptions of provider.”

Schedule 2 - continued

38 Page 81, line 29, after “descriptions” insert “of provider”

THE DUKE OF WELLINGTON
BARONESS WOLF OF DULWICH

39★ Page 81, line 30, leave out “a rating” and insert “an assessment”

40★ Page 81, line 32, leave out “a rating” and insert “an assessment”

41★ Page 81, line 33, leave out “rating” and insert “assessment”

VISCOUNT YOUNGER OF LECKIE

42 Page 81, line 38, leave out “as the floor amount” and insert “—

(a) as the floor amount in respect of the basic amount, or

(b) where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 115 (5)(a), as the floor amount in respect of each basic amount.

() Where different amounts are prescribed as the basic amount for different cases or purposes by virtue of section 115 (5)(a) —

(a) the reference in sub-paragraph (7)(a) to the basic amount is to the basic amount in respect of which the sub-level amount is determined, and

(b) the reference in sub-paragraph (7)(b) to the floor amount is to the floor amount prescribed under sub-paragraph (8) in respect of that basic amount.”

43 Page 81, line 39, leave out sub-paragraph (9)

THE DUKE OF WELLINGTON
BARONESS WOLF OF DULWICH

44★ Page 82, line 5, leave out “rating” and insert “assessment”

VISCOUNT YOUNGER OF LECKIE

45 Page 82, line 11, at end insert —

“(1A) The Secretary of State may not make any of the following —

(a) the first regulations under paragraph 2 prescribing the higher amount;

(b) the first regulations under that paragraph prescribing the floor amount;

(c) the first regulations under paragraph 3 prescribing the basic amount;

(d) the first regulations under that paragraph prescribing the floor amount,

unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.”

46 Page 82, line 36, at end insert —

“(6) Sub-paragraphs (2) to (4) do not apply to regulations where—

Schedule 2 - continued

- (a) the higher amount, basic amount or floor amount in question is in the case of an accelerated course, and
 - (b) paragraph 5 applies to the regulations.
- (7) “Accelerated course” in sub-paragraph (6)(a) has the same meaning as in paragraph 5.
- 5 (1) No regulations may be made under paragraph 2 prescribing—
- (a) the higher amount in the case of an accelerated course at a level which is higher than what would be the higher amount in the case of that course if it were not an accelerated course, or
 - (b) the floor amount in the case of an accelerated course at a level which is higher than what would be the floor amount in the case of that course if it were not an accelerated course,
- unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (2) No regulations may be made under paragraph 3 prescribing—
- (a) the basic amount in the case of an accelerated course at a level which is higher than what would be the basic amount in the case of that course if it were not an accelerated course, or
 - (b) the floor amount in the case of an accelerated course at a level which is higher than what would be the floor amount in the case of that course if it were not an accelerated course,
- unless a draft of the regulations has been laid before, and approved by a resolution of, each House of Parliament.
- (3) An “accelerated course” means a higher education course where the number of academic years applicable to the course is at least one fewer than would normally be the case for that course or a course of equivalent content leading to the grant of the same or an equivalent academic award.”

Clause 14

LORD WILLIS OF KNARESBOROUGH
BARONESS GARDEN OF FROGNAL

47

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;”

LORD STOREY
BARONESS GARDEN OF FROGNAL

48★

Page 8, line 35, at end insert—

- “() a requirement that every provider, apart from the Open University and other distance learning institutions—
- (i) provides all eligible students and staff with a mental health support service, and
 - (ii) notifies all students and staff of this service;”

Clause 14 - continued

BARONESS BROWN OF CAMBRIDGE
LORD STEVENSON OF BALMACARA

- 49 Page 8, line 38, at end insert –
“(aa) a condition relating to the systems and processes the provider has in place to ensure appropriate standards are applied to the higher education it provides;”

VISCOUNT YOUNGER OF LECKIE
BARONESS BROWN OF CAMBRIDGE
LORD STEVENSON OF BALMACARA

- 50 Page 9, line 4, leave out subsection (2)
- 51 Page 9, line 6, at end insert –
“(2A) Where there are one or more sector-recognised standards, the condition mentioned in subsection (1)(a), so far as relating to standards –
(a) may relate only to the standards applied in respect of matters for which there are sector-recognised standards, and
(b) may require the application of sector-recognised standards only in respect of those matters.
(2B) In this Part, “sector-recognised standards” means standards that apply to higher education and accord with guidance which –
(a) is determined by persons representing a broad range of registered higher education providers, and
(b) commands the confidence of registered higher education providers.”

Clause 15

BARONESS ROYALL OF BLAISDON
BARONESS GARDEN OF FROGNAL

- 52 Page 9, line 16, at end insert –
“(2A) The list of principles must include a requirement that every provider –
(a) provides all eligible students with the opportunity to opt in to be added to the electoral register through the process of enrolling with that provider, and
(b) enters into a data sharing agreement with the local electoral registration officer to add eligible students to the electoral register.
(2B) For the purposes of subsection (2A) –
(a) a “data sharing agreement” is an agreement between the higher education provider and their local authority whereby the provider shares the –
(i) name,
(ii) address,
(iii) nationality,
(iv) date of birth, and
(v) national insurance data,

Clause 15 - continued

of all eligible students enrolling or enrolled (or both) with the provider who opt in under subsection (2A)(a);

- (b) “eligible” means those persons who are –
- (i) entitled to vote in accordance with section 1 of the Representation of the People Act 1983, and
 - (ii) a resident in the same local authority as the higher education provider.

(2C) Subsection (2A) does not apply to the Open University and other distance learning institutions.”

LORD CARRINGTON OF FULHAM

53★ Page 9, line 19, at end insert –

“(3A) The principles must include principles applicable to an unincorporated designated institution.

(3B) In subsection (3A) –

- (a) “unincorporated designated institution” means a designated institution which is not a corporate body;
- (b) “designated institution” has the same meaning as in section 129A(10) of the Education Reform Act 1988.”

After Clause 16

LORD STEVENSON OF BALMACARA

54 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.”

Clause 18

LORD STEVENSON OF BALMACARA
BARONESS WOLF OF DULWICH

55 Page 11, line 24, at end insert –

“() specify what happens to existing students during the suspension period as documented in a provider’s student protection plan.”

After Clause 20

LORD STEVENSON OF BALMACARA
BARONESS WOLF OF DULWICH

56 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 18(1),
 - (b) is notified by the OfS of its intention to remove it from the register under section 20(1),
 - (c) is notified by the OfS that it will refuse to approve a new access and participation plan under section 22(2), or
 - (d) has applied to be removed from the register under section 23(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.”

After Clause 22

LORD STEVENSON OF BALMACARA
BARONESS WOLF OF DULWICH

57 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 24

VISCOUNT YOUNGER OF LECKIE
BARONESS BROWN OF CAMBRIDGE
LORD STEVENSON OF BALMACARA

58 Page 15, line 27, at end insert –

- “() Where there are one or more sector-recognised standards, an assessment under this section of the standards applied –
- (a) must relate only to the standards applied in respect of matters for which there are sector-recognised standards, and
 - (b) must assess those standards against sector-recognised standards only.”

59 Page 15, line 28, leave out subsection (3)

Clause 25

LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

60 Page 15, line 42, 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.”

61 Page 16, line 6, 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.”

Clause 26

THE DUKE OF WELLINGTON
BARONESS WOLF OF DULWICH

62★ Page 16, line 10, leave out “give ratings” and insert “assess”

63★ Page 16, line 11, leave out “to”

64★ Page 16, line 13, leave out “a rating” and insert “an assessment”

65★ Page 16, line 14, leave out “to”

66★ Page 16, line 17, leave out “a rating” and insert “an assessment”

LORD LIPSEY

67 Page 16, line 17, at end insert –

“() Any scheme introduced under this section does not have any effect on the fees any university may charge until after the academic year 2019-20.”

LORD LUCAS

68 Page 16, line 17, at end insert –

“() The OfS must not, until the end of the period of three years beginning with the day on which this section comes into force, publish the name of a higher education provider alongside any rating related to the quality of, or the standards applied to, that provider, unless the rating is at the highest level.”

LORD BEW
LORD LIPSEY

69 Page 16, line 17, at end insert –

“() Before any scheme under subsection (1) is introduced which would draw upon indicators of student opinion derived from the National Student Survey, the Secretary of State must establish an independent inquiry into the statistical validity of that survey and its appropriateness as a source of metrics used in the scheme.”

Clause 26 - continued

VISCOUNT YOUNGER OF LECKIE
LORD STEVENSON OF BALMACARA
BARONESS BROWN OF CAMBRIDGE

70 Page 16, line 43, leave out subsection (5)

71 Page 16, line 44, leave out subsection (6)

LORD BLUNKETT
BARONESS GARDEN OF FROGNAL
BARONESS WOLF OF DULWICH

72 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.”

After Clause 26

BARONESS GARDEN OF FROGNAL
LORD STOREY

73 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.”

Clause 27

VISCOUNT YOUNGER OF LECKIE

- 74 Page 17, line 14, after “are” insert “ –
(a) ”
- 75 Page 17, line 14, at end insert “, and
(b) the functions of the relevant body under section (*Grant, variation or revocation of authorisation: advice on quality etc*)(advice on quality etc to the OfS when granting degree awarding powers etc).”
- 76 Page 17, line 16, after second “functions” insert “under section 24 ”

VISCOUNT YOUNGER OF LECKIE
LORD STEVENSON OF BALMACARA
BARONESS BROWN OF CAMBRIDGE

- 77 Page 17, line 16, leave out “do not cease to be exercisable by the OfS” and insert “ –
(a) so far as they relate to the assessment of the standards applied to higher education provided by a provider, cease to be exercisable by the OfS, and
(b) otherwise do not cease to be exercisable by the OfS.”

VISCOUNT YOUNGER OF LECKIE

- 78 Page 17, line 19, after second “of” insert “any of”

Schedule 4

VISCOUNT YOUNGER OF LECKIE

- 79 Page 86, line 32, at end insert –
“() the Secretary of State is satisfied that the designated body is failing to perform in an effective manner its functions under section (*Grant, variation or revocation of authorisation: advice on quality etc*), or”

VISCOUNT YOUNGER OF LECKIE
LORD STEVENSON OF BALMACARA

- 80 Page 88, line 13, after “protect” insert “ –
(a) ”
- 81 Page 88, line 14, at end insert “, and
(b) the designated body’s ability to make, or make arrangements for, an impartial assessment of the quality of, and the standards applied to, higher education provided by a provider.”
- 82 Page 88, leave out line 37

Clause 28

VISCOUNT YOUNGER OF LECKIE

- 83 Page 17, line 34, leave out from “body” to “may” in line 35
- 84 Page 17, line 38, after “standards)” insert “, or section (*Grant, variation or revocation of authorisation: advice on quality etc*)(advice on quality etc to the OfS when granting degree awarding powers etc),”
- 85 Page 18, line 8, after “24(1)” insert “or (*Grant, variation or revocation of authorisation: advice on quality etc*)”
- 86 Page 18, line 12, leave out “section 24(1)” and insert “sections 24(1) and (*Grant, variation or revocation of authorisation: advice on quality etc*)”

Clause 29

BARONESS BLACKSTONE

- 87 Page 19, line 9, at end insert –
 “() The Director for Fair Access and Participation must report annually to each House of Parliament on the performance of the OfS' access and participation functions.”

Clause 31THE DUKE OF WELLINGTON
BARONESS WOLF OF DULWICH

- 88★ Page 19, line 24, leave out “rating” and insert “assessment”

VISCOUNT YOUNGER OF LECKIE

- 89 Page 19, line 26, leave out “applicable”
- 90 Page 19, line 28, leave out “applicable”
- 91 Page 19, line 28, leave out “in relation to an institution”
- 92 Page 19, line 30, leave out “applicable to that institution”

THE DUKE OF WELLINGTON
BARONESS WOLF OF DULWICH

- 93★ Page 19, line 31, leave out “rating” and insert “assessment”

Clause 32

LORD ADDINGTON

94 Page 20, line 16, at end insert –

“() requiring the governing body of the institution to prepare, where changes in methods of teaching and delivery of information are required for students with disabilities or special educational needs, a guide which states how best to achieve this and provides examples of existing good practice and the effective use of technology to achieve this end.”

LORD WALLACE OF TANKERNESS

95 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.”

96 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.”

After Clause 32

LORD LUCAS

97 Insert the following new Clause –

“Content of a plan: evaluation

An access and participation plan relating to an institution must contain such provisions for evaluation, including randomised controlled trials, as the OfS may reasonably require in connection with its powers under section 35.”

Clause 35

LORD ADDINGTON

98 Page 21, line 22, at end insert –

“() The OfS has a duty to identify practices which placed disadvantages or extra costs on any group in comparison with similar sections of the student population and take steps to remove them.”

Clause 36

LORD STEVENSON OF BALMACARA

VISCOUNT YOUNGER OF LECKIE

LORD KERSLAKE

BARONESS GARDEN OF FROGNAL

99 Page 21, line 32, at end insert –

“() In performing those functions, subsection (1) applies instead of section 3(1)(za) (duty of OfS to have regard to the need to protect institutional autonomy) in relation to the freedoms mentioned in subsection (7)(b) and (c) of that section.”

After Clause 37

VISCOUNT YOUNGER OF LECKIE

100 Insert the following new Clause –

“Duty to monitor etc the provision of arrangements for student transfers

- (1) The OfS –
 - (a) must monitor the availability of schemes or other arrangements provided by registered higher education providers for student transfers and the extent to which those arrangements are utilised by students generally or students of a particular description,
 - (b) must include in its annual report a summary of conclusions drawn by it, for the financial year to which the report relates, from its monitoring under paragraph (a), and
 - (c) may facilitate, encourage, or promote awareness of, the provision of arrangements by registered higher education providers for student transfers.
- (2) For the purposes of this section, “a student transfer” is where –
 - (a) a student transfers from a higher education course (“course X”) provided by a UK higher education provider (“the transferring provider”) to a different higher education course (“course Y”) provided by the same or a different UK higher education provider (“the receiving provider”),
 - (b) the receiving provider recognises, or takes account of, the study undertaken, or a level of achievement attained, by the student –
 - (i) on course X, or
 - (ii) on another higher education course provided by the transferring provider,
 when the receiving provider is determining the study to be undertaken, or the level of achievement attained, by the student on course Y, and
 - (c) either the transferring provider or the receiving provider is a registered higher education provider, or both are registered higher education providers.
- (3) For the purposes of subsection (2), there may be an interval between the student ceasing to undertake course X and starting to undertake course Y.
- (4) The duty under subsection (1)(a) may be discharged by the OfS monitoring as described in that provision –
 - (a) arrangements for student transfers provided by all registered higher education providers or a particular description of such provider;
 - (b) all such arrangements for student transfers or a particular description of such arrangement or student transfer.
- (5) In this section –

“annual report” means the annual report under paragraph 13 of Schedule 1 ;

“financial year” has the same meaning as in that Schedule (see paragraph 12(6));

“higher education course” –

After Clause 37 - continued

- (a) in the case of a provider in England or Wales, has the meaning given in section 79 (1);
- (b) in the case of a provider in Scotland, means a course falling within section 38 of the Further and Higher Education (Scotland) Act 1992;
- (c) in the case of a provider in Northern Ireland, means a course of any description mentioned in Schedule 1 to the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15));

“UK higher education provider” means an English higher education provider or a higher education provider in Wales, Scotland or Northern Ireland.

- (6) For the purposes of applying the definition of “higher education provider” in section 79 (1) to the reference in the definition of “UK higher education provider” in subsection (5) to a higher education provider in Wales, Scotland or Northern Ireland, the reference to “higher education” in the definition of “higher education provider” in section 79 (1) –
 - (a) in the case of an institution in Wales, has the meaning given in section 79 (1);
 - (b) in the case of an institution in Scotland, has the same meaning as in section 38 of the Further and Higher Education (Scotland) Act 1992;
 - (c) in the case of an institution in Northern Ireland, has the same meaning as in Article 2(2) of the Further Education (Northern Ireland) Order 1997 (S.I. 1997/1772 (N.I. 15)).”

Clause 38

VISCOUNT YOUNGER OF LECKIE

101 Page 22, line 11, leave out “or by another eligible higher education provider”

102 Page 22, line 14, leave out “or by another eligible higher education provider,”

Clause 41

BARONESS WOLF OF DULWICH
LORD STEVENSON OF BALMACARA
LORD STOREY

103 Page 24, line 8, at end insert –

- “() The OfS must not recommend to the Secretary of State the authorisation of a provider under subsection (1) unless –
 - (a) the provider has been established for a minimum of four years with satisfactory validation arrangements in place, or
 - (b) the Quality Assessment Committee is assured that the provider is fully able to maintain the required standard expected for the granting of a United Kingdom degree for the duration of the authorisation, and may therefore be authorised to grant taught awards or research awards or both, and has reported to the Secretary of State; and

Clause 41 - continued

the OfS is assured that the provider operated in the public interest and in the interest of students.

- () In this section the “Quality Assessment Committee” is the Committee established under section 25 and “validation arrangements” has the same meaning as in section 47(4).”

BARONESS WOLF OF DULWICH

104 Page 24, line 11, leave out paragraph (a)

VISCOUNT YOUNGER OF LECKIE

105 Page 25, line 2, at end insert –

- “() See sections 42, 43 and (*Grant, variation or revocation of authorisation: advice on quality etc*) which make further provision about orders under subsection (1).”

After Clause 42

LORD STEVENSON OF BALMACARA

106 Insert the following new Clause –

“Automatic review of authorisation

- (1) The OfS must consider whether to vary or revoke an authorisation given under section 41(1) –
- (a) if the ownership of the registered provider is transferred,
 - (b) if the owner of the registered provider has restrictions placed on its degree-awarding powers in relation to another registered provider under its control or ownership, or
 - (c) for any other reason considered to be in the interest of students enrolled at the institution or the public.
- (2) A decision taken under subsection (1) to vary or revoke an authorisation shall be carried out in accordance with section 44.”

Clause 43

VISCOUNT YOUNGER OF LECKIE

107 Page 25, line 30, at end insert –

- “() The OfS may make such an order revoking an authorisation given to a provider only if condition A, B or C is satisfied.”

108 Page 25, line 31, leave out from beginning to “if” and insert “Condition A is satisfied”

109 Page 25, line 32, at end insert –

- “(4) Condition B is satisfied if –

- (a) the OfS has concerns regarding the quality of, or the standards applied to, higher education which has been or is being provided by the provider, and

Clause 43 - continued

- (b) it appears to the OfS that those concerns are so serious that—
 - (i) its powers by a further order under section 41(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
 - (ii) it is appropriate to revoke the authorisation.
- (5) Condition C is satisfied if—
 - (a) due to a change in circumstances since the authorisation was given, the OfS has concerns regarding the quality of, or the standards applied to, higher education which will be provided by the provider, and
 - (b) it appears to the OfS that those concerns are so serious that—
 - (i) its powers by a further order under section 41(1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
 - (ii) it is appropriate to revoke the authorisation.
- (6) Where there are one or more sector-recognised standards, for the purposes of subsections (4)(a) and (5)(a)—
 - (a) the OfS's concerns regarding the standards applied must be concerns regarding the standards applied in respect of matters for which there are sector-recognised standards, and
 - (b) those concerns must be regarding those standards as assessed against sector-recognised standards.”

110 Page 25, line 32, at end insert—

- “() See sections (*Grant, variation or revocation of authorisation: advice on quality etc*) and 45 which make further provision about further orders under section 41 (1).”

Clause 44

VISCOUNT YOUNGER OF LECKIE

111 Page 25, line 35, leave out “or an English further education provider”

112 Page 26, line 8, at end insert—

- “() The OfS may make an order under subsection (1) revoking an authorisation given to a provider only if condition A, B or C is satisfied.”

113 Page 26, line 9, leave out from beginning to “if” in line 10 and insert “Condition A is satisfied”

114 Page 26, line 10, at end insert—

- “(5A) Condition B is satisfied if—
 - (a) the OfS has concerns regarding the quality of, or the standards applied to, higher education which has been or is being provided by the provider, and
 - (b) it appears to the OfS that those concerns are so serious that—

Clause 44 - continued

- (i) its powers by an order under subsection (1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
 - (ii) it is appropriate to revoke the authorisation.
- (5B) Condition C is satisfied if—
- (a) due to a change in circumstances since the authorisation was given, the OfS has concerns regarding the quality of, or the standards applied to, higher education which will be provided by the provider, and
 - (b) it appears to the OfS that those concerns are so serious that—
 - (i) its powers by an order under subsection (1) to vary the authorisation are insufficient to deal with the concerns (whether or not they have been exercised in relation to the provider), and
 - (ii) it is appropriate to revoke the authorisation.
- (5C) Where there are one or more sector-recognised standards, for the purposes of subsections (5A)(a) and (5B)(a)—
- (a) the OfS’s concerns regarding the standards applied must be concerns regarding the standards applied in respect of matters for which there are sector-recognised standards, and
 - (b) those concerns must be regarding those standards as assessed against sector-recognised standards.”

115 Page 26, line 18, at end insert—

- “() See sections *(Grant, variation or revocation of authorisation: advice on quality etc)* and 45 which make further provision about orders under subsection (1).”

After Clause 44

VISCOUNT YOUNGER OF LECKIE

116 Insert the following new Clause—

“Grant, variation or revocation of authorisation: advice on quality etc

- (1) The OfS must request advice from the relevant body regarding the quality of, or the standards applied to, higher education provided by a provider before making—
 - (a) an order under section 41(1) authorising the provider to grant taught awards or research awards,
 - (b) a further order under section 41(1)—
 - (i) varying an authorisation given to the provider by a previous order under section 41(1), or
 - (ii) revoking such an authorisation on the ground that condition B in section 43(4) is satisfied, or
 - (c) an order under section 44(1)—
 - (i) varying an authorisation given to the provider, as described in that provision, to grant taught awards or research awards, or
 - (ii) revoking such an authorisation on the ground that condition B in section 44(5A) is satisfied.
- (2) In this section “the relevant body” means—

After Clause 44 - continued

- (a) the designated assessment body, or
 - (b) if there is no such body, a committee which the OfS must establish under paragraph 8 of Schedule 1 for the purpose of performing the functions of the relevant body under this section.
- (3) Where the OfS requests advice under subsection (1), the relevant body must provide it.
- (4) The advice provided by the relevant body must be informed by the views of persons who (between them) have experience of—
- (a) providing higher education on behalf of, or being responsible for the provision of higher education by—
 - (i) an English higher education provider which is neither authorised to grant taught awards nor authorised to grant research awards,
 - (ii) an English further education provider, and
 - (iii) an English higher education provider which is within neither sub-paragraph (i) nor sub-paragraph (ii),
 - (b) representing or promoting the interests of individual students, or students generally, on higher education courses provided by higher education providers,
 - (c) employing graduates of higher education courses provided by higher education providers,
 - (d) research into science, technology, humanities or new ideas, and
 - (e) encouraging competition in industry or another sector of society.
- (5) Where the order authorises the provider to grant research awards or varies or revokes such an authorisation, the advice provided by the relevant body must also be informed by the views of UKRI.
- (6) Subsections (4) and (5) do not prevent the advice given by the relevant body also being informed by the views of others.
- (7) The OfS must have regard to advice provided to it by the relevant body under subsection (3) in deciding whether to make the order.
- (8) But that does not prevent the OfS having regard to advice from others regarding quality or standards.
- (9) Where the order varies or revokes an authorisation, the advice under subsection (1) may be requested before or after the governing body of the provider is notified under section 45 of the OfS's intention to make the order.
- (10) Where there are one or more sector-recognised standards, for the purposes subsections (1) and (8)—
- (a) the advice regarding the standards applied must be advice regarding the standards applied in respect of matters for which there are sector-recognised standards, and
 - (b) that advice must be regarding those standards as assessed against sector-recognised standards.
- (11) In this section—
- “designated assessment body” means a body for the time being designated under Schedule 4;

After Clause 44 - continued

“humanities” and “science” have the same meaning as in Part 3 (see section 107).”

Clause 46

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

- 117★ Page 27, line 24, leave out from “appeal” to end of line 27 and insert “shall be on the grounds that the decision was wrong.”

Clause 48

LORD MACKAY OF CLASHFERN

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

LORD STEVENSON OF BALMACARA

- 119 Leave out Clause 48

Clause 54

VISCOUNT YOUNGER OF LECKIE

- 120 Page 34, line 34, at end insert –
“() The OfS may make an order under subsection (1) only if condition A, B or C is satisfied.”
- 121 Page 34, leave out line 35 and insert –
“() Condition A is satisfied if – ”
- 122 Page 34, line 41, at end insert –
“() Condition B is satisfied if, disregarding any transitional or saving provision made by an order under section 41 (1) or 44 (1) –
 (a) the institution is neither authorised to grant taught awards nor authorised to grant research awards, or
 (b) foundation degrees are the only degrees which the institution is authorised to grant.
() Condition C is satisfied if, due to a change in circumstances since the authorisation, consent or other approval was given, it appears to the OfS to be no longer appropriate for the institution to include the word “university” in its name.”

Clause 56

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

- 123★ Page 36, line 9, leave out from “appeal” to end of line 12 and insert “shall be on the grounds that the decision was wrong.”

Schedule 5

LORD STEVENSON OF BALMACARA

- 124 Page 89, line 22, at end insert –
“() the suspected breach may constitute fraud, or concerns serious or wilful mismanagement of public funds,”

LORD MACKAY OF CLASHFERN

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

Clause 59

LORD LUCAS
LORD WILLIS OF KNARESBOROUGH

- 126 Page 37, line 24, at end insert –
“() The OfS may publish any information that it holds as Open Data if it considers it to be in the public interest to do so.”

LORD WILLIS OF KNARESBOROUGH

- 127 Page 37, line 34, at end insert –
“() The OfS must require any body which collects data on behalf of any registered higher education provider to –
(a) make such data available as open data if it considers it to be in the public interest to do so;
(b) collect data in a consistent format to allow for efficient and meaningful examination and scrutiny.”

Clause 60

LORD WILLIS OF KNARESBOROUGH
BARONESS GARDEN OF FROGNAL

- 128 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

- 129** 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.”

LORD STEVENSON OF BALMACARA

- 130** Page 39, line 7, 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.”

Schedule 6

LORD STEVENSON OF BALMACARA

- 131** Page 94, line 27, at end insert –
 “() a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff,”
- 132** Page 96, line 19, at end insert –
 “() a number of persons that, taken together, appear to the OfS to represent, or promote the interests of, higher education staff,”

Clause 70

LORD KERSLAKE
VISCOUNT YOUNGER OF LECKIE
LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

- 133** Page 44, line 19, leave out from “protect” to end of line 26 and insert “the institutional autonomy of English higher education providers.”

LORD STEVENSON OF BALMACARA
VISCOUNT YOUNGER OF LECKIE
LORD KERSLAKE
BARONESS GARDEN OF FROGNAL

- 134** Page 44, line 27, leave out “So”

Clause 71

BARONESS WOLF OF DULWICH
BARONESS BROWN OF CAMBRIDGE

135 Page 45, line 41, at end insert –

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

After Clause 71

LORD STEVENSON OF BALMACARA
BARONESS DEECH

136 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 73

LORD KERSLAKE
VISCOUNT YOUNGER OF LECKIE
LORD STEVENSON OF BALMACARA
BARONESS GARDEN OF FROGNAL

137 Page 46, line 32, leave out from “protect” to end of line 39 and insert “the institutional autonomy of English higher education providers.”

VISCOUNT YOUNGER OF LECKIE

138 Page 46, line 41, after “but” insert “, whether or not the directions are framed in that way,”

Clause 79

VISCOUNT YOUNGER OF LECKIE

139 Page 49, line 38, after “see” insert “ –

(a) ”

VISCOUNT YOUNGER OF LECKIE
LORD STEVENSON OF BALMACARA

140 Page 49, line 39, leave out “and (6)”

Clause 79 - continued

VISCOUNT YOUNGER OF LECKIE

- 141** Page 49, line 39, after “education)” insert “, and
 (b) section (*Duty to monitor etc the provision of arrangements for student transfers*)(5) and (6)(*duty to monitor etc the provision of arrangements for student transfers*).”

Clause 81

LORD KERSLAKE
 VISCOUNT YOUNGER OF LECKIE
 LORD STEVENSON OF BALMACARA
 BARONESS GARDEN OF FROGNAL

- 142** Page 50, line 42, at end insert –
 ““the institutional autonomy of English higher education providers” has the meaning given by section 3(7);”

VISCOUNT YOUNGER OF LECKIE
 LORD STEVENSON OF BALMACARA
 BARONESS BROWN OF CAMBRIDGE

- 143** Page 51, line 1, at end insert –
 ““sector-recognised standards” has the meaning given by section 14 (2B);”

After Clause 82

LORD SHARKEY

- 144** Insert the following new Clause –
“Sharia-compliant student finance: progress reports
 (1) The Secretary of State must publish on the Department for Education's website, and must bring to the attention of schools in England and Wales as appropriate, a report which –
 (a) sets out progress towards the introduction of a scheme of Sharia-compliant student finance; and
 (b) provides an estimate of when such a scheme will be available for students entering tertiary education.
 (2) A report under subsection (1) must be published within one month of this section coming into force and must be updated quarterly thereafter.
 (3) Where any update provided under subsection (2) varies an estimate of when a scheme will be available, the Secretary of State must provide an explanation.”

After Clause 84

LORD WATSON OF INVERGOWRIE
LORD STEVENSON OF BALMACARA

145 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.””

BARONESS O'NEILL OF BENGARVE
BARONESS WOLF OF DULWICH
LORD NORTON OF LOUTH
LORD STEVENSON OF BALMACARA

146 Insert the following new Clause –

“Unincorporated higher education providers: financial support

Students enrolled on a course provided by a higher education provider that is not incorporated under the law of the United Kingdom do not qualify for publicly funded student support.”

LORD DUBS

147★ 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 to be offered to students with certain immigration statuses.
- (2) The regulations specified in subsection (1) must include, but need not be restricted to, provision for –
 - (a) persons granted humanitarian protection and their family members; and

After Clause 84 - continued

- (b) persons who have been brought to the United Kingdom under the Syrian Vulnerable Persons Relocation Scheme, or any equivalent scheme, and their family members to be eligible for the support set out in subsection (3).
- (3) The support set out in this subsection is—
 - (a) home fees for a higher education course, if they have been ordinarily resident in the United Kingdom since being granted leave, and
 - (b) student loans for a higher education course, if they have been ordinarily resident in the United Kingdom since being granted leave, and are ordinarily resident in the United Kingdom on the first day of the first academic term of that course.
- (4) 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.”

Clause 85

VISCOUNT YOUNGER OF LECKIE

148 Page 57, line 17, leave out from “insert” to end of line 18 and insert ““, and includes an institution which is treated as continuing to be a qualifying institution for the purposes of Part 2 of that Act (see section 20A(2) of that Act)”.”

149 Page 57, line 22, leave out “paragraph (da)” and insert “paragraphs (da) and (ea)”

After Clause 85

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

150 Insert the following new Clause—

“Students and academic staff at higher education providers

- (1) The Secretary of State has a duty to encourage international students to attend higher education providers covered by this Act, and UKRI must 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, in particular with projects and programmes funded by the European Union.
- (2) The Secretary of State shall ensure that no student, either undergraduate or postgraduate, who has received an offer to study at such a higher education provider, be treated for public policy purposes as a long term migrant to the UK, for the duration of their studies at such an establishment.

After Clause 85 - continued

- (3) Persons, who are not British citizens, who receive an offer to study as an undergraduate or postgraduate, or who receive an offer of employment as a member of academic staff at a higher education provider, shall not, in respect of that course of study, or 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

151 Insert the following new Clause –

“Study Visas

The Secretary of State must, in respect of applications from potential international students for visas to allow them to attend courses of higher education in the United Kingdom, publish, on an annual basis, the number and type of higher education study visas granted, categorised by –

- (a) institution,
- (b) country, and
- (c) agent (where a student is represented by an agent),

and what proportion each category represents of all the applications made.”

After Clause 86

BARONESS DEECH

LORD STEVENSON OF BALMACARA

BARONESS GARDEN OF FROGNAL

152 Insert the following new Clause –

“Higher education providers: freedom of speech and preventing unlawful speech

- (1) All English higher education providers must ensure that their students, staff and invited speakers are able to practise freedom of speech within the law in the provider’s premises, forums and events and must put in place measures to prevent unlawful speech.
- (2) Subsection (1) extends to the premises, forums and events of the provider's student unions.”

LORD STOREY

BARONESS GARDEN OF FROGNAL

153 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 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.

After Clause 86 - continued

- (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.”

LORD DUBS

154 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.

After Clause 86 - continued

- (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.
- (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.”

Schedule 8

VISCOUNT YOUNGER OF LECKIE

155

Page 104, line 6, at end insert –

- “23A (1) Section 78 (financial years of higher education corporations) is amended as follows.
- (2) In the heading, at the end insert “: Wales”.
 - (3) In subsection (1), after “higher education corporations” insert “in Wales”.
 - (4) After subsection (2) insert –
 - “(3) In this section “higher education corporation in Wales” means a higher education corporation established to conduct an institution whose activities are carried on, or principally carried on, in Wales.””

Schedule 9

LORD MENDELSON

156

Page 104, line 26, at end insert –

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

Schedule 9 - continued

LORD STEVENSON OF BALMACARA

- 157 Page 104, line 32, leave out from “UKRI,” to “experience” in line 33 and insert “ensure that the members have (between them) significant direct”
- 158 Page 104, line 38, after “commercial” insert “, charitable”

LORD PRIOR OF BRAMPTON

- 159 Page 104, line 38, after “matters” insert “, the charitable sector”

LORD STEVENSON OF BALMACARA

- 160 Page 104, line 39, at end insert –
“() funding of research from the charitable sector.”
- 161 Page 104, line 39, at end insert –
“in the higher education sector of England, Scotland, Wales and Northern Ireland.”
- 162 Page 105, 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.”
- 163 Page 105, 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.”

LORD PRIOR OF BRAMPTON

- 164 Page 105, line 9, after “matters” insert “, the charitable sector”

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE

- 165 Page 105, line 15, leave out “nine” and insert “twelve”

BARONESS BROWN OF CAMBRIDGE
LORD STEVENSON OF BALMACARA

- 166 Page 105, line 16, at end insert –
“() In the case of Innovate UK, the Council must have a non-executive Chair, and the non-executive Chair and the majority of the Council members must be from science-related business backgrounds.”

LORD PRIOR OF BRAMPTON

- 167 Page 105, line 20, at end insert “after consulting the chair of UKRI”

Schedule 9 - continued

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE

- 168** Page 107, line 11, at end insert –
“Executive Committee
- 8A(1) UKRI must establish a committee called “the Executive Committee”.
- (2) The Executive Committee is to consist of –
- (a) the CEO, who is to be its chair,
 - (b) the CFO,
 - (c) the executive chair of each of the Councils, and
 - (d) such other members as the CEO may appoint.
- (3) Those appointed under sub-paragraph (2)(d) –
- (a) must be employees of UKRI, and
 - (b) if they cease to be such employees, may not continue as members appointed under that provision.
- (4) The Executive Committee may establish sub-committees, and a sub-committee so established is referred to in this Schedule as an “Executive sub-committee”.
- (5) An Executive sub-committee may include persons who are not members of UKRI, Council members or employees of UKRI.
- (6) UKRI must pay such allowances as the Secretary of State may determine to any person who –
- (a) is a member of an Executive sub-committee, but
 - (b) is not a member of UKRI, a Council member or an employee of UKRI.”
- 169** Page 107, line 13, after “Councils” insert “and the Executive Committee”
- 170** Page 107, line 33, leave out sub-paragraphs (1) and (2) and insert –
- “(1) UKRI, a Council and the Executive Committee may each determine their own procedure and the procedure of any relevant committee.
- (1A) “Relevant committee” means –
- (a) in the case of UKRI, a general committee,
 - (b) in the case of a Council, a Council sub-committee established by it, and
 - (c) in the case of the Executive Committee, an Executive sub-committee.
- (2) But sub-paragraph (1) is subject to the rest of this paragraph.”
- 171** Page 108, line 16, after “committee,” insert “or of the Executive Committee or any Executive sub-committee,”
- LORD PRIOR OF BRAMPTON
- 172** Page 109, line 8, at end insert –
- “() The report must include a statement regarding how UKRI has cooperated with the OfS during that year.”

Schedule 9 - continued

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE

- 173 Page 109, line 31, leave out from beginning to third “the” and insert “But UKRI may do any of the following only in accordance with terms and conditions specified from time to time by”

LORD PRIOR OF BRAMPTON

- 174 Page 110, line 14, leave out “paragraph” and insert “paragraphs 8A and”

- 175 Page 110, line 23, leave out “paragraph” and insert “paragraphs 8A and”

Clause 88

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE

- 176 Page 58, line 12, at end insert –
- “(4) Before making regulations under subsection (2), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
 - (5) UKRI must, if requested to do so by the Secretary of State, carry out such a consultation, on behalf of the Secretary of State, of such persons.
 - (6) In such a case, UKRI must carry out the consultation in accordance with such directions as the Secretary of State may give.”

Clause 89

LORD MENDELSON

- 177 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 91

LORD PRIOR OF BRAMPTON

- 178 Page 60, line 12, leave out subsection (3) and insert –
- “(3) A “relevant specialist employee”, in relation to a Council, means –
 - (a) a researcher or scientist employed by UKRI to work in the Council’s field of activity (see the table in subsection (1)), or
 - (b) a person who has knowledge, experience or specialist skills which is or are relevant to the Council’s field of activity and is employed by UKRI to work in that field of activity.”

- 179 Page 60, line 18, after “contributing” insert “(whether directly or indirectly)”

Clause 91 - continued

180 Page 60, line 18, after “growth” insert “, or an economic benefit,”

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE

181 Page 60, line 18, after “Kingdom,” insert –

“() advancing knowledge (whether in the United Kingdom or elsewhere and whether directly or indirectly) in, or in connection with, science, technology, humanities or new ideas,”

182 Page 60, line 24, at end insert –

- “(6) Before making regulations under subsection (5), the Secretary of State must consult such persons as the Secretary of State considers appropriate.
- (7) UKRI must, if requested to do so by the Secretary of State, carry out such a consultation, on behalf of the Secretary of State, of such persons.
- (8) In such a case, UKRI must carry out the consultation in accordance with such directions as the Secretary of State may give.”

Clause 92

LORD PRIOR OF BRAMPTON
BARONESS BROWN OF CAMBRIDGE

183 Page 60, line 31, leave out subsection (3) and insert –

- “(3) Arrangements under this section must require Innovate UK, when exercising any function to which the arrangements relate, to have regard to –
- (a) the need to support (directly or indirectly) persons engaged in business activities in the United Kingdom,
- (b) the need to promote innovation by persons carrying on business in the United Kingdom, and
- (c) the desirability of improving quality of life in the United Kingdom.”

Clause 95

LORD WALLACE OF TANKERNESS
LORD PATEL

184 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 97

LORD PRIOR OF BRAMPTON

185 Page 62, line 39, after “subsection (1)” insert “in respect of those functions”

Clause 97 - continued

- 186 Page 63, line 9, after “subsection (1)” insert “in respect of those functions”
- 187 Page 63, line 15, at end insert –
 “() provide for the allocation of the whole or a part of the grant to a particular Council and for subsequent changes in that allocation,”
- 188 Page 63, line 22, at end insert –
 “() Where the Secretary of State makes a grant to UKRI under subsection (1), the Secretary of State must publish –
 (a) the amount of the grant, and
 (b) if the terms and conditions of the grant allocate the whole or a part of that amount to a particular Council –
 (i) the name of the Council, and
 (ii) the amount of the grant which is so allocated to it.”

Clause 99

LORD PRIOR OF BRAMPTON
 BARONESS BROWN OF CAMBRIDGE

- 189 Page 64, line 7, at end insert –
 “(za) the Haldane principle, where the grant or direction mentioned in subsection (1) is in respect of functions exercisable by one or more of the Councils mentioned in section 91 (1) pursuant to arrangements under that section,”
- 190 Page 64, line 8, after “principle” insert “, in any case”
- 191 Page 64, line 10, at end insert –
 “(2A) The “Haldane principle” is the principle that decisions on individual research proposals are best taken following an evaluation of the quality and likely impact of the proposals (such as a peer review process).”

After Clause 99

LORD KREBS
 LORD STEVENSON OF BALMACARA

- 192 Insert the following new Clause –
“Autonomy of research councils
 Any decision on the allocation of research money is to be made in a way which is compatible with the Haldane Principle, which has the meaning given to it in Annex A to the Department for Business Innovation and Skills' publication “The Allocation of Science and Research Funding 2011 to 2015”.”

Clause 100

LORD WALLACE OF TANKERNESS

193 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.”

LORD WALLACE OF TANKERNESS

LORD PATEL

194 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.”

Clause 112

VISCOUNT YOUNGER OF LECKIE

195 Page 69, line 9, leave out “subsection (3)” and insert “subsections (3) and (4)”**196** Page 69, line 14, at end insert –

“() Provision made under subsection (1) by virtue of subsection (2)(b) may not revoke a Royal Charter in its entirety.”

Clause 115

VISCOUNT YOUNGER OF LECKIE

197 Page 70, line 11, at end insert –

“() regulations under section 10 (1)(prescribed description of providers for whom a transparency condition is mandatory);”

198 Page 70, line 16, at end insert –

“() regulations under section 38 (3)(prescribed description of providers eligible for financial support);”

199 Page 70, line 24, after “or” insert “of”**200** Page 70, line 27, at end insert “any of the following provisions of that Schedule applies –

- (a) paragraph 4(1A)(first regulations prescribing the higher, basic and floor amounts);
- (b) ”

201 Page 70, line 29, leave out “applies”

Clause 115 - continued

- 202 Page 70, line 29, at end insert –
 “() paragraph 5 (accelerated courses).”

Schedule 11

VISCOUNT YOUNGER OF LECKIE

- 203 Page 112, line 35, leave out “in receipt of remuneration”

- 204 Page 113, line 6, at end insert –

“Education (No. 2) Act 1986

4A(1) Section 43 of the Education (No. 2) Act 1986 (freedom of speech in universities etc) is amended as follows.

- (2) After subsection (4) insert –

“(4A) The establishments in England to which this section applies are –

- (a) any registered higher education provider;
- (b) any establishment of higher or further education which is maintained by a local authority;
- (c) any institution within the further education sector.”

- (3) In subsection (5), after “The establishments” insert “in Wales”.

- (4) In subsection (6), in the definition of “governing body”, for “in relation to any university” substitute “–

- (a) in relation to a registered higher education provider, has the meaning given by section 81 (1) of the Higher Education and Research Act 2017;
- (b) in relation to a university in Wales.”.

- (5) In subsection (6), after the definition of “governing body” insert –

““registered higher education provider” has the meaning given by section 4 (10) of the Higher Education and Research Act 2017;”.

- (6) After subsection (6) insert –

“(6A) For the purposes of this section –

- (a) an establishment is taken to be in England if its activities are carried on, or principally carried on, in England;
- (b) an establishment is taken to be in Wales if its activities are carried on, or principally carried on, in Wales.”

- (7) In subsection (7)(a), after “subsection” insert “(4A)(b) or”.

- 205 Page 117, line 25, at end insert –

“29A (1) The Education Act 2005 is amended as follows.

- (2) In section 92 (joint exercise of functions) –

- (a) in subsection (2), for “Higher Education Funding Council for England” substitute “Office for Students”, and
- (b) omit subsection (5).”

Schedule 11 - continued

206 Page 117, line 26, leave out “to the Education Act 2005”

Clause 120

VISCOUNT YOUNGER OF LECKIE

207 Page 72, line 8, leave out subsection (1) and insert –

“(1) The following provisions of this Part come into force on the day on which this Act is passed –

- (a) sections 111 to 113 ;
- (b) sections 115 to 117 ;
- (c) section 119 ;
- (d) this section;
- (e) section 121 .”

LORD SHARKEY

208 Page 72, line 30, at end insert –

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

Higher Education and Research Bill

MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

2 March 2017
