

Skills and Post-16 Education Bill [HL]

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS HAYMAN

Page 1, line 13, after “circumstances” insert “including consideration of whether such future skills, capabilities or expertise would align with the achievement of the United Kingdom’s net zero target as contained in section 1 of the Climate Change Act 2008 (the target for 2050),”

Member’s explanatory statement

This amendment would ensure that when considering whether post-16 technical education or training is “material” to a specified area, consideration must also be given as to whether such future skills, capabilities or expertise align with the UK’s net zero target.

LORD WATSON OF INVERGOWRIE

Page 2, line 20, at end insert –

“(5A) All other post-16 education and training providers, including universities, school sixth forms, sixth form colleges, and adult and community learning providers, must also have due regard to the local skills improvement plan, as it relates to their provision.”

Member’s explanatory statement

This amendment sets out the complementary roles of schools, colleges and universities.

BARONESS HAYMAN

Page 2, line 20, at end insert –

“(5A) Matters to which the Secretary of State must have regard in deciding whether to approve and publish a plan, include the extent to which the plan contributes to the achievement of –

- (a) the net zero target established in section 1 of the Climate Change Act 2008 (the target for 2050); and
- (b) the United Kingdom’s environmental goals.

(5B) In this section “the United Kingdom’s environmental goals” means –

Clause 1 - continued

- (a) any goals and targets contained in an Environmental Improvement Plan, including the 25 Year Environment Plan,
- (b) any target to which the United Kingdom is committed by virtue of being a party to a relevant multilateral environmental agreement; and
- (c) the United Nation’s Sustainable Development Goals.”

Member’s explanatory statement

This amendment provides that matters to which the Secretary of State must have regard when deciding whether to approve and publish a local skills improvement plan shall include the extent to which the plan contributes to the achievement of net zero and biodiversity targets.

LORD WATSON OF INVERGOWRIE

Page 2, line 23, after “body” insert “in partnership with local authorities, including the Mayoral Combined Authorities and further education providers”

Member’s explanatory statement

This amendment would provide for employer representative broads to develop local skills improvement plans in partnership with local authorities, including the Mayoral Combined Authorities, and local further education providers.

Page 2, line 25, after “employers” insert “local authorities and further education providers”

Member’s explanatory statement

This amendment would provide for local skills improvement plans to draw on the views of local authorities and providers in the area.

Page 2, line 29, leave out paragraph (c) and insert –

- “(c) draws on the views of post-16 education providers active in the specified area, including schools, further education institutions, community learning providers, specialist designated institutions and universities, and
- (d) draws on the views of regional and local authorities, including the Mayoral Combined Authorities, with specific reference to published plans and strategies which have been developed by these authorities to inform the distribution of funding and prioritisation of resources.”

Member’s explanatory statement

The amendment aims to ensure that local skills improvement plans are more collaborative with local further and adult education providers and closely aligned with existing strategies and plans such as those developed by the Mayoral Combined Authorities and others with influence on funding for skills and education.

Page 2, line 31, at end insert “, and

- (d) draws on and gives due regard to the priorities of other organisations in the locality, including coordinating careers information, advice and guidance provision across education providers and with relevant agencies, including Jobcentre Plus.”

Member's explanatory statement

This amendment seeks to ensure that local skills improvement plans provide coordinated strategic all-age careers information, advice and guidance.

Page 2, line 31, at end insert “, and

- (d) identifies actions that relevant providers can take to support –
 - (i) people with an EHC plan under section 37 of the Children and Families Act 2014, and
 - (ii) disabled people without an EHC plan,
 to access post-16 technical education or training including supported internships.”

Member's explanatory statement

This amendment seeks to ensure that people with Education, Health and Care Plans and disabled people without Education, Health and Care Plans are considered and supported in the development of local skills improvement plans.

Page 2, line 33, at end insert –

- “(8) The Secretary of State must prepare and publish guidance setting out the criteria used to determine the boundaries of a specified area for the purpose of a local skills improvement plan.”

Member's explanatory statement

This a probing amendment regarding the criteria the Government will use to determine what constitutes "local".

Clause 2

LORD WATSON OF INVERGOWRIE

Page 2, line 41, leave out “reasonably”

Member's explanatory statement

This is a probing amendment to test how the Secretary of State will determine what mix of employers is considered “reasonably representative”.

Page 2, line 42, after “area,” insert “including the interests of small and medium sized enterprises, the self-employed and public and voluntary sector employers,”

Member's explanatory statement

This amendment seeks to ensure that employer representative boards include a wider range of local employer interests including small and medium sized enterprises, the self-employed, and public and third sector employers.

Page 3, line 4, leave out “as the Secretary of State considers appropriate” and insert “including –

- (a) the requirement for the local skills improvement plan to give due regard to relevant national and regional strategies, including in respect of decarbonisation,

Clause 2 - continued

- (b) affirming the powers of colleges and other providers to challenge local skills improvement plans and propose revisions where they do not believe plans appropriately capture the full diversity of priorities across the locality,
- (c) a requirement for employer representative bodies to publish a conflicts of interest policy for all those involved in approving plans or allocating funds which records actual or perceived conflicts of interests, and
- (d) anything else the Secretary of State considers appropriate.”

Member’s explanatory statement

This amendment sets out conditions for employer representative bodies including their role and the system of accountability and oversight. They will be required to publish a conflicts of interest policy and required to give regard to national strategies (including the Decarbonisation Strategy). The condition also affirms the powers of colleges and other providers to challenge Local Skills Improvement Plans and propose revisions if they believe plans fall short.

After Clause 4

LORD WATSON OF INVERGOWRIE

Insert the following new Clause—

“Report on the performance of employer representative bodies

- (1) Within six months of the passing of this Act, and every twelve months thereafter, the Secretary of State must publish a report on the performance of employer representative bodies and lay it before Parliament.
- (2) Each report must contain a statement setting out—
 - (a) the role of employer representative bodies,
 - (b) the accountability of employer representative bodies,
 - (c) the cost of employer representative bodies,
 - (d) the number of employer representative bodies in England and the areas covered,
 - (e) the number of employer representative bodies that have been removed and the reason why.
- (3) Each report must contain an independent assessment of the impact of each employer representative body on—
 - (a) the development of local skills improvement plans, and
 - (b) local rates of participation in further education.”

Member’s explanatory statement

This amendment requires the Secretary of State to publish and lay before both Houses of Parliament an annual report on employer representative bodies to allow for scrutiny of their role and performance.

Clause 7

LORD WATSON OF INVERGOWRIE

Page 10, leave out lines 32 to 35

Member's explanatory statement

This amendment is intended to probe how fees charged in connection to the approval or continued approval of qualifications will be regulated.

Clause 17

BARONESS SHERLOCK

Page 20, line 26, leave out “not”

Member's explanatory statement

This amendment requires the OfS to determine and publish different levels to reflect differences in student characteristics, different institutions or types of institution, different subjects or courses, or any other such factor.

Page 20, line 33, at end insert –

“(7A) When making decisions of a strategic nature in relation to a measure of student outcomes, the OfS must have regard to the desirability of exercising them in a way that is designed to widen participation and reduce the inequalities of outcome which result from socio-economic disadvantage.”

Member's explanatory statement

This amendment seeks to ensure that the OfS's measure of student outcomes does not jeopardize widening participation for students from disadvantaged and underrepresented groups.

Page 20, line 37, at end insert –

“(8A) The OfS must work together with the devolved authorities to minimise the potential for different assessments of the quality of higher education with a view to protecting the United Kingdom's higher education sectors' international reputation.”

Member's explanatory statement

This amendment probes the impact that moving the English higher education sector out of line with the UK Quality Code will have upon the coherence and consistency of UK quality assessment and the UK's HE sectors' international standing.

Clause 18

LORD WATSON OF INVERGOWRIE

Page 22, line 36, leave out paragraph (a)

Member's explanatory statement

This amendment is intended to probe how the charging of fees in connection with entries on the list of relevant providers will be regulated.

After Clause 25

LORD WATSON OF INVERGOWRIE

Insert the following new Clause—

“Credit transfer arrangements

- (1) The Secretary of State may by regulations make provision to facilitate credit transfer arrangements to allow students to move between education providers.
- (2) Regulations under this section are to be made by statutory instrument, and a statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member's explanatory statement

This amendment allows the Secretary of State to facilitate credit transfer arrangements to allow students to move between education providers.

Insert the following new Clause—

“Lifetime skills guarantee

- (1) All persons aged 19 or older and under the state pension age have the right to study a fully-funded approved course for a qualification up to level 3 supplied by an approved provider of further, higher, or technical education if they—
 - (a) do not currently hold a level 3 qualification, or
 - (b) currently hold a level 3 qualification and the approved provider is satisfied that—
 - (i) the person would benefit from re-training, and
 - (ii) there is, or is likely to be, demand from employers in the occupations for employees who have obtained the particular qualification to be supplied.
- (2) The Secretary of State must prepare and publish a list of approved courses for the purposes of subsection (1).
- (3) The Secretary of State must consult on the list of approved courses to ensure that they are compatible with national levelling up and skills strategies.
- (4) The Secretary of State must review the list of approved courses at least every six months with a view to ensuring that they reflect the skills needed as the economy changes.”

Member's explanatory statement

This amendment places the Government lifetime skills guarantee on a statutory footing, ensuring that all adults (aged 19 and over) without an A-Level or equivalent qualification or who hold such qualification but would benefit from re-skilling are able to study a fully-funded approved course. The Secretary of State is required to consult on and regularly review the list of approved courses to ensure that they are compatible with national skills strategies.

After Clause 15

LORD WATSON OF INVERGOWRIE

Insert the following new Clause –

“Duration of lifelong loan entitlement

As soon as practicable after this Act is passed, the Secretary of State must consult on extending the duration of the lifelong loan entitlement to up to six years equivalent funding.”

Member’s explanatory statement

This would require the Secretary of State to consult on extending the Lifelong Loan Entitlement (LLE) to six years in order to give those studying part-time or who may need to pause their studies more flexibility.

“Lifelong loan entitlement eligibility

- (1) All students are eligible for the lifelong loan entitlement regardless of –
 - (a) prior qualification,
 - (b) subject being studied,
 - (c) mode of study,
 - (d) institution of study,
 - (e) location of study, including remote learning, or
 - (f) whether they are studying modules or full qualifications.
- (2) The Secretary of State may not, in exercising powers under this or any other Act in relation to the lifelong loan entitlement, restrict access to the scheme on the grounds set out in subsection (1).”

Member’s explanatory statement

This amendment removes the Equivalent or Lower Qualification (ELQ) exemption rule for the Lifelong Loan Entitlement (LLE) to ensure eligibility for student loan funding for another qualification at that or a lower level to facilitate career changes. It also ensures LLE eligibility regardless of subject, intensity of study, institution and learning style.

Insert the following new Clause –

“Maintenance component of lifelong learning loans

- (1) The Secretary of State may by regulations make provision for the lifelong learning entitlement to include maintenance provision for living costs.
- (2) Regulations under this section are to be made by statutory instrument, and a statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member’s explanatory statement

This amendment allows the Secretary of State to make provision for the LLE to include maintenance provisions to support living costs to help disadvantaged students.

Insert the following new Clause—

“Access to Sharia-compliant lifelong learning loans

- (1) The Secretary of State may make provision by regulations for Sharia-compliant student finance to be made available as part of the lifelong learning entitlement.
- (2) Regulations under this section are to be made by statutory instrument, and a statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member’s explanatory statement

This amendment allows the Secretary of State to make provision for Sharia-compliant LLE loans to ensure that the LLE is not a barrier to participation and upskilling.

BARONESS SHERLOCK

Insert the following new Clause—

“Reforming universal credit conditionality

- (1) The Secretary of State may by regulations make provisions to amend universal credit conditionality with a view to ensuring that adult learners who are—
 - (a) unemployed, and
 - (b) in receipt of universal credit,
 remain entitled to universal credit if they enrol on an approved course for a qualification up to Level 3.
- (2) Regulations under this section are to be made by statutory instrument, and a statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Member’s explanatory statement

This is a probing amendment to clarify whether the Government intend to reform universal credit to support skills development.

Clause 27

LORD WATSON OF INVERGOWRIE

Page 31, line 24, leave out “22” and insert “23”

Member’s explanatory statement

This amendment would prevent Clause 22 from automatically coming into force two months after the Act is passed.

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28 June 2021
