

# Skills and Post-16 Education Bill [HL]

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

*The amendments have been marshalled in accordance with the Instruction of 28th June 2021, as follows –*

Clauses 1 to 13	Clauses 26 to 28
Clauses 16 to 25	Title
Clauses 14 and 15	

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

**Clause 1**

LORD LUCAS  
BARONESS GARDEN OF FROGNAL

**1** Page 1, line 11, at end insert “potential students resident in and”

***Member’s explanatory statement***

*This amendment seeks to ensure that the interests of students whose needs are not encompassed by local employers are included.*

BARONESS BENNETT OF MANOR CASTLE

**2★** Page 1, line 12, after “area,” insert “including potential employers, start-up businesses and the self-employed,”

***Member’s explanatory statement***

*This amendment seeks to ensure that training is regarded as material if it is required by new or start-up businesses or individuals engaged in self-employment.*

BARONESS HAYMAN  
LORD KNIGHT OF WEYMOUTH  
BARONESS SHEEHAN  
BARONESS MORGAN OF COTES

**3** 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.*

BARONESS BENNETT OF MANOR CASTLE

*As an amendment to Amendment 3*

- 4★ At end insert "and the United Kingdom's international and national legal commitments to biodiversity targets,"

**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 and expertise align with biodiversity targets.*

LORD STOREY

LORD ROOKER

- 5 Page 1, line 14, leave out subsections (3) and (4) and insert –

- “(3) The employer representative body and relevant providers in a specified area must co-operate to develop a skills improvement plan for submission to the Secretary of State for approval and publication.
- (4) The employer representative body and relevant providers in a specified area must co-operate to –
  - (a) keep the plan under review, and
  - (b) where appropriate, develop a replacement plan for submission to the Secretary of State for approval and publication.
- (4A) The relevant provider must have regard to the plan so far as it is relevant to any decision that the relevant provider is making in relation to the provision of post-16 technical education or training that may be relevant to the skills, capabilities or expertise that are, or may in the future be, required in that area.
- (4B) In developing a new or replacement plan, the employer representative body and relevant providers must consult with such persons as they consider appropriate in the specified area, including –
  - (a) local authorities,
  - (b) mayoral combined authorities,
  - (c) trade unions, and
  - (d) students' unions.”

**Member's explanatory statement**

*The purpose of this amendment is to ensure that establishment of the LSIPs involves colleges as joint partners and involves the input of the wider community.*

LORD LUCAS

BARONESS GARDEN OF FROGNAL

- 6 Page 2, line 13, after "required" insert "by employers or potential students"

**Member's explanatory statement**

*The purpose of this amendment is to ensure that the employer representative body is required to have an understanding of skills that are required nationally, and that may be required by local potential students but may not yet be required by local businesses.*

LORD OATES  
LORD STOREY  
BARONESS BENNETT OF MANOR CASTLE

7 Page 2, line 20, at end insert –

“(5A) Matters to which the Secretary of State might have regard under subsection (5)(b) include the extent to which a local skills improvement plan will deliver the skills, capabilities or expertise required in the specified area to contribute towards national and regional strategies in respect of decarbonisation.”

**Member's explanatory statement**

*This amendment aims to ensure that sustainability is embedded in the skills agenda by ensuring that local skills improvement plans reflect the transition to a net zero carbon economy.*

LORD WATSON OF INVERGOWRIE  
LORD ROOKER  
LORD BRADLEY

8 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  
LORD KNIGHT OF WEYMOUTH  
BARONESS SHEEHAN  
BARONESS MORGAN OF COTES

9 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 –

- (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.*

BARONESS BENNETT OF MANOR CASTLE

*As an amendment to Amendment 9*

10★

In subsection (5A), at end insert—

“(c) the goals of the Ecodesign for Energy-Related Products and Energy Information (Amendment) (EU Exit) Regulations 2020 (S.I. 2020/1528).”

**Member's explanatory statement**

*This amendment provides that the Secretary of State must have regard, when deciding whether to approve and publish a local skills improvement plan, to implementing the 'right to repair' duty under regulations, as this is likely to need skilled repairers.*

BARONESS WHITAKER

LORD BOURNE OF ABERYSTWYTH

THE LORD BISHOP OF DURHAM

11

Page 2, line 20, at end insert—

“(5A) The relevant provider and the employer representative body must have regard to the national plan for addressing the attainment gap under section (*National plan for addressing the attainment gap*).”

LORD WATSON OF INVERGOWRIE

LORD ROOKER

12

Page 2, line 20, at end insert—

“(5A) Guidance issued by the Secretary of State under subsection (5) is to be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”

**Member's explanatory statement**

*This amendment requires guidance to be laid before Parliament as a negative instrument.*

LORD WATSON OF INVERGOWRIE

LORD BRADLEY

13

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 broods to develop local skills improvement plans in partnership with local authorities, including the Mayoral Combined Authorities, and local further education providers.*

14

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.*

LORD LUCAS  
BARONESS GARDEN OF FROGNAL

- 15 Page 2, line 27, after “required” insert “by employers or potential students”

***Member’s explanatory statement***

*The purpose of this amendment is to ensure that the employer representative body is required to have an understanding of skills that are required nationally, and that may be required by local potential students but may not yet be required by local businesses.*

LORD WATSON OF INVERGOWRIE  
LORD ROOKER

- 16 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.*

LORD WATSON OF INVERGOWRIE

- 17 Page 2, line 29, after “can” insert “reasonably”

***Member’s explanatory statement***

*This amendment seeks to ensure that plans do not place an unreasonable burden on providers.*

- 18 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.*

- 19 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.*

BARONESS GARDEN OF FROGNAL  
LORD STOREY

- 20 Page 2, line 31, at end insert “including providers of designated distance learning courses that are undertaken by residents of the specified area.”

**Member's explanatory statement**

*This amendment ensures that the role in the local skills ecosystem played by providers without a local bricks-and-mortar presence in a particular area is taken into account in local skills improvement plans.*

LORD WATSON OF INVERGOWRIE

- 21★ Page 2, line 31, at end insert –  
“(d) takes account of a provider of designated distance learning courses that are undertaken by residents of the specified area.”

**Member's explanatory statement**

*This amendment aims to ensure that local skills improvement plans consider distance learning providers such as the Open University.*

LORD ADDINGTON

- 22 Page 2, line 31, at end insert –  
“(6A) A local skills improvement plan must take account of the need to identify and support those with special educational needs.”

**Member's explanatory statement**

*This amendment aims to assist special educational need provision by ensuring that it is included in the initial planning of courses and training.*

LORD WATSON OF INVERGOWRIE

- 23★ Page 2, line 33, at end insert “with the consent of the relevant local authority or Mayoral Combined Authority.”

**Member's explanatory statement**

*This amendment provides for local authorities to give consent in the approval process of local skills improvement plans.*

- 24 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".*

BARONESS HAYMAN  
LORD KNIGHT OF WEYMOUTH  
BARONESS SHEEHAN  
BARONESS MORGAN OF COTES

25 Page 2, line 33, at end insert –

“(8) When approving and publishing a local skills improvement plan under subsection (7), the Secretary of State must report on how such a plan has taken account of any national skills strategy, and consider to what extent such a plan aligns with the United Kingdom’s climate change and biodiversity targets.”

***Member’s explanatory statement***

*The purpose of this amendment is to ensure that, when the Secretary of State approves and publishes local skills improvement plans, they must report on how such a plan has taken account of any national skills strategy and consider to what extent the plan aligns with the UK’s net zero and biodiversity targets.*

LORD ADDINGTON

26 Page 2, line 33, at end insert –

“(8) Provision for those with special educational needs must include the capacity to support and identify training in areas covered by other local skills plans.”

***Member’s explanatory statement***

*This amendment is to assist those with special educational needs who may need to look further afield to find appropriate careers than are available in their local area.*

LORD PATEL

27 Page 2, line 33, at end insert –

“(8) The Secretary of State must publish a response to the local skills improvement plans published by the local designated bodies across England.

(9) The response must include –

- (a) a national skills map based on the skills needs identified in the local skills improvement plans, and
- (b) an action plan outlining how the Secretary of State will support local areas to address the skills needs in their area.”

***Member’s explanatory statement***

*This amendment aims to ensure that there is not only a feeding in of national policy into local skills improvement plans, but also that local information and information about skills gaps is fed back into national policy making. This is to ensure that government can identify national skills shortages more easily and more quickly, and act accordingly.*

LORD WATSON OF INVERGOWRIE

28★ Page 2, line 33, at end insert –

“(8) Before local skills improvement plans are introduced outside of trailblazer areas, the Secretary of State will publish guidance relating to their implementation, subject to consultation of all Mayoral Combined Authorities, and by extension their constituent local authorities, and outside of devolution areas with local authorities.”

**Member's explanatory statement**

*This amendment seeks to ensure that local and combined authorities are sufficiently consulted on the Government's plans for the roll out of local skills improvement plans and are in a position to highlight any issues before publication.*

- 29★ Page 2, line 36, after “England” insert “with the consent of the relevant local authority or Mayoral Combined Authority”

**Member's explanatory statement**

*This amendment provides for local authorities to give consent in the designation of employer representative bodies. This is to allow local authorities and Mayoral Combined Authorities to contribute to the designation process and ensure employer representative bodies are representative of the areas they cover.*

**After Clause 1**

LORD WATSON OF INVERGOWRIE

- 30 Insert the following new Clause—

**“Publication of Local Skills Improvement Plans**

- (1) The Secretary of State must publish all local skills improvement plans on a website maintained on their behalf.
- (2) The Secretary of State must take all reasonable steps to provide a copy of a local skills improvement plan for a specified area to all relevant bodies including—
  - (a) schools providing 11 to 16 education to assist with careers information and advice,
  - (b) all post-16 education and training providers, including universities, school sixth forms, sixth form colleges, and adult and community learning providers, and
  - (c) any other bodies the Secretary of State considers appropriate.

**Member's explanatory statement**

*This amendment seeks to ensure that local skills improvement plans are published and distributed to schools and all post-16 education providers.*

**Clause 2**

LORD WATSON OF INVERGOWRIE  
BARONESS GARDEN OF FROGNAL

- 31 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”.*

LORD WATSON OF INVERGOWRIE

- 32 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.*

LORD LUCAS  
BARONESS GARDEN OF FROGNAL

33 Page 2, line 42, at end insert –

“(iii) the body has available to it advice on skills which are in high demand nationally, and”

**Member's explanatory statement**

*The purpose of this amendment is to ensure that the employer representative body is required to have an understanding of skills that are required nationally, and that may be required by local potential students but may not yet be required by local businesses.*

BARONESS SHEEHAN  
BARONESS BENNETT OF MANOR CASTLE

34 Page 2, line 42, at end insert –

“(iii) the body has prepared a climate change and sustainability strategy,”

**Member's explanatory statement**

*The purpose of this amendment is to ensure that when designating an employer representative body the Secretary of State must be satisfied that the body has prepared a climate change and sustainability strategy.*

LORD PATEL

35 Page 3, line 2, at end insert –

“(1A) In designating an eligible body as the employer representative body for the specified area, the Secretary of State must consult local education, business and enterprise groups, with the aim of ensuring local employers are represented on the body.”

**Member's explanatory statement**

*This amendment looks to ensure that a range of employers of different sizes are represented on the employer representative body.*

LORD WATSON OF INVERGOWRIE

36 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,
- (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,

**Clause 2 - continued**

- (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.*

37★ Page 3, line 14, at end insert –

“(4A) Once designated, the employer representative body must meaningfully collaborate with, and draw on the views of –

- (a) further education providers, and
- (b) local authorities and Mayoral Combined Authorities,

that operate within their designated area.”

**Member’s explanatory statement**

*This amendment seeks to ensure effective partnership working between employer representative bodies, providers and local authorities and Mayoral Combined Authorities, to support integration of the skills and employment system in each locality.*

LORD STOREY

38★ Page 3, line 14, at end insert –

“(4A) Once designated, the employer representative body will be required to meaningfully collaborate with, and draw on the views of local authorities and Mayoral Combined Authorities that operate within their designated area.”

**Member’s explanatory statement**

*The purpose of this amendment is to provide for effective partnership working between employer representative bodies and local authorities and Mayoral Combined Authorities, to support integration of the skills and employment system in each locality.*

**After Clause 4**

LORD STOREY  
BARONESS NEVILLE-ROLFE

39 Insert the following new Clause –

**“Review of apprenticeship levy**

The Secretary of State may request a review of the apprenticeship levy in respect of eligible costs definitions, in order to ensure that the funding required for the delivery of local skills improvement plans is optimised and reflects employers’ needs.”

**Member's explanatory statement**

*The purpose of this amendment is to create flexibility in the eligible use of employers' apprenticeship levy funds.*

LORD WATSON OF INVERGOWRIE

40 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 5**

LORD ADDINGTON

41 Page 5, line 33, leave out “from time to time” and insert “regularly”

**Member's explanatory statement**

*This amendment is to make sure that the needs of students and potential students are regularly considered and reviewed in decision-making.*

BARONESS SHEEHAN  
BARONESS BENNETT OF MANOR CASTLE

42 Page 5, line 34, at end insert “must consider whether such education or training aligns 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), and”

**Member's explanatory statement**

*This amendment provides that when a governing body reviews how well education or training meets local needs it must also consider whether it aligns with the achievement of the UK's net zero by 2050 target.*

LORD LINGFIELD  
LORD ADDINGTON

- 43 Page 5, line 34, at end insert—  
“(aa) from time to time review how well the education or training provided by the institution meets the needs of those with special educational needs in its local area, and”
- 44 Page 5, line 35, leave out “that review” and insert “those reviews”
- 45 Page 5, line 39, leave out “review” and insert “reviews”
- 46 Page 6, line 1, leave out “review” and insert “reviews”

**Clause 6**

LORD WATSON OF INVERGOWRIE

- 47 Page 6, line 9, leave out subsection (2)
- Member’s explanatory statement*  
*This is a probing amendment to test what level or type of education or training will fall within the Institute’s remit.*
- 48 Page 6, line 23, leave out “may” and insert “must”
- Member’s explanatory statement*  
*This amendment requires the Institute to report to the Secretary of State.*
- 49 Page 6, line 25, at end insert—  
“(2A) The Secretary of State must lay the report before Parliament.”
- Member’s explanatory statement*  
*This amendment requires the Secretary of State to lay the Institute’s report before Parliament.*

**Clause 7**

LORD WATSON OF INVERGOWRIE

- 50 Page 8, line 22, leave out subsection (4)
- Member’s explanatory statement*  
*This amendment removes provisions to give the Institute new powers to approve technical qualifications.*

LORD BLUNKETT

- 51★ Page 10, line 2, at end insert—  
“(c) it duplicates another qualification that it previously approved.”
- Member’s explanatory statement*  
*The purpose of this amendment is to limit powers to remove a qualification purely because of duplication.*

LORD KNIGHT OF WEYMOUTH  
BARONESS BLACKSTONE

- 52 Page 10, line 14, at end insert “, but these must include how its decisions align with the United Kingdom's climate change and biodiversity targets.”

LORD BLUNKETT

- 53★ Page 10, line 14, at end insert “including ensuring that a sufficient diversity of qualifications remains available to meet the needs of all learners.”

***Member’s explanatory statement***

*This amendment provides that when the Institute for Apprenticeships and Technical Education is deciding whether to approve or withdraw approval for a qualification, it must describe how it ensures sufficient diversity of qualifications are retained.*

LORD WILLETTS

- 54★ Page 10, line 17, at end insert –  
“(8) Funding for a technical education qualification which has had its approval withdrawn under subsection (2) may not be withdrawn without public consultation and the consent of employer representative bodies, as defined in the Skills and Post-16 Education Act 2021.”

LORD WATSON OF INVERGOWRIE

- 55 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.*

- 56 Page 11, line 20, after “State” insert “and such other persons as the Institute considers appropriate”

***Member’s explanatory statement***

*This amendment requires the Institute to consult appropriate persons before a decision to create or end a moratorium can be taken.*

- 57★ Page 12, line 12, at end insert –  
“(8) Nothing in this section affects the funding of non-apprenticeship technical qualifications that are not approved by the Institute.”

***Member’s explanatory statement***

*This amendment probes the Government’s intentions for the funding of technical qualifications other than those which are approved by the Institute.*

**Clause 8**

LORD WATSON OF INVERGOWRIE

- 58 Page 12, line 20, after “qualifications” insert “, limited to T-levels and apprenticeships,”

**Member's explanatory statement**

*This amendment seeks to ensure that the Institute's powers for the purpose of enabling approved technical education qualifications to be made available in areas of the UK other than England is limited to T-levels and apprenticeships.*

**After Clause 13**

LORD WATSON OF INVERGOWRIE

59 Insert the following new Clause—

**“External Quality Assurance**

- (1) Within six months of the passing of this Act, the Secretary of State must by regulations make provision for Ofqual to provide external quality assurance of all apprenticeship end-point assessments.
- (2) Regulations under this section must prohibit the Institute for Apprenticeships and Technical Education from providing such external quality assurances.
- (3) Regulations under this section may not be made unless a draft of the instrument containing them has been laid before, and approved by resolution of, each House of Parliament.”

**Member's explanatory statement**

*This amendment places the external quality assurance (EQA) role that Ofqual exercises on a statutory footing.*

**Clause 16**

LORD KNIGHT OF WEYMOUTH

60 Page 18, line 38, at end insert “, including in relation to how ITT(FE) courses align with the United Kingdom’s climate change and biodiversity targets”

61 Page 19, line 3, at end insert “, including in relation to how ITT(FE) courses should align with any national skills strategy and in particular the United Kingdom’s climate change and biodiversity targets;”

LORD ADDINGTON

62 Page 19, line 9, at end insert—

“(2A) Regulations under subsection (1) must include provision to require ITT(FE) courses to include special educational needs awareness training relevant to the students of ITT(FE) courses within an institution.”

**Clause 17**LORD LUCAS  
BARONESS GARDEN OF FROGNAL

63 Page 20, line 22, at end insert—

“and,

- (b) by reference to—

**Clause 17 - continued**

- (i) the degree to which the mental health and wellbeing of persons who undertake a higher education course with the institution are sustained and improved while they are attending the institution;
- (ii) the quality improvement and response to mental health crises among persons who undertake a higher education course with the institution;
- (iii) the pastoral and academic care of students attending the institution.

(5A) In this section “quality improvement” has the same meaning as in the report by The King’s Fund, *Quality improvement in mental health*, published in 2017.”

***Member’s explanatory statement***

*The purpose of this amendment is to ensure that higher education institutions should be evaluated on the basis of their care for students as well as purely academic measures.*

LORD LUCAS

- 64 Page 20, line 23, leave out from “publish” to “applicable” in line 25 and insert “minimum levels in relation to measures of student outcomes which all institutions to whom the measures are”

***Member’s explanatory statement***

*This amendment aims to allow for more than one measure that institutions are expected to meet.*

BARONESS SHERLOCK

- 65★ Page 20, line 25, at end insert –  
“(6A) The OfS must consult the higher education sector before determining a minimum level in relation to a measure of student outcomes.”

***Member’s explanatory statement***

*This amendment requires the OfS to consult the higher education sector before determining minimum levels.*

BARONESS SHERLOCK  
BARONESS BENNETT OF MANOR CASTLE

- 66 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.*

BARONESS SHERLOCK

- 67★ Page 20, line 32, leave out “or subject being studied”

***Member’s explanatory statement***

*This amendment is intended to probe the OfS’ powers of intervention at subject level.*

68 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.*

LORD WILLETTS

69★ Page 20, line 33, at end insert –

“(7A) The OfS must, at the same time that information is published under subsection (6), determine and publish an assessment of the effects of the factors in subsection (7)(a) to (d) on student outcomes.

(7B) Before the OfS can take any action under subsection (6), institutions must be given reasonable opportunities to account for any differences between the information that relates to that institution as published under subsection (6) and that relates to that same institution as published under subsection (7A).”

BARONESS SHERLOCK

70 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.*

LORD WILLETTS

71★ Page 20, line 37, at end insert –

“(8A) The Department for Education must share with the relevant institution any data gathered and used to measure institutions as specified in this section, including institution and subject-level Resource Accounting and Budgeting charge data.

(8B) In sharing data under subsection (8A), the OfS must ensure that –  
 (a) data is anonymised, and  
 (b) confidentiality is paramount.”

**Clause 18**

LORD ABERDARE

72 Page 22, line 18, leave out paragraph (b)

**Member's explanatory statement**

*This amendment ensures that relevant providers will not be charged further costs when a provider's contract for services with the Education and Funding Agency already requires a contractor to maintain at its own cost a policy or policies of insurance.*

BARONESS SHEEHAN  
BARONESS BLACKSTONE  
BARONESS BENNETT OF MANOR CASTLE

73 Page 22, line 27, at end insert –

“(f) relating to the relevant provider having adopted a climate change and sustainability strategy and making it available or being in the process of developing such a strategy.”

**Member's explanatory statement**

*The purpose of this amendment is that when making regulations for a list of relevant providers who meet certain conditions, those conditions may include the relevant provider having adopted a climate change and sustainability strategy.*

LORD WATSON OF INVERGOWRIE

74 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.*

**Clause 19**

BARONESS SHEEHAN  
BARONESS BENNETT OF MANOR CASTLE

75 Page 23, line 15, at end insert –

“(aa) the relevant provider has adopted a climate change and sustainability strategy and delivery plan, and provides regular progress reports on emissions reductions,”

**Member's explanatory statement**

*The purpose of this amendment is to provide that a funding authority must not enter into relevant funding arrangements with a relevant provider unless the relevant provider has adopted a climate change and sustainability strategy and delivery plan.*

**After Clause 21**

LORD CLARKE OF NOTTINGHAM  
LORD LAYARD  
LORD ROOKER

76 Insert the following new Clause –

**“Provision of opportunities for education and skills development**

(1) Any person of any age has the right to free education on an approved course up to Level 3 supplied by an approved provider of further or technical education, if he or she has not already studied at that level.

**After Clause 21 - continued**

- (2) Any approved provider must receive automatic in-year funding for any student covered by subsection (1), and supported by the Adult Education Budget, at a tariff rate set by the Secretary of State.
- (3) Any employer receiving apprenticeship funding shall spend at least two thirds of that funding on people who begin apprenticeships at Levels 2 and 3 before the age of 25.”

**After Clause 25**

LORD STOREY  
BARONESS SHERLOCK

77 Insert the following new Clause—

**“Offence to provide or advertise cheating services**

- (1) A person commits an offence if the person provides, offers to provide or arranges for a third person to provide an academic cheating service to a student enrolled with a further, higher or post-16 education provider on—
  - (a) a course of study at such an education provider in the United Kingdom, or
  - (b) an overseas course of study provided at such an education provider in the United Kingdom, and
 the academic cheating service is for commercial purposes.
- (2) A person commits an offence if the person advertises or causes an advertisement to be published, either directly to a student enrolled with a further, higher or post-16 education provider, or through an intermediary.”

LORD STOREY  
BARONESS GARDEN OF FROGNAL

78 Insert the following new Clause—

**“Further education colleges: careers advice**

- (1) In carrying out inspections of further education colleges, Ofsted has a duty to take into account the careers advice provided to students by colleges, including for the delivery of LSIPs.
- (2) Ofsted may only give a good or outstanding rating to a college if it considers that the careers advice provided by the college is of a good or outstanding standard.”

***Member’s explanatory statement***

*This amendment aims to ensure that young people are supported in their career choices with good careers guidance by making poor careers provision a limiting factor for grading in inspections.*

## LORD WATSON OF INVERGOWRIE

79 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.*

LORD WATSON OF INVERGOWRIE  
BARONESS GARDEN OF FROGNAL

80 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.*

BARONESS WHITAKER  
 BARONESS GREENGROSS  
 LORD BOURNE OF ABERYSTWYTH  
 THE LORD BISHOP OF DURHAM

81 Insert the following new Clause—

**“National plan for addressing the attainment gap**

The Secretary of State must issue a national plan for those who have not achieved grade 4 or above in GCSEs in—

- (a) English, or
- (b) mathematics,

for the purposes of supporting such people to achieve a level of attainment in those subjects through higher education, further education or technical education, as is necessary to advance their skills and education.”

*Member’s explanatory statement*

*The purpose of this amendment is to ensure that everyone is supported to attain the level of English and/or maths skills they need by ensuring there is a requirement for the Department for Education to have a plan to close the attainment gap.*

LORD BAKER OF DORKING  
 LORD ADONIS  
 BARONESS MORRIS OF YARDLEY  
 LORD STOREY

82 Insert the following new Clause—

**“Information about technical education: access to English schools**

- (1) The Education Act 1997 is amended as follows.
- (2) After section 42A insert—

**“42AB Information about technical education: access to English schools**

- (1) The proprietor of a school in England within subsection (3) must ensure that there is an opportunity for a range of education and training providers to access all registered pupils during Years 8 and 9, Year 11 and Year 13 for the purpose of informing them about approved technical education qualifications or apprenticeships.
- (2) The opportunity under subsection (1) must take place between 1 September and 28 February in each academic year.
- (3) A school is within this subsection if it provides secondary education and is one of the following—
  - (a) an Academy;
  - (b) an alternative provision Academy;
  - (c) a community, foundation or voluntary school;
  - (d) a community or foundation special school (other than one established in a hospital);
  - (e) a pupil referral unit.
- (4) The proprietor of a school in England within subsection (3) must prepare a policy statement setting out the circumstances in which education and training providers will be given access to all registered pupils for the purpose of informing them about approved technical education qualifications or apprenticeships.

**After Clause 25 - continued**

- (5) The proprietor must ensure that the policy statement is followed.
- (6) The policy statement must include –
  - (a) any procedural requirements in relation to requests for access;
  - (b) grounds for granting and refusing requests for access;
  - (c) details of premises or facilities to be provided to a person who is given access.
- (7) The proprietor may revise the policy statement from time to time.
- (8) The proprietor must publish the policy statement and any revised statement.
- (9) In this section “approved technical education qualification” means a qualification approved under section A2DA of the Apprenticeships, Skills, Children and Learning Act 2009.”

***Member’s explanatory statement***

*This amendment will make it a duty for secondary schools to allow access for alternative education providers to meet all students aged 13-14, 15-16, and 18 annually between 1 September and 28 February as school enrolment lists close in March. At present this duty does not exist.*

LORD PATEL

83

Insert the following new Clause –

**“Duty to publish and update a careers strategy for England**

- (1) The Secretary of State must publish a strategy for the purposes of improving careers education for persons receiving education or training –
  - (a) in the course of further education;
  - (b) in the course of an approved apprenticeship;
  - (c) for the purposes of an approved technical education qualification; or
  - (d) for the purposes of approved steps towards occupational competence;
 in England.
- (2) The strategy must be laid before each House of Parliament.
- (3) The strategy must be updated every three years.
- (4) With each review of the strategy the Secretary of State must also review the funding available to further education providers to meet the requirements laid out in the strategy.”

***Member’s explanatory statement***

*This amendment looks to ensure that there is always an up-to-date careers strategy in England.*

84 Insert the following new Clause—

**“Careers hubs in England**

The Secretary of State must ensure that all further education providers in England have access to support, training, guidance and specialist advice via a careers hub, as defined by the Careers & Enterprise Company, in their local area.”

*Member’s explanatory statement*

*This new Clause is looking to ensure that all further education providers in England will be able to access the support, training and guidance that careers hubs can offer.*

LORD LUCAS  
BARONESS HAYMAN  
BARONESS BLACKSTONE  
BARONESS SHEEHAN

85★ Insert the following new Clause—

**“National Strategic Skills Audit**

- (1) The Secretary of State may by regulations make provision to convene a national strategic skills panel to conduct a National Strategic Skills Audit in relation to assessing medium and long term national skills needs in order to achieve the United Kingdom’s climate change and biodiversity targets.
- (2) When conducting an audit under subsection (1) the national strategic skills panel must consult widely including with the recognised supervisory bodies in England that are concerned with enterprise and skills.
- (3) The National Strategic Skills Audit must be reviewed, and if appropriate, modified within each period of 3 years beginning with the day on which the most recent review was completed under this section.”

*Member’s explanatory statement*

*This amendment introduces a requirement on the Secretary of State to establish a panel to carry out a national skills audit which would include consideration of net zero future jobs and skills and which would require a review every 3 years.*

LORD TOUHIG

86★ Insert the following new Clause—

**“16 to 19 Academies: designation**

- (1) The Secretary of State may make an order under section 69(3) of the School Standards and Framework Act 1998 (relating to the designation of foundation or voluntary schools as having a religious character) by virtue of section 124B(1) of that Act in respect of a 16 to 19 Academy as if it were an independent school.
- (2) Any 16 to 19 Academy so designated is a school.
- (3) In section 4(1B) of the Education Act 1996, after “16 to 19 Academy” insert “, other than a 16 to 19 Academy designated by an order made under section 69(3) of the School Standards and Framework Act 1998.””

**Member's explanatory statement**

*This amendment aims to allow sixth form college corporations with a religious character to convert to Academies without losing their religious character.*

LORD STOREY  
LORD SHIPLEY

87★ Insert the following new Clause –

**“Review of Kickstart scheme**

- (1) The Secretary of State must review the operation of the Kickstart scheme.
- (2) The review under subsection (1) must consider –
  - (a) extending the lifetime of the current scheme; and
  - (b) extending the criteria of those eligible to benefit from the scheme beyond those receiving universal credit.”

LORD WILLETTS

88★ Insert the following new Clause –

**“The Student Loans Company communication with graduates**

The Secretary of State must by regulations provide that the Student Loans Company must –

- (a) provide universities with anonymised information about their graduates' incomes;
- (b) facilitate universities' communication through the Student Loans Company with their graduates without passing any personal data to any university, unless a graduate has specifically opted out; and
- (c) facilitate National Employment Savings Trust (NEST) communication through the Student Loans Company with graduates at the earlier of –
  - (i) the two years preceding the predicted completion of their graduate repayments, or
  - (ii) between the 28th and 30th year of their graduate repayments without passing any personal data to NEST,
 unless a graduate has specifically opted out.”

89★ Insert the following new Clause –

**“Access to learner data for research**

- (1) Where any key learner data can be anonymised safely, as it can through the Administrative Data Research UK, it should be shared with researchers for the purposes of longitudinal studies and other research.
- (2) What constitutes “key learner data” is to be reasonably defined by researchers on a case by case basis and may be taken to include, but not be confined to, graduates' employment and income data.”

90★ Insert the following new Clause –

**“Review of student loans**

- (1) The Secretary of State must review and update all the terms of –
  - (a) student loans, and
  - (b) graduate payments,

**After Clause 25 - continued**

every five years.

- (2) The outcome of the review under subsection (1) must be published within six months of its completion.”

**Before Clause 14**

LORD STOREY  
BARONESS GARDEN OF FROGNAL

91 Insert the following new Clause—

**“Personal Education and Skills Account**

- (1) A Personal Education and Skills Account (“PESA”) is an account—
- (a) held by an eligible adult (an “account holder”); and
  - (b) which satisfies the requirements of this section.
- (2) An eligible adult is a person who—
- (a) is aged 18 or over; and
  - (b) is ordinarily resident in England.
- (3) A PESA may be held only with a person (an “account provider”) who has been approved by the Secretary of State in accordance with regulations.
- (4) The Secretary of State may by regulations establish a body to administer the operation of the PESA scheme.
- (5) In the case of each person who is eligible under subsection (2), the body established under subsection (4) must open a PESA for that person.
- (6) If a person does not wish to hold a PESA, they must inform the body under subsection (4) in writing in accordance with regulations.
- (7) The Secretary of State must pay into each PESA a deposit of £4,000 during the year in which each account holder attains the age of 25 and a deposit of £3,000 during the year in which each account holder attains—
- (a) the age of 40; and
  - (b) the age of 55.
- (8) Further contributions may be made to a PESA by—
- (a) an account holder;
  - (b) employers; or
  - (c) any other person as may be prescribed by regulations by the Secretary of State.
- (9) At any time after an account holder has attained the age of 25, they may transfer funding from their PESA to an approved institution for their chosen education or training course.
- (10) For the purposes of subsection (9) an “approved institution” is—
- (a) a “relevant provider” under section 18;
  - (b) such other education or training providers as may be approved by the Office for Students.

**Before Clause 14 - continued**

- (11) Prior to an account holder making an initial funding transfer, the National Careers Service must offer a careers guidance consultation to that account holder.”

**Member’s explanatory statement**

*This amendment provides for individual “skills wallets” which may be used by a person to pay for education and training courses throughout their lifetime. The Government will make a payment of £4,000 when an individual turns 25 and then two further payments of £3,000 when an individual turns 40 and 55.*

**After Clause 15**

LORD JOHNSON OF MARYLEBONE  
BARONESS GARDEN OF FROGNAL

92 Insert the following new Clause—

**“Availability of lifelong learning entitlement**

- (1) The lifelong learning entitlement is available to any student regardless of—
- (a) prior qualification,
  - (b) subject being studied,
  - (c) intensity of study, or
  - (d) restrictions on student numbers (excluding for medicine, dentistry, veterinary science, and undergraduate teacher training).
- (2) The Secretary of State may not, in exercising powers under this or any other Act in relation to the lifelong learning entitlement, restrict access to the scheme on the grounds set out in subsection (1).”

**Member’s explanatory statement**

*This amendment is intended to ensure that the lifelong learning entitlement is available to those who wish to pursue a qualification at a level equivalent to or lower than one they already hold, and in any subject at any pace or course structure, and to prevent Government-imposed caps on student numbers that restrict student choice.*

BARONESS JANKE  
LORD STOREY

93 Insert the following new Clause—

**“Access to Universal Credit for full time study or training**

- (1) The Universal Credit Regulations 2013 (SI 2013/376) are amended as follows.
- (2) In regulation 12, leave out paragraph 2(b).
- (3) In regulation 14, leave out sub-paragraph (a)(ii).
- (4) In regulation 95, after paragraph (2)(b) insert—
  - “(c) for the claimant to carry out study necessary for a course leading to the Lifetime Skills Guarantee.””

**Member’s explanatory statement**

*This amendment would allow individuals studying or training full-time for a qualification below advanced level to receive Universal Credit.*

LORD WATSON OF INVERGOWRIE  
BARONESS BENNETT OF MANOR CASTLE

94 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.*

LORD WATSON OF INVERGOWRIE  
BARONESS BENNETT OF MANOR CASTLE  
BARONESS GARDEN OF FROGNAL

95 **“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.*

LORD WATSON OF INVERGOWRIE  
BARONESS BENNETT OF MANOR CASTLE

96 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.*

97 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  
BARONESS BENNETT OF MANOR CASTLE

98 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.*

LORD ADDINGTON

99★ Insert the following new Clause—

**“Lifelong learning: special educational needs**

When exercising functions under this Act, the Secretary of State must ensure that provision and support under the lifelong learning entitlement includes support for students with special educational needs or disabilities that is of an equivalent standard to those with similar needs in higher education.”

**Clause 27**

LORD WATSON OF INVERGOWRIE

100 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.*

# Skills and Post-16 Education Bill [HL]

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

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*1 July 2021*

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