

Skills and Post-16 Education Bill [HL]

FOURTH
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.**

After Clause 25

LORD WILLETTS

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

Member’s explanatory statement

The purpose of this amendment is to ensure that there is a regular review of the student loan system so that any problems can be identified and changes made.

THE LORD BISHOP OF DURHAM
LORD ADDINGTON
BARONESS MORRIS OF YARDLEY

90A Insert the following new Clause –

“Universal credit conditions: receiving education

- (1) In section 4 of the Welfare Reform Act 2012 –

After Clause 25 - continued

- (a) in subsection (1) omit paragraph (d), and
 - (b) omit subsection (6).
- (2) The Secretary of State may by regulations made by statutory instrument make consequential provision.
 - (3) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.”

Member’s explanatory statement

This amendment would remove the restriction that those “receiving education” cannot claim Universal Credit, which at present may impede some of the most disadvantaged from benefitting from learning opportunities. It is intended to probe how the Government plans to incentivise take-up of training programmes, and to elicit how cross-departmental working can be made more effective in transforming learning and skills.

90B Insert the following new Clause –

“Long-term funding review

- (1) The Secretary of State must commission a panel of experts to review of the long-term funding for skills and post-16 education.
- (2) The panel must consider and make recommendations about –
 - (a) resources available for different types of technical training, further education and higher education;
 - (b) support for disadvantaged students and those with special education needs;
 - (c) the impact of this Act on the long-term funding for skills and post-16 education.
- (3) The panel must conclude their review and make a report to the Secretary of State with their findings and recommendations.
- (4) Within the period of one year beginning with the day on which this Act is passed, the Secretary of State must lay the panel’s report before Parliament.”

Member’s explanatory statement

This is a probing amendment, intended to draw out the Government’s plans to introduce a longer-term funding settlement for FE, as called for by the Education Select Committee, prefigured in the White Paper and signalled, as the direction of travel by recent increases in core FE funding, capital funding allocations and the longer term Lifelong Learning Entitlement.

BARONESS BENNETT OF MANOR CASTLE

90C Insert the following new Clause –

“Assessment of local skills gaps for life skills

Within two months of the passing of this Act, the Secretary of State must prepare and lay before Parliament a means to assess local skills gaps for non-academic skills, including, but not limited to –

- (a) parenting,
- (b) budgeting,

After Clause 25 - continued

- (c) mental and physical first aid,
- (d) financial management,
- (e) practical skills in maintenance and gardening,
- (f) community organising, and
- (g) community participation.”

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.

Clause 15

BARONESS BERRIDGE

- 91A** Page 18, line 17, leave out “In section 83(1) of”

Member’s explanatory statement

This is consequential on the Minister’s second amendment at page 18, line 17.

- 91B** Page 18, line 17, after “2017” insert “is amended as follows.

- (2) In section 9 (mandatory transparency condition for certain providers), after subsection (3) insert—
- “(3A) The OfS must not request information relating to modules by virtue of a transparency condition more frequently than it requests information relating to full courses by virtue of the condition.”
- (3) In section 11 (duty to publish a list regarding the fee limit condition)—
- (a) in subsection (1)(b), after “course” insert “which is a full course”;
- (b) in subsection (2), after “qualifying course” insert “which is a full course”;
- (c) in the heading, after “condition” insert “in connection with full courses”.
- (4) In section 65 (duty to publish higher education information)—
- (a) in subsection (3), after “information” insert “, where it relates to full courses,”;
- (b) after subsection (3) insert—
- “(3A) The information, where it relates to modules, must be published—
- (a) at appropriate times, but
- (b) no more frequently than once a year.”;
- (c) in subsections (5), (6) and (7), after “(3)” insert “, (3A)”.
- (5) In section 83(1)”

Member’s explanatory statement

This amendment ensures that certain requirements for higher education providers, and the Office for Students or a designated body, about providing and publishing information are no greater in relation to modules than to full courses, and that the requirement for the Office for Students to publish fee limits applies only in relation to full courses.

91C Page 18, line 23, leave out from “course” to end of line 24 and insert “, where it is undertaken otherwise than as part of that course;”.

(6) In section 85 (definitions) –

(a) in subsection (1), at the appropriate place insert –

““full course” means a higher education course that is not a module of another higher education course;”;

(b) after subsection (1) insert –

“(1A) References in this Part to modules (except in relation to references to the full course of which the module forms part) are to modules which are –

(a) modules of full courses, but

(b) undertaken otherwise than as part of those courses.””

Member’s explanatory statement

This amendment clarifies that the two categories of higher education course for the purposes of Part 1 of the Higher Education and Research Act 2017 are full courses and modules of full courses where they are undertaken otherwise than as part of full courses, and defines references to modules accordingly.

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).

After Clause 15 - continued

- (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.”

LORD FLIGHT

99A Insert the following new Clause—

“Lifelong learning entitlement: student support

The Secretary of State must amend the Education (Student Support) Regulations 2011 (S.I. 2011/1986) to ensure that those claiming the lifelong learning entitlement qualify as eligible students for support under those Regulations.”

THE LORD BISHOP OF DURHAM
LORD ADDINGTON
BARONESS MORRIS OF YARDLEY

99B Insert the following new Clause—

“Local authority provision for special education needs

- (1) The Secretary of State must by regulations require local authorities to provide support of a prescribed standard for students with special education needs studying modules of higher education courses or further education courses who are eligible for the lifelong learning entitlement.
- (2) The “prescribed standard” is to be prescribed in the regulations but must be of an equivalent standard to the support that local authorities provide to students with special education needs studying higher education full time.”

Member’s explanatory statement

This is a probing amendment, intended to enable the Government to indicate how provision for this cohort will be better integrated into planned provision and more equitably funded, with reference to the intended Green Paper.

Clause 26

BARONESS BERRIDGE

99C Page 31, line 12, after “15” insert “(5)”

Member’s explanatory statement

The effect of this amendment and the Minister’s amendment at page 31, line 20 is that the amendments of the Higher Education and Research Act 2017 made by Clause 15 have the same extent as the provision of that Act which they amend.

99D Page 31, line 20, after “15” insert “(5)”

Member’s explanatory statement

See the explanatory statement for the Minister’s amendment at page 31, line 12.

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.

BARONESS BERRIDGE

101 Page 31, line 24, leave out “25” and insert “(Relevant date for purposes of fee limit for certain higher education courses)”

Member’s explanatory statement

This amendment provides for the new Clause (Relevant date for purposes of fee limit for certain higher education courses) to come into force 2 months after the Act is passed.

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19 July 2021
