

Skills and Post-16 Education Bill [HL]

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

[Amendments marked ★ are new or have been altered]

Amendment
No.

Clause 1

BARONESS BARRAN

1 Page 1, line 7, after “provides” insert “English-funded”

Member’s explanatory statement

This amendment ensures that Chapter 1 of Part 1 applies only in relation to post-16 technical education or training that is English-funded, which will be defined by virtue of the Minister’s amendment to Clause 4 at page 5, line 23.

2 Page 1, line 9, at beginning insert “English-funded”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 1, line 7.

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 BARRAN

4 Page 2, line 11, after “of” insert “English-funded”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 1, line 7.

5 Page 2, line 19, after “regard” insert “(including for the purposes of complying with subsection (5A))”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to clause 1 at page 2, line 20.

6 Page 2, line 20, at end insert –

“(5A) The Secretary of State may approve and publish a local skills improvement plan only if satisfied that in the development of the plan due consideration was given to, amongst other things, the skills, capabilities or expertise required in relation to jobs that directly contribute to, or indirectly support, the following –

- (a) compliance with the duty imposed by section 1 of the Climate Change Act 2008 (UK net zero emissions target),
- (b) adaptation to climate change, or
- (c) meeting other environmental goals (such as restoration or enhancement of the natural environment).”

Member’s explanatory statement

This amendment ensures that jobs relating to climate change and other environmental goals are considered in the development of local skills improvement plans.

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

7 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 Nations 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 to what extent the plan contributes to the achievement of net zero and biodiversity targets.

BARONESS NEVILLE-ROLFE
LORD RAVENSDALE
LORD BIRD

8 Page 2, line 20, at end insert –

“(5A) In producing a local skills improvement plan, employer representative bodies must consider skills deficiencies in the local area in the following fields –

- (a) digital,
- (b) innovation,
- (c) engineering,
- (d) the built environment, including climate related challenges, and
- (e) any other fields the Secretary of State deems relevant.”

BARONESS BENNETT OF MANOR CASTLE
As an amendment to Amendment 8

9 After paragraph (d) insert –

- “(da) the food system,
- (db) ecosystem management, and”

BARONESS WHITAKER

10 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 review and plan for addressing the attainment gap*).”

LORD WATSON OF INVERGOWRIE
LORD STOREY
LORD LUCAS
LORD ABERDARE

11 Page 2, line 21, leave out subsection (6) and insert –

“(6) A “local skills improvement plan”, in relation to a specified area, means a plan which –

- (a) is developed by an employer representative body in partnership with local authorities, including the Mayoral Combined Authorities and further education providers for the specified area,
- (b) draws on the views of –
 - (i) employers operating within the specified area,
 - (ii) regional and local authorities, including the Mayoral Combined Authorities, within the specified area 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,

Clause 1 - continued

- (iii) post-16 education providers active in the specified area, including schools, further education institutions, community learning providers, specialist designated institutions and universities,
- such sources of information on long-term national skills needs as the Secretary of State may specify, and any other evidence, to summarise the skills, capabilities or expertise that are, or may in the future be, required by people resident in the specified area, and
- (c) identifies actions that relevant providers and other local bodies can take regarding any post-16 technical education or training that they provide so as to address the requirements mentioned in paragraph (b).”

Member’s explanatory statement

This amendment would provide for employer representative boards to develop local skills improvement plans in partnership with local authorities, including the Mayoral Combined Authorities, and local further education providers to ensure that they reflect the needs of learners, residents and employers. LSIPs must also consider social and economic development strategies in the local area and long-term national needs which may not apply to local employers.

LORD ABERDARE

As an amendment to Amendment 11

- 12 In paragraph (b)(iii), at end insert—
- “(iv) bodies providing careers information, advice and guidance, including local careers hubs, and independent training providers, and”

Member’s explanatory statement

This amendment adds bodies providing careers information, advice and guidance and independent training providers to those whose views should be drawn on in developing a local skills improvement plan.

THE LORD BISHOP OF DURHAM

- 13 Page 2, line 26, after “evidence,” insert “including the views of relevant community groups including those representing the interests of people with disabilities,”

Member’s explanatory statement

This amendment aims to ensure that the evidence informing LSIP development includes information directly relevant to improving the employment prospects of people with disabilities.

LORD ABERDARE

- 14 Page 2, line 28, at end insert—
- “(ba) takes account of the work of national employer groups in setting and monitoring national standards, and”

Member's explanatory statement

This amendment seeks to ensure that local skills improvement plans and employer representative bodies take proper account of UK-wide standards developed by national employer groups.

BARONESS BARRAN

- 15 Page 2, line 29, at end insert “English-funded”

Member's explanatory statement

This amendment is consequential on the Minister's amendment at page 1, line 7.

THE LORD BISHOP OF DURHAM

- 16 Page 2, line 31, at end insert –

“(d) identifies actions to be taken to reduce the disability employment gap within the specified area.”

Member's explanatory statement

This amendment is intended to ensure that the LSIP is used as a vehicle for improving the employment prospects of people with disabilities.

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

- 17 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

This amendment is to ensure that when the Secretary of State publishes guidance in relation to local skills improvement plans they must report on how 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.

Clause 2

LORD ABERDARE

- 18 Page 2, line 40, after “manner,” insert “having regard, among other things, to relevant UK-wide standards developed by national employer groups,”

Member's explanatory statement

This amendment seeks to ensure that local skills improvement plans and employer representative bodies take proper account of UK-wide standards developed by national employer groups.

THE LORD BISHOP OF DURHAM

19 Page 2, line 42, at end insert –

“(iii) the body is composed of employers who demonstrate reputable practice in relation to equality and diversity in employment, including in relation to disability.”

Member’s explanatory statement

This amendment is intended to ensure that members of the body with primary responsibility for creating the LSIP have sufficient understanding of and commitment to equality and diversity to enable them to create an inclusive plan.

LORD LUCAS

BARONESS GARDEN OF FROGNAL

20 Page 3, line 2, at end insert –

“(c) the Secretary of State has consulted with the government departments responsible for business and local government, with a view to creating a nationally coherent and logical set of employer representative bodies.”

LORD ABERDARE

21 Page 3, line 4, at end insert “including a requirement to report to the Institute for Apprenticeships and Technical Education on the coherence of the body’s local skills improvement plan with national standards in order to inform the Institute’s work in approving new technical education qualifications.”

Member’s explanatory statement

This amendment seeks to ensure that data about how local skills plans relate to national standards is provided to the Institute to inform its work in approving new technical education qualifications.

Clause 4

BARONESS BARRAN

22 Page 4, line 24, after “provides” insert “English-funded”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to Clause 1 at page 1, line 7.

23 Page 4, line 27, leave out from “applies,” to “but” in line 30

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment at page 4, line 24.

24 Page 4, line 32, leave out from “who” to “to” in line 33 and insert “provides the education or training mentioned in paragraph (a) only”

Member’s explanatory statement

This amendment makes clear that an employer is excepted by virtue of paragraph (b)(i) of the definition of “independent training provider” only if education and training within paragraph (a) that it provides is provided only to its employees.

25 Page 5, line 23, at end insert –

- “(1A) For the purposes of sections 1 to 3 and this section, education or training is “English-funded” if it is funded, wholly or partly, by –
- (a) the Secretary of State,
 - (b) a combined authority,
 - (c) the Greater London Authority, or
 - (d) a local authority in England.
- (1B) For those purposes, education or training funded by the Secretary of State includes education or training in respect of which amounts are paid directly to the provider of the education or training by the Secretary of State in accordance with provision in regulations made under section 22(1) of the Teaching and Higher Education Act 1998 (financial support for students) by virtue of section 22(2)(h) or (i) of that Act.
- (1C) Where a relevant provider that provides English-funded post-16 technical education or training enters into arrangements under which all or part of that education or training is provided by another relevant provider, the education or training provided under the arrangements is to be treated as English-funded post-16 technical education or training provided by the second relevant provider (as well as by the first).”

Member’s explanatory statement

This amendment ensures that Chapter 1 of Part 1 applies only in relation to post-16 technical education or training that is funded by the Secretary of State or an authority in England, including where it is funded by student finance provided by the Secretary of State. Where such education or training is sub-contracted by one provider to another, both are treated as providing it.

Clause 5

LORD ADDINGTON
THE LORD BISHOP OF DURHAM
LORD LINGFIELD

26 Page 5, line 38, at end insert –

- “(1A) A review under subsection (1) must take place at least once every three years and must include how well the education or training provided by the institution meets the needs of those with special educational needs in its local area.”

Member’s explanatory statement

This amendment requires a governing body of an institution in England to review how well the education or training provided by that institution meets the needs of those with special educational needs in its local area at least once every three years.

Clause 7

LORD LUCAS
LORD BLUNKETT
BARONESS GARDEN OF FROGNAL

27 Page 7, line 32, at end insert –

“(c) must specify a range of qualifications with a teaching and learning requirement equivalent to one GCSE (at level 2) and one A level (at level 3) which allow students to combine academic and vocational education.”

LORD WATSON OF INVERGOWRIE
LORD BLUNKETT
BARONESS GARDEN OF FROGNAL

28 Page 9, line 41, at end insert “following a public consultation and with the consent of employer representative bodies, as defined in the Skills and Post-16 Education Act 2021.”

Member’s explanatory statement

This amendment requires IfATE to consult and gain the consent of the relevant ERBs before withdrawing course approval.

LORD WATSON OF INVERGOWRIE
LORD BAKER OF DORKING
LORD BLUNKETT

29 Page 9, line 41, at end insert –

“(2A) Subsection (2) does not apply to the withdrawal of level three courses for the period of four years beginning with the day on which this Act is passed.”

Member’s explanatory statement

This amendment prevents IfATE from withdrawing approval of established level 3 courses including BTECs for four years to ensure that T levels are fully embedded and acceptable to students, employers and universities.

LORD WATSON OF INVERGOWRIE
LORD BAKER OF DORKING

30 Page 9, line 41, at end insert –

“(2A) Any decision to withdraw approval for a technical education qualification is an administrative decision and may be subject to judicial review.”

Member’s explanatory statement

This amendment ensures that a decision to withdraw approval for a technical education qualification can be challenged.

LORD BAKER OF DORKING

31 Page 9, line 41, at end insert –

“(2A) But no student will be deprived of the right to take two BTECs, AGQ or a Diploma or an extended Diploma.”

BARONESS GARDEN OF FROGNAL
LORD WATSON OF INVERGOWRIE
LORD BLUNKETT

32 Page 10, leave out line 6 and insert –

“(4A) The Institute must publish specified criteria that must be met before it can withdraw approval of a technical education qualification.”

Member’s explanatory statement

This amendment requires that criteria for withdrawing approval of a technical education qualification must be published in advance.

LORD WILLETTS
LORD BLUNKETT
LORD WATSON OF INVERGOWRIE
BARONESS GARDEN OF FROGNAL

33 Page 10, line 17, at end insert –

“(8) Where a technical education qualification has had its approval withdrawn under subsection (2), funding may not be withdrawn by the Secretary of State without public consultation and the consent of the relevant employer representative bodies, as defined in the Skills and Post-16 Education Act 2021.”

After Clause 7

LORD STOREY
LORD BLUNKETT
LORD ABERDARE

34 Insert the following new Clause –

“Review of apprenticeship levy

The Secretary of State may request a review of the apprenticeship levy to –

- (a) ensure eligible costs are sufficient to enable apprenticeship standards to fully meet the demands of their occupation in relation to specific industries in the sector; and
- (b) provide the opportunity for coordinated pre-apprenticeship training and industry experience to broaden diversity and inclusion.”

Member’s explanatory statement

The purpose of this amendment is to create flexibility in the eligible use of employers’ apprenticeship levy funds and to ensure there is wider diversity and inclusion in apprenticeships.

After Clause 13

BARONESS BARRAN

35 Insert the following new Clause—

“Information about technical education and training

Information about technical education and training: access to English schools

- (1) Section 42B of the Education Act 1997 (information about technical education: access to English schools) is amended as follows.
- (2) In subsection (1), for “is an opportunity” substitute “are opportunities”.
- (3) After subsection (1) insert—
 - “(1A) In complying with subsection (1), the proprietor must give access to registered pupils on at least one occasion during each of the first, second and third key phase of their education.”
- (4) After subsection (2) insert—
 - “(2A) The proprietor of a school in England within subsection (2) must—
 - (a) ensure that each registered pupil meets, during each of the first and second key phases of their education, at least one provider to whom access is given (or any other number of such providers that may be specified for the purposes of that key phase by regulations under subsection (8)), and
 - (b) ask providers to whom access is given to provide information that includes the following—
 - (i) information about the provider and the approved technical education qualifications or apprenticeships that the provider offers,
 - (ii) information about the careers to which those technical education qualifications or apprenticeships might lead,
 - (iii) a description of what learning or training with the provider is like, and
 - (iv) responses to questions from the pupils about the provider or approved technical education qualifications and apprenticeships.
 - (2B) Access given under subsection (1) must be for a reasonable period of time during the standard school day.”
- (5) In subsection (5)—
 - (a) in paragraph (c), at the end insert “and the times at which the access is to be given;”;
 - (b) after paragraph (c) insert—
 - “(d) an explanation of how the proprietor proposes to comply with the obligations imposed under subsection (2A).”
- (6) In subsection (8), after “subsection (1)” insert “or (2A)”.
- (7) After subsection (9) insert—
 - “(9A) For the purposes of this section—
 - (a) the first key phase of a pupil’s education is the period—

After Clause 13 - continued

- (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 13, and
- (ii) ending with 28 February in the following school year;
- (b) the second key phase of a pupil's education is the period –
 - (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 15, and
 - (ii) ending with 28 February in the following school year;
- (c) the third key phase of a pupil's education is the period –
 - (i) beginning at the same time as the school year in which the majority of pupils in the pupil's class attain the age of 17, and
 - (ii) ending with 28 February in the following school year.”

Member's explanatory statement

This amendment ensures that providers of technical education and apprenticeships are given reasonable access to pupils in secondary schools in England at key points during the course of their education to provide relevant information about technical education and apprenticeships and that pupils meet with providers on at least two occasions.

LORD BAKER OF DORKING
LORD WATSON OF INVERGOWRIE
LORD BLUNKETT
LORD ADONIS

35A★ Insert the following new Clause –

“Amendments to section 42B of the Education Act 1997

- (1) Section 42B of the Education Act 1997 is amended as follows.
- (2) After subsection (1) insert –
 - “(1A) In complying with subsection (1), the proprietor must give a representative range of education and training providers (including, where reasonably practicable, a university technical college) access to registered pupils on at least three occasions during each of the first, second and third key phase of their education.”
- (3) After subsection (2) insert –
 - “(2A) The proprietor of a school in England within subsection (2) must –
 - (a) ensure that each registered pupil meets, during both the first and second key phase of their education, with a representative range of education and training providers to whom access is given, and
 - (b) ask providers to whom access is given to provide information that includes the following –
 - (i) information about the provider and the approved technical education qualifications or apprenticeships that the provider offers,
 - (ii) information about the careers to which those technical education qualifications or apprenticeships might lead,
 - (iii) a description of what learning or training with the provider is like, and

After Clause 13 - continued

- (iv) responses to questions from the pupils about the provider or technical education qualifications and apprenticeships.
- (2B) Access given under subsection (1) must be for a reasonable period of time during the standard school day.”
- (4) After subsection (5)(a), insert—
 “(aa) a requirement to provide access to a representative range of education and training providers to include where practicable a university technical college;”
- (5) In subsection (5)(c), after “access” insert “and the times at which the access is to be given;”
- (6) After subsection (5)(c), insert—
 “(d) an explanation of how the proprietor proposes to comply with the obligations imposed under subsection (2A).”
- (7) After subsection (9), insert—
 “(9A) For the purposes of this section—
 (a) the first key phase of a pupil’s education is the period—
 (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 13, and
 (ii) ending with 28 February in the following school year;
 (b) the second key phase of a pupil’s education is the period—
 (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 15, and
 (ii) ending with 28 February in the following school year;
 (c) the third key phase of a pupil’s education is the period—
 (i) beginning at the same time as the school year in which the majority of pupils in the pupil’s class attain the age of 17, and
 (ii) ending with 28 February in the following school year.””

Member’s explanatory statement

This amendment will ensure that Section 2 of the Technical and Further Education Act 2017, commonly known as the Baker Clause, is legally enforceable.

Before Clause 14

LORD STOREY

36

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.

Before Clause 14 - continued

- (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.
- (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 BARRAN

37

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

Member’s explanatory statement

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

38 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 of full courses by virtue of a transparency condition more frequently than it requests information relating to full courses by virtue of the condition.”
- (3) In section 83(1)”

Member’s explanatory statement

This amendment ensures that requirements for higher education providers to provide information by virtue of a transparency condition are no greater in relation to modules than to full courses.

39 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;”.

- (4) 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 I 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 WATSON OF INVERGOWRIE

LORD STOREY

BARONESS BENNETT OF MANOR CASTLE

40 Insert the following new Clause —

“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.

After Clause 15 - continued

- (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

LORD STOREY

41 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.

42 [Withdrawn]

LORD STOREY

43 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.

LORD ADDINGTON

THE LORD BISHOP OF DURHAM

44 Insert the following new Clause—

“Lifelong learning: special educational needs

When exercising functions under this Act, the Secretary of State must ensure that—

After Clause 15 - continued

- (a) providers of further education are required to include special educational needs awareness training to all teaching staff to ensure that all staff are able to –
 - (i) identify, and
 - (ii) support,
 those students who have special educational needs;
- (b) providers of further education provide support for students with special educational needs or disabilities that is of an equivalent standard to those with similar needs in higher education.”

Member’s explanatory statement

This amendment places a duty on the Secretary of State to ensure that there is sufficient SEN training for teachers of students in further education and that there is support for students with special educational needs or disabilities that is of an equivalent standard to those with similar needs in higher education.

THE LORD BISHOP OF DURHAM

45 Insert the following new Clause –

“Universal credit conditionality

The Secretary of State must review 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 enroll on an approved course for a qualification which is deemed to support them to secure sustainable employment.”

Member’s explanatory statement

This amendment is intended to ensure greater flexibility for potential students in receipt of universal credit to take up appropriate training that will better equip them for employment.

Clause 16LORD ADDINGTON
THE LORD BISHOP OF DURHAM

46 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.”

Member’s explanatory statement

This amendment ensures there is sufficient SEN training for teachers of students of ITT(FE) courses

Clause 17

LORD LUCAS
BARONESS GARDEN OF FROGNAL

- 47 Page 20, line 22, at end insert—
“(e) the mental health and wellbeing of persons who undertake a higher education course with the institution is supported.”

Member’s explanatory statement

To ensure that the Office for Students has a sufficiently powerful lever to enforce its policies on student support, mental health and suicide.

BARONESS SHERLOCK

- 48 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 due regard to the potential impact on the participation in higher education of students from disadvantaged and underrepresented groups.”

Member’s explanatory statement

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

Clause 18

BARONESS BARRAN

- 49 Page 22, line 14, at end insert—
“(c) confer functions (including functions involving the exercise of a discretion) on the Secretary of State or any other person.”

Member’s explanatory statement

This amendment expressly allows the inclusion, in regulations made under Clause 18(1) of the Bill (regulations relating to the list of relevant providers), of provision which confers functions on a person.

After Clause 21

LORD CLARKE OF NOTTINGHAM
LORD LAYARD

- 50 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.
(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.

After Clause 21 - continued

- (3) Any employer receiving apprenticeship funding must spend at least two thirds of that funding on people who begin apprenticeships at Levels 2 and 3 before the age of 25.”

Clause 22

BARONESS BARRAN

- 51 Page 26, line 32, after “provides” insert “English-funded”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to Clause 1 at page 1, line 7.

- 52 Page 28, line 4, after “provides” insert “English-funded”

Member’s explanatory statement

This amendment is consequential on the Minister’s amendment to Clause 1 at page 1, line 7.

Before Clause 25

BARONESS BARRAN

LORD STOREY

- 53 Insert the following new Clause—

“CHAPTER A1

CHEATING SERVICES PROVIDED FOR POST-16 STUDENTS AT ENGLISH INSTITUTIONS

Meaning of “relevant service” and other key expressions

- (1) This section applies for the purposes of this Chapter.
- (2) “Relevant service” means a service of completing all or part of an assignment on behalf of a student where the assignment completed in that way could not reasonably be considered to have been completed personally by the student.
- (3) References to completing all or part of an assignment on behalf of a student include references to providing material to the student in connection with the assignment where—
 - (a) the student could use the material in completing the assignment or part, and
 - (b) the material—
 - (i) is prepared in connection with the assignment, or
 - (ii) has not been published generally.
- (4) For this purpose—
 - (a) where, in connection with an assignment, a student seeks the provision of a relevant service, any material provided as a result is to be regarded as provided in connection with the assignment;
 - (b) material is published generally if it—
 - (i) is available generally without payment, or
 - (ii) is included in a publication that contains other educational or training material and is available generally (such as a text book or study guide).

Before Clause 25 - continued

- (5) A person who provides, or arranges the provision of, a relevant service does so “in commercial circumstances” if—
- (a) the person is acting in the course of business, or
 - (b) in the case of a person who provides a relevant service, its provision was arranged by another person acting in the course of business, whether the person’s own business or that of the person’s employer.
- (6) “Student” means—
- (a) a person who is undertaking a relevant course at a post-16 institution or sixth form in England, or
 - (b) any other person over compulsory school age who has been entered to take an examination relating to a regulated qualification at a place in England.
- (7) A “relevant assignment”, in relation to a student, is an assignment (which may have been chosen by the student) which the student is required to complete personally—
- (a) as part of the relevant course which the student is undertaking, or
 - (b) in order to obtain the qualification to which the course leads or for which the student has been entered.
- (8) In relation to an assignment that is a relevant assignment—
- (a) “personally” includes with any assistance permitted as part of the requirement (whether or not the assignment, if completed with that assistance, would otherwise be considered to be completed personally), and
 - (b) that assistance is “permitted assistance”.
- (9) Section (*Interpretation of Chapter*) sets out the meanings of other terms used in this Chapter (including in this section).”

Member’s explanatory statement

This new Clause defines key terms for the purposes of the new Chapter (Cheating services provided for post-16 students at English institutions).

54

Insert the following new Clause—

“Offence of providing or arranging a relevant service

- (1) It is an offence for a person to provide, or arrange for another person to provide, in commercial circumstances, a relevant service for a student in relation to a relevant assignment.
- (2) A person guilty of an offence under this section is liable on summary conviction to a fine.
- (3) In proceedings for an offence under subsection (1) it is a defence for the defendant to prove, in relation to any of the matters mentioned in subsection (4), that the defendant did not know, and could not with reasonable diligence have known, the matter.
- (4) Those matters are—

Before Clause 25 - continued

- (a) if material is provided to the student as a result of the relevant service, that the student would or might use the material in completing all or part of the assignment;
 - (b) that the student was required to complete the assignment personally;
 - (c) that the relevant service was not permitted assistance.
- (5) A statement in the form of a written standard term of the contract or arrangement under which the relevant service was provided or arranged –
- (a) that the student would not use any material provided as a result of the relevant service in completing all or part of the assignment,
 - (b) that the student was not required to complete the assignment personally, or
 - (c) that the relevant service was permitted assistance,
- is not, of itself, to be taken as sufficient evidence of a matter to be proved under subsection (3).
- (6) A student does not commit either of the following merely by making use of a relevant service to complete all or part of an assignment –
- (a) an offence under Part 2 of the Serious Crime Act 2007 where the offence that the student intended or believed would be committed is an offence under this section;
 - (b) an offence under this section committed by aiding, abetting, counselling or procuring the commission of an offence under this section.”

Member’s explanatory statement

This new Clause creates an offence of providing, or arranging the provision of, a relevant service as defined in new Clause (Meaning of “relevant service” and other key expressions) in relation to an assignment which the student is required to complete personally, and provides for defences where the defendant proves certain matters.

55

Insert the following new Clause –

“Offence of advertising a relevant service

- (1) A person who advertises a relevant service to students commits an offence.
- (2) It does not matter for the purposes of subsection (1) whether the persons to whom the relevant service is advertised are only students, or only a particular category of students, or include persons other than students.
- (3) For this purpose a person advertises a relevant service if, and only if, the person makes arrangements for an advertisement in which the person –
 - (a) offers, or
 - (b) is described or presented as available or competent,
 to provide or arrange for another person to provide a relevant service.
- (4) A person guilty of an offence under this section is liable on summary conviction to a fine.”

Member's explanatory statement

This new Clause makes it an offence for a person who provides or arranges (or would provide or arrange) a relevant service as defined in new Clause (Meaning of "relevant service" and other key expressions) to advertise that service to students.

56

Insert the following new Clause—

“Offences: bodies corporate and unincorporated associations

- (1) If an offence under this Chapter committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of—
 - (a) a director, manager, secretary or other similar officer of the body corporate, or
 - (b) a person who was purporting to act in any such capacity,
 that person (as well as the body corporate) is guilty of that offence and liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as it applies to a director of the body corporate.
- (3) Proceedings for an offence alleged to have been committed under this Chapter by an unincorporated body are to be brought in the name of that body (and not in the name of its members) and, for the purposes of any such proceedings, any rules of court relating to the service of documents have effect as if that body were a corporation.
- (4) A fine imposed on an unincorporated body on its conviction of an offence under this Chapter is to be paid out of the funds of that body.
- (5) If an unincorporated body is charged with an offence under this Chapter, section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980 apply as they apply in relation to a body corporate.
- (6) Where an offence under this Chapter committed by an unincorporated body other than a partnership is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, any officer of the body or any member of its governing body, that person (as well as the body) is guilty of the offence and liable to be proceeded against and punished accordingly.
- (7) Where an offence under this Chapter committed by a partnership is proved to have been committed with the consent or connivance of, or to be attributable to neglect on the part of, a partner, that partner (as well as the body) is guilty of the offence and liable to be proceeded against and punished accordingly.”

Member's explanatory statement

This new Clause contains rules that apply where offences under the new Chapter (Cheating services provided for post-16 students at English institutions) are committed by companies and unincorporated associations.

57 Insert the following new Clause –

“Interpretation of Chapter

In this Chapter, the following terms have the following meanings –

“assignment” includes an examination and any piece of work;

“examination” includes any form of assessment;

“permitted assistance”, in relation to a relevant assignment, has the meaning given by section (*Meaning of “relevant service” and other key expressions*)(8);

“personally”, in relation to an assignment that is a relevant assignment, has the extended meaning given by section (*Meaning of “relevant service” and other key expressions*)(8);

“post-16 institution” means –

- (a) a higher education provider, within the meaning of Part 1 of the Higher Education and Research Act 2017 (see section 83(1) of that Act);
- (b) an institution within the further education sector, within the meaning of the Further and Higher Education Act 1992 (see section 91(3) of that Act);
- (c) a 16 to 19 Academy;
- (d) any other institution or person, other than a school, that is principally concerned with the provision of education or training suitable to the requirements of pupils who are over compulsory school age;

“regulated qualification” means a qualification regulated by the Office of Qualifications and Examinations Regulation;

“relevant assignment” has the meaning given by section (*Meaning of “relevant service” and other key expressions*)(7);

“relevant course” means –

- (a) a course of any description mentioned in Schedule 6 to the Education Reform Act 1988, or
- (b) a course –
 - (i) providing education or training in preparation for an examination relating to a regulated qualification, or
 - (ii) which a person is required to complete in order to obtain a regulated qualification;

“relevant service” has the meaning given by section (*Meaning of “relevant service” and other key expressions*)(2);

“school” has the same meaning as in the Education Act 1996;

“sixth form” means a school, or part of a school, that is principally concerned with the provision of full-time education suitable to the requirements of pupils who are over compulsory school age;

“student” has the meaning given by section (*Meaning of “relevant service” and other key expressions*)(6).”

Member’s explanatory statement

This new Clause defines certain terms used in the new Chapter (Cheating services provided for post-16 students at English institutions).

BARONESS BARRAN

58 Insert the following new Clause—

“16 to 19 Academies: designation as having a religious character

16 to 19 Academy: designation as having a religious character

After section 8 of the Academies Act 2010 insert—

“16 to 19 Academies designated as having a religious character

8A Designation of 16 to 19 Academy as having a religious character

- (1) The Secretary of State may by order designate a 16 to 19 Academy as having a religious character.
- (2) The Secretary of State may designate an Academy under this section only if the proprietor of the Academy is a qualifying Academy proprietor within the meaning given by section 12(2).
- (3) The order must specify the religion or religious denomination in relation to which the Academy is designated.
- (4) The Secretary of State may make regulations about the procedure to be followed in connection with—
 - (a) the designation of an Academy in an order under this section, and
 - (b) the inclusion in such an order of the specification required by subsection (3).
- (5) Despite section 568(3) of EA 1996 (orders to be made by statutory instrument subject to the negative procedure), as applied by section 17(4) of this Act, a statutory instrument containing an order under this section is not subject to annulment in pursuance of a resolution of either House of Parliament.

8B Constitution of Academy proprietor, collective worship and religious education

- (1) The articles of association of the proprietor of an Academy designated under section 8A must provide for a majority of the directors of the proprietor to be persons appointed for the purposes of securing, so far as practicable, that—
 - (a) the character of the designated Academy reflects the tenets of the religion or religious denomination in relation to which the Academy is designated, and
 - (b) in a case where there is a trust deed affecting the designated Academy, the Academy is conducted in accordance with it.
- (2) The proprietor of an Academy designated under section 8A may (accordingly) conduct the Academy in a way that secures that the character of the Academy reflects the tenets of the religion or religious denomination in relation to which the Academy is designated (and, in particular, in a way that is in accordance with any trust deed affecting the Academy).
- (3) The proprietor of an Academy designated under section 8A must ensure that at an appropriate time on at least one day in each week during which the Academy is open an act of collective worship is held at the Academy which pupils at the Academy may attend.
- (4) The act of collective worship must—

Before Clause 25 - continued

- (a) be in such form as to comply with the provisions of any trust deed affecting the Academy, and
 - (b) reflect the traditions and practices of the religion or religious denomination in relation to which the Academy is designated.
- (5) The proprietor of an Academy designated under section 8A must ensure that religious education is provided at the Academy for all pupils who wish to receive it.
- (6) The proprietor of an Academy is to be treated as complying with subsection (5) if religious education is provided at a time or times at which it is convenient for the majority of full-time pupils to attend.
- (7) For the purposes of this section religious education may take the form of a course of lectures or classes, or of single lectures or classes provided on a regular basis, and may include a course of study leading to an examination or the award of a qualification.
- (8) The form and content of religious education provided under this section—
- (a) must be in accordance with the provisions of any trust deed affecting the Academy, and
 - (b) must not be contrary to the traditions of the religion or religious denomination in relation to which the Academy is designated,
- but is otherwise to be determined from time to time by the proprietor of the Academy.
- (9) Notwithstanding section 17(4), in this section—
- “pupil” means a person receiving education at the 16 to 19 Academy;
 - “trust deed” includes any instrument (other than the articles or memorandum of association) regulating the constitution of the proprietor of the Academy or the maintenance, management or conduct of the Academy.”

Member’s explanatory statement

This amendment makes provision about the collective worship and religious education to be provided at a 16 to 19 Academy designated by the Secretary of State as having a religious character, and about the appointment of directors of the proprietor of such an Academy.

After Clause 25

BARONESS BARRAN

59 Insert the following new Clause—

“Higher education course fee limits: administration

Relevant date for purposes of fee limit for certain higher education courses

In paragraph 3(3) of Schedule 2 to the Higher Education and Research Act 2017 (the fee limit where the provider has no access and participation plan), omit “before the calendar year”.

Member's explanatory statement

Certain fee limits for academic years of higher education courses depend on whether the provider had a high level quality rating on a particular date. This new Clause changes that date to 1 January in the calendar year in which the academic year begins from 1 January in the previous calendar year.

LORD WATSON OF INVERGOWRIE
BARONESS GARDEN OF FROGNAL

60 Insert the following new Clause—

“Lifetime skills guarantee

- (1) All persons 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 a person designated by the Secretary of State 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 to which the course relates 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 those without an A-Level or equivalent qualification, or who hold such qualification but have been determined to 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.

LORD WATSON OF INVERGOWRIE

61 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 STOREY
LORD BLUNKETT
LORD ABERDARE
LORD BIRD

62 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.”

Member’s explanatory statement

This amendment requires the Government to review the operation of the Kickstart scheme. That review must consider extending the lifetime of the current scheme; and extending the criteria of those eligible to benefit from the scheme beyond those receiving universal credit

LORD STOREY
THE LORD BISHOP OF DURHAM

63 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 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.

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

64 Insert the following new Clause—

“Green Skills Strategy

The Secretary of State must, before the end of the period of 12 months beginning with the day on which this Act is passed, publish a Green Skills Strategy, to include the skills, capabilities or expertise that directly contribute to, or indirectly support, the following—

- (a) compliance with the duty imposed by section 1 of the Climate Change Act 2008 (United Kingdom net zero emissions target),
- (b) adaptation to climate change, or
- (c) meeting other environmental goals (such as restoration or enhancement of the natural environment).”

Member's explanatory statement

This amendment would require the Secretary of State to publish a national green skills strategy which includes skills which will directly contribute to or indirectly support climate change and environmental goals.

65 [Withdrawn]

BARONESS WHITAKER

66 Insert the following new Clause—

“National review and plan for addressing the attainment gap

Within four months of the passing of this Act, the Secretary of State must undertake a review to understand how to support those who have not achieved grade 4 or above in GCSEs in—

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

for the purposes of issuing a plan to support such people to achieve such 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 based on a review of current policies and barriers to attainment.

LORD STOREY

LORD KNIGHT OF WEYMOUTH

BARONESS KIDRON

67 Insert the following new Clause—

“Code of practice by Information Commissioner's Office on data sharing in relation to post-16 education

- (1) The Information Commissioner must prepare a code of practice for organisations which collect personal data for purposes connected to post-16 education, including the processing of applications for higher and further education courses.
- (2) The code must—
 - (a) contain practical guidance in relation to the sharing of personal data in accordance with the requirements of data protection legislation;
 - (b) contain such other guidance as the Commissioner considers appropriate to promote good practice in the sharing of personal data of students and potential students; and
 - (c) have regard to children's rights in the digital environment as set out in the United Nations Convention on the Rights of the Child General Comment No. 25.
- (3) Where a code under this section is in force, the Commissioner may prepare amendments of the code or a replacement code to reflect emerging technologies and changing needs of pupils, students and potential students.

After Clause 25 - continued

(4) In this section—

“good practice in the sharing of personal data” means such practice in the sharing of personal data as appears to the Commissioner to be desirable having regard to the interests of data subjects and others, including compliance with the requirements of the data protection legislation; and

“the sharing of personal data” means the disclosure of personal data by transmission, dissemination or otherwise making it available.”

Member’s explanatory statement

This amendment places a duty on the Information Commissioner to prepare a code of practice in relation to the sharing of personal data between students and others.

Clause 26

BARONESS BARRAN

68 Page 31, line 12, after “15” insert “(3)”

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.

69 Page 31, line 20, after “15” insert “(3)”

Member’s explanatory statement

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

70 [Withdrawn]

Clause 27

BARONESS BARRAN

71 Page 31, line 24, leave out “and 22 to” and insert “, 22 to 24, (Meaning of “relevant service” and other key expressions), (Offence of providing or arranging a relevant service), (Offence of advertising a relevant service), (Offences: bodies corporate and unincorporated associations), (Interpretation of Chapter),”

Member’s explanatory statement

This amendment provides for the new Chapter (Cheating services provided for post-16 students at English institutions) to come into force 2 months after the Bill is passed.

72 Page 31, line 24, leave out “25” and insert “, (16 to 19 Academy: designation as having a religious character), 25”

Member’s explanatory statement

This amendment provides for the new clause (16 to 19 Academy: designation as having a religious character) to come into force 2 months after the Bill is passed.

73 Page 31, line 24, after “25” insert “and (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 Bill is passed.

Skills and Post-16 Education Bill [HL]

REVISED
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

11 October 2021
