

SKILLS AND POST-16 EDUCATION BILL

Note on Government amendments from the Department for Education to the Delegated Powers and Regulatory Reform Committee

1. The Skills and Post-16 Education Bill [HL] was introduced in the House of Lords on 18 May 2021. The Department prepared a Memorandum for the Committee at the time of introduction to assist with its scrutiny of the Bill which can be found at <https://bills.parliament.uk/publications/41558/documents/292>. In the Committee's 2nd Report of Session 2021-22 published on 27 May 2021 it was noted that "There is nothing in this Bill which we would wish to draw to the attention of the House". The Bill had its 1st Reading on 18 May, 2nd Reading on 15 June and Committee Stage commenced on 6 July.
2. Chapter 3 of Part 1 of the Bill contains provisions on lifelong learning. These provisions were described in paragraphs 6c, 10g, 12 and 52 to 60 of the Department's memorandum. We noted, in paragraph 12, that the Government intended to bring forward amendments to clause 15 of the Bill (lifelong learning: amendment of the Higher Education and Research Act 2017 ("HERA 2017")) ahead of Committee Stage in the House of Lords. A set of amendments were tabled by the Government on 13 July. The Department anticipated that we might need a new delegated power as part of these amendments. However, there are no new delegated powers, or amendments to existing powers, in this set of amendments.
3. The Government amendments tabled on 13 July:
 - Amend definitions in sections 83(1) and 85(1) of HERA 2017.
 - Adjust some requirements placed on, respectively, higher education providers and the Office for Students in sections 9, 11 and 65 of HERA 2017 to provide or publish information as a result of the specific introduction of modules for full courses into Part 1 of HERA 2017 through these amendments.
 - Correct an error in paragraph 3(3) of Schedule 2 to HERA 2017 to ensure that certain higher education providers can benefit from higher fee limits if they have a high level quality rating on 1 January of the calendar year in which the relevant academic year of a course begins. This amendment will come into force two months after the Act is passed.
 - Update clause 26 (extent) to ensure that clause 15, as to be amended, continues to have the same territorial extent as the provisions of HERA 2017 it amends.

4. Owing to the complexities of drafting the changes needed to HERA 2017, and to ensure that the changes we need work correctly with the existing legislation, the Government now intends to bring forward a further set of amendments ahead of Report Stage. Those amendments are expected to cover the fee limits provisions to ensure that they work effectively in relation to modules, and we anticipate that we may need a new delegated power as part of those further amendments. Should that be the case, the Department will prepare in good time a Supplementary Memorandum for the Committee to consider.

Department for Education

14 July 2021