

# Skills and Post-16 Education Bill [HL]

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## COMMONS AMENDMENTS

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*[The page and line references are to Bill 176, the Bill as first printed for the Commons]*

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### Clause 1

#### COMMONS AMENDMENT 1

- 1 Page 2, line 21, leave out “subsection (6)” and insert “subsections (6) and (6A)”

#### COMMONS AMENDMENT 2

- 2 Page 2, line 32, at end insert –

“(6A) Where a specified area covers any of the area of a relevant authority, the Secretary of State may approve and publish a local skills improvement plan for the specified area only if satisfied that in the development of the plan due consideration was given to the views of the relevant authority.

For this purpose “relevant authority” means –

- (a) a mayoral combined authority within the meaning of Part 6 of the Local Democracy, Economic Development and Construction Act 2009 (see section 107A(8) of that Act), or
- (b) the Greater London Authority.”

#### COMMONS AMENDMENT 3

- 3 Page 2, line 35, leave out from “body” to “for” in line 37

#### COMMONS AMENDMENT 4

- 4 Page 2, line 40, leave out from beginning to “and” in line 6 on page 3

#### COMMONS AMENDMENT 5

- 5 Page 3, line 8, leave out “by people resident”

#### COMMONS AMENDMENT 6

- 6 Page 3, line 9, leave out “and other local bodies”

#### COMMONS AMENDMENT 7

- 7 Page 3, line 10, after “any” insert “English-funded”

**Clause 4**

## COMMONS AMENDMENT 8

8 Page 5, line 35, after “institution” insert “in England”

## COMMONS AMENDMENT 9

9 Page 5, line 38, leave out “a” and insert “an English”

## COMMONS AMENDMENT 10

10 Page 5, line 40, after “provider” insert “whose activities, so far as they relate to the provision of post-16 technical education or training, are carried on, or partly carried on, in England”

## COMMONS AMENDMENT 11

11 Page 5, line 41, at end insert “in England”

## COMMONS AMENDMENT 12

12 Page 6, line 9, leave out “in respect of which amounts are” and insert “funded, wholly or partly, by amounts”

## COMMONS AMENDMENT 13

13 Page 6, line 10, leave out “by the Secretary of State”

## COMMONS AMENDMENT 14

14 Page 6, line 11, after “made” insert “by the Secretary of State”

**Clause 7**

## COMMONS AMENDMENT 15

15 Page 10, leave out lines 38 to 40

## COMMONS AMENDMENT 16

16 Page 10, leave out lines 41 and 42

**After Clause 13**

## COMMONS AMENDMENT 17

17 Insert the following new Clause –

**“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 –
    - (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.””

**Clause 14**

COMMONS AMENDMENT 18

18 Page 18, line 2, leave out Clause 14

**Clause 17**

COMMONS AMENDMENT 19

19 Page 21, line 28, leave out Clause 17

**Clause 18**

COMMONS AMENDMENT 20

20 Page 22, line 1, leave out Clause 18

**Clause 19**

COMMONS AMENDMENT 21

21 Page 22, line 34, leave out subsection (3)

**Clause 22**

COMMONS AMENDMENT 22

22 Page 28, line 15, leave out from first “to” to “paid” in line 16 and insert “an agreement for the funding authority to provide funding to the provider includes a reference to an agreement or arrangements between the funding authority and the provider by virtue of which amounts can or must be”

**Clause 25**

COMMONS AMENDMENT 23

23 Page 30, line 14, leave out Clause 25

**After Clause 35**

COMMONS AMENDMENT 24

**24** Insert the following new Clause—

**“Office for Students: publication and protection from defamation**

In the Higher Education and Research Act 2017, after section 67 insert—

*“Publication*

**67A Power for the OfS to publish notices, decisions and reports**

- (1) The OfS may publish notices, decisions and reports given or made in the performance of its functions.
- (2) Subsection (1) does not affect any other power of the OfS to publish such a matter.
- (3) Publication under this section does not breach—
  - (a) an obligation of confidence owed by the OfS, or
  - (b) any other restriction on the publication or disclosure of information (however imposed).
- (4) But nothing in this section authorises the OfS to publish information where doing so contravenes the data protection legislation.

For this purpose “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).

- (5) In deciding whether to publish a notice, decision or report under subsection (1), the OfS must, in particular, consider—
  - (a) the interests of—
    - (i) students on higher education courses provided by English higher education providers,
    - (ii) people thinking about undertaking, or who have undertaken, such courses, and
    - (iii) English higher education providers,
  - (b) the need for excluding from publication, so far as practicable, any information which relates to the affairs of a particular body or individual, where publication of that information would or might, in the opinion of the OfS, seriously and prejudicially affect the interests of that body or individual, and
  - (c) the public interest.
- (6) For the purposes of this section and sections 67B and 67C—
  - (a) a reference to a decision includes a reference to the reasons for it, and
  - (b) any decision made in the course of exercising, or for the purposes of enabling the OfS to exercise, any of the OfS’s functions (including making any other decision) is made “in the performance of its functions”.

**67B Publication of decision to conduct or terminate investigation**

- (1) This section applies where under section 67A(1) the OfS publishes a decision to conduct an investigation.
- (2) If the publication identifies a higher education provider or other body or individual whose activities are being, or to be, investigated, and—
  - (a) the OfS terminates the investigation without making any finding, or
  - (b) the findings of the investigation, so far as they relate to the higher education provider, body or individual, do not result in the OfS taking any further action,
 the OfS must publish a notice stating that fact.
- (3) Section 67C does not apply to the publication of the decision to conduct the investigation to the extent that it includes information other than—
  - (a) a statement of the OfS's decision to conduct the investigation,
  - (b) a summary of the matter being, or to be, investigated, and
  - (c) a reference to the identity of any higher education provider or other body or individual whose activities are being, or to be, investigated.
- (4) See section 67A(6) for the meaning of references to decisions.

*Defamation***67C Protection from defamation claims**

- (1) For the purposes of the law of defamation, publication by the OfS of any notice, decision or report given or made in the performance of its functions is privileged unless the publication is shown to have been made with malice.  
This is subject to section 67B.
- (2) See section 67A(6) for the meaning of references to decisions.””

**Clause 38**

## COMMONS AMENDMENT 25

- 25 Page 42, line 1, leave out “and 26 to” and insert “, 26 to (*Office for Students: publication and protection from defamation*) and”

**Clause 39**

## COMMONS AMENDMENT 26

- 26 Page 42, line 13, leave out subsection (2)

**In the Title**

COMMONS AMENDMENT 27

27 Line 5, after “assessments” insert “and publication of certain matters”

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*22 February 2022*

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