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PARLIAMENTARY DEBATES
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HOUSE OF LORDS

OFFICIAL REPORT

ORDER OF BUSINESS

Death of a Member: Lord Lyell <i>Announcement</i>	1947
Questions	
Schools: Volunteer Reading Helpers.....	1947
Brexit: EU Nationals' Right to Remain	1950
Children: Safeguarding.....	1952
Brexit: Support for Farming.....	1954
Commonwealth Development Corporation Bill <i>First Reading</i>	1957
Higher Education and Research Bill <i>Committee (2nd Day)</i>	1957
Equine Welfare Standards <i>Question for Short Debate</i>	2019
Higher Education and Research Bill <i>Committee (2nd Day) (Continued)</i>	2035

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Abbreviation	Party/Group
CB	Cross Bench
Con	Conservative
DUP	Democratic Unionist Party
GP	Green Party
Ind Lab	Independent Labour
Ind LD	Independent Liberal Democrat
Ind SD	Independent Social Democrat
Ind UU	Independent Ulster Unionist
Lab	Labour
LD	Liberal Democrat
LD Ind	Liberal Democrat Independent
Non-afl	Non-affiliated
PC	Plaid Cymru
UKIP	UK Independence Party
UUP	Ulster Unionist Party

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House of Lords

Wednesday 11 January 2017

3 pm

Prayers—read by the Lord Bishop of Birmingham.

Death of a Member: Lord Lyell

Announcement

3.06 pm

The Lord Speaker (Lord Fowler): My Lords, I regret to inform the House of the death of the noble Lord, Lord Lyell, on 11 January. On behalf of the House, I extend our condolences to the noble Lord's family and friends.

Schools: Volunteer Reading Helpers

Question

3.07 pm

Asked by Baroness Benjamin

To ask Her Majesty's Government whether they have any plans to recruit, train and support volunteer reading helpers to go into primary schools and work with children who are struggling with their literacy.

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, we have no plans to recruit and train volunteers, but schools have the freedom to do so where they think this is in the best interest of their pupils. It is vital that all children learn to read fluently. We have reformed the curriculum and placed phonics at the heart of the approach to teaching children to read. Thanks to our reforms, an additional 147,000 six year-olds are on track to read fluently.

Baroness Benjamin (LD): My Lords, staff best qualified to deliver intervention to pupils with special needs are having their time dominated by children with behavioural problems, but the charity Beanstalk has an answer. It recruits, CRB checks and trains volunteer reading helpers to work with schoolchildren struggling with their literacy—importantly, working with the same children for a minimum of a year. This continuity develops the child's confidence, motivation and self-esteem. As part of the Prime Minister's shared society, will the Government support this initiative and encourage businesses to allow their staff to volunteer to help children with their reading?

Lord Nash: My Lords, we are clear that businesses have a strong role to play in engaging with the school system, either directly through work experience, careers advice or as speakers, or through engaging with charities such as Beanstalk. Evidence is clear that where school reading volunteers are involved in a structured programme and given appropriate training and support, for instance by charities such as Beanstalk, Springboard or School-readers, the results can be highly effective.

Baroness Gardner of Parkes (Con): My Lords, is the Minister aware that some years ago, when my children

were small, the local libraries used to run a big programme in the school holidays? Schools issued a list of books and the librarians' encouragement for those children gave them a love of books and literacy. Surely that could be used again in the same way now.

Lord Nash: My noble friend makes an extremely good point on the importance of librarians. They can be crucial because they influence the books that are chosen. It is about not just learning to read, but what our children read and improving their knowledge.

Lord Harrison (Lab): My Lords, what happened to the promotion of volunteer groups under the big society?

Lord Nash: Under the shared society, we will promote what the noble Baroness, Lady Benjamin, referred to and certainly support groups such as Beanstalk and Springboard.

Baroness Lane-Fox of Soho (CB): My Lords, digital literacy is as fundamental for children as literacy. It is literacy. In 2013 the Government enacted a bold policy to put coding on the curriculum, but, as I understand it, with extremely scarce resources behind it with which to train teachers and, therefore, children. Will the Minister answer two questions? First, how many children are currently learning coding in the school system? Secondly, how can the Government support brilliant groups such as Code Club to encourage teachers and children to learn this vital skill?

Lord Nash: The noble Baroness makes an extremely important point; I know that she is very experienced in this area. It would be nice to see all schools have coding clubs—I know that an increasing number are. I think that the figure for pupils doing computing at GCSE is around 50,000, but I will write to her on that, and I will certainly look at the resources available. I am very happy to discuss the matter with her further.

Baroness Andrews (Lab): My Lords, further to the question on libraries, is the Minister aware that the gap in reading and especially in writing between boys and girls continues to widen? The most innovative schemes, which often help the most disadvantaged families and therefore boys, are in libraries. Is the Minister further aware that 8,000 jobs have been lost in libraries during the past six years and that 350 libraries have closed in that time? Can he tell me how many libraries are likely to close in the coming year—I am happy for him to write to me—and what impact he thinks it will have on his ambitions for literacy?

Lord Nash: Sadly, I cannot predict the future, but I can say that we have more than 3,000 public libraries and I understand that approximately 110 static libraries have closed in the past six years—some have merged. Local authorities are legally required to provide a comprehensive and efficient library service. Some do that via mobile libraries, but we leave it to them to decide how to do it.

Lord Lingfield (Con): My Lords, those of your Lordships who have visited further education colleges will know as I do that, too often, their mission is distorted by having to teach, instead of vocational skills, reading to 16 year-olds. Will my noble friend ensure that primary school children can read fluently and well, and that the task is not left to further education colleges to carry out?

Lord Nash: My noble friend makes a very good point; I know that he is very experienced in this area. Since the introduction of our phonics check, the proportion of pupils reaching the accepted standard has risen from 58% to 81%. The proportion of good and outstanding primary schools has risen in the past five years from 69% to 90%. Ofsted reports that the focus on reading and synthetic phonics has been a particular strength. However, my noble friend is right about the importance of primary, because those pupils who do not achieve level 4 when they leave primary school have only a 6% chance of getting five good GCSEs.

Lord Watson of Invergowrie (Lab): My Lords, the Question from the noble Baroness, Lady Benjamin, perhaps underestimates what is involved in the teaching of reading. Children who have difficulty with reading require specialised help from teachers and teaching assistants in their preparation and supervision. As the Minister has conceded, a firm grasp of phonics is absolutely essential, which may not apply to volunteers. Children in the poorest families have lower literacy rates than their peers, yet last month the Government chose to abolish the child poverty unit. What effect does the Minister expect that to have on education policy and the attainment of poorer children?

Lord Nash: The noble Lord is quite right that children from less advantaged families struggle more to read. They hear many fewer different words and we all know that hearing words at home is incredibly important, which is why we have to place such a strong emphasis on teaching phonics and other programmes such as Read Write Inc. and Talk for Writing, and on volunteer programmes to make sure that our pupils are literate at as early an age as possible.

Lord Pearson of Rannoch (UKIP): My Lords, further to the noble Lord's last answer—

Lord Storey (LD): My Lords—

The Lord Privy Seal (Baroness Evans of Bowes Park) (Con): My Lords, we will hear from the UKIP representative.

Lord Pearson of Rannoch: My Lords, I am more than usually grateful. Are the Government confident that our teacher training—which, after all, underlies our whole education system, at primary school and so on—is doing enough to teach future teachers to teach children how to read? For instance, can the Government confirm that the phonic method is now actively promoted, instead of being eschewed, as it was for many years?

Lord Nash: We have strengthened the teaching standards in this, and there is a clear expectation that teachers will be trained in phonics, particularly primary school teachers.

Brexit: EU Nationals' Right to Remain *Question*

3.16 pm

Asked by Lord Lee of Trafford

To ask Her Majesty's Government when they will confirm whether those non-British European Union nationals employed in the agriculture, caring and hospitality sectors will be given the right to remain in the United Kingdom following Brexit.

The Minister of State, Home Office (Baroness Williams of Trafford) (Con): My Lords, the Prime Minister has been clear that she wants to secure the status of EU nationals already living here. The only circumstance in which that would not be possible is if British citizens' rights in other EU member states were not protected in return.

Lord Lee of Trafford (LD): Is it not time, though, that the Government dropped this ridiculous pretence that there is a trade-off here? The reality is that significant sectors of our economy, such as caring, hospitality and areas of agriculture, would virtually collapse if non-British nationals did not remain and work here. There is massive anxiety out there in the country, among employer and employee. Is it not time that the Government did the right thing, both morally and commercially, and gave these individuals the right to remain?

Baroness Williams of Trafford: My Lords, the Government have been absolutely clear that we will seek to reach an agreement on this issue at an early stage of negotiations with the EU. I totally dispute the notion of a trade-off, because the EU's refusal to guarantee the status of UK nationals elsewhere in the EU prior to negotiations shows that the Government have been absolutely right not to give away the guarantee of status for EU citizens in the UK. As the Prime Minister has said, that would have left UK citizens high and dry.

Viscount Hailsham (Con): My Lords, may I remind my honourable friend that for the agriculturalists and horticulturalists in Lincolnshire and adjoining counties access to migrant labour is very important indeed? Without migrant labour it is probable that many of those businesses would not survive.

Baroness Williams of Trafford: My Lords, I totally agree with my noble friend—I am proud to be his honourable friend. Of course, this will be part and parcel of what we discuss. The Government totally acknowledge where the skills gaps lie, where temporary labour might be needed, and that will be important.

Lord Clark of Windermere (Lab): My Lords, while it is quite right that migrant workers in these hospitality and caring industries are important, does the Minister appreciate that tens of thousands of European citizens work in our health service? Indeed, our health service would fall apart—I am not exaggerating—if it were not for these workers. Can we not show them the hand of friendship?

Baroness Williams of Trafford: My Lords, the Prime Minister has been very reasonable in her position. We are absolutely welcoming to EU residents who come here and have said that we will protect their status as long as that is done in return. When the noble Lord talks about the proportion of NHS workers, he is absolutely right: almost 10% of doctors and 6.3% of nurses in England are from an EU country. We are very mindful of that.

Baroness Wheatcroft (Con): My Lords, are there any plans for the Government to ask for a transitional period after the terms of a Brexit deal are negotiated? This was asked for by members of the financial services sector at the Treasury Select Committee yesterday. It would allow not merely the financial services sector but hospitality and other industries to plan for the future, rather than have to take pre-emptive action now and risk revenue to Her Majesty's Exchequer.

Baroness Williams of Trafford: My noble friend is absolutely right about the importance of the financial sector to the UK economy. We have the largest financial sector in the world. The Prime Minister will lay out those plans in due course as we exit the European Union.

Lord Wigley (PC): My Lords, is the Minister aware that there are key workers in the health sector already looking for jobs because of the uncertainty, fearful that 12 or 18 months down the road there will be tremendous competition with people looking back to their home countries for jobs? Will she do everything she can to end that uncertainty?

Baroness Williams of Trafford: My Lords, I am sure that the Prime Minister will lay out the position in a clear manner as we move towards the triggering of Article 50 by the end of March, which is not very long to go.

The Lord Bishop of Leeds: My Lords, I feel a bit naive in this. Perhaps the Minister could explain. Supposing the EU countries decide not to do a deal to protect the interests of British nationals abroad, will the response be to say that those who are here will have to leave? We will face exactly the same problem that has been mentioned by several speakers—that we cannot maintain our agricultural, hospitality, health service and university industries. If that is the case, it does not sound to me like a bargaining point.

Baroness Williams of Trafford: My Lords, as we conduct our negotiations, it must be a priority to gain more control of the numbers of people who come here

from Europe but also to allow British companies and British public services to employ people with the correct skills, and companies to trade with the single market in goods and services.

Baroness Hamwee (LD): My Lords, does the Minister agree with the statement in the recent CBI report that we need,

“a system informed by business rather than imposed on business”, and that this is,

“essential to the future economic growth of the UK”?

Are the Government talking and listening to employers? What have they had to say about the £1,000 levy about which we have heard today?

Baroness Williams of Trafford: My Lords, the Prime Minister has made it absolutely clear that she wants to hear from all sectors and from anybody who is interested in the subject of Brexit. All opinions and cases made to her will be listened to, and she will form her views accordingly.

Children: Safeguarding *Question*

3.22 pm

Asked by Baroness Deech

To ask Her Majesty's Government, in the light of the Wood review of local safeguarding children boards, what steps they are taking to assess the risk to children in unrecognised school settings or receiving home education.

The Parliamentary Under-Secretary of State, Department for Education (Lord Nash) (Con): My Lords, protection from abuse is a fundamental right for children in and out of school. Local authorities are responsible for safeguarding children in their area, including those educated at home, and, with local safeguarding children board partners, should be assessing any risks to children wherever they are educated. The department is working closely with Ofsted, local authorities and the police to tackle illegal schools. This collaboration has resulted in the closure of many such settings.

Baroness Deech (CB): My Lords, in the first Question the House expressed its very worthy concern for the learning ability of primary school children. What about the children who are never sent to school at all? The Wood review, Ofsted and Dame Louise Casey have all drawn attention to the lack of power to make parents co-operate in ensuring the quality of home education. The local authorities do not have the power to see the children or check on them. We care about abused children and others. We must take steps to safeguard the children who are not known to schools, who are sent to unregistered schools and who are below the radar. The Government did not respond to the comments on that issue in the Wood review. Local authority officers have written to me to express concern and call for new statutory powers. Will the Government take those necessary steps?

Lord Nash: Some home-educated children attend unregulated education settings and we are taking determined action to tackle illegally operating unregistered independent schools. We also remain committed to regulating out-of-school settings and received more than 18,000 responses to our call for evidence, which we are analysing carefully. We know that greater oversight of home education is sought by many local authorities. We are listening to both sides of the debate and considering our position.

Lord Soley (Lab): My Lords, the Minister might remember that the problem has been raised here a number of times of home-educated children who have not been seen by anybody and are subject to abuse. I am happy to send him the details of another case from the last month or two, of a child who died in hospital and who was home educated, the parents having taken them out of school. I am all for people home educating if they do it well and properly but to say that the state has no responsibility to provide safeguards in some form of inspection, whether of the Badman report type or some other, is frankly unacceptable.

Lord Nash: Some people think that they should be allowed to educate their children at home with minimum interference; others feel that society has moved on somewhat in recent years and it is something that we should look at again. As I say, we are looking at this carefully.

Baroness Eaton (Con): How are Her Majesty's Government taking forward the recommendations in the Wood review?

Lord Nash: On this aspect, as I say, we have received 18,000 responses to our call for evidence and we are considering them carefully. We want a system that regulates out-of-school settings and works effectively but is not overly burdensome, because we know that many of these settings are small and staffed by volunteers.

Lord Storey (LD): My Lords, the Minister may recall that I asked him a Written Question about whether the Government,

"have any plans to increase oversight of or the level of responsibility in home-schooling in the light of",

a 40% increase. In answer, the noble Lord, Lord Nash, referred to his reply of 14 March 2016, which said:

"Some local authorities maintain voluntary registers of children educated at home but as they have no statutory basis, they cannot be regarded as an authoritative source of data".

If we have no real complete data on the number of home-educated children, never mind those who never go to school, how are we able to safeguard those children? Will he seriously consider now giving local authorities a statutory responsibility in this matter?

Lord Nash: I have already said that this is something we are seriously looking at.

Baroness Whitaker (Lab): My Lords, what is the Minister's assessment of the reason why a significant

proportion of Gypsy and Traveller children are home educated, and of the quality of that education?

Lord Nash: Again, we do not have any evidence that they are any more at risk than other children but we are considering this whole area of home education carefully.

The Earl of Listowel (CB): My Lords, can the Minister give a picture of the extent of the increase of the home education of children? I think the noble Lord, Lord Storey, referred to 40%. How are the changes progressing?

Lord Nash: We have fairly limited visibility on this but I will write to the noble Earl with any up-to-date figures.

Lord Watson of Invergowrie (Lab): My Lords, the recently departed HM Chief Inspector of Schools made determined efforts to uncover and root out illegal schools, and it is certainly to be hoped that his successor will not lose that focus. All schools which cater for five or more pupils full-time must be either maintained by a local authority or registered as an independent school. There is, however, a significant loophole in that schools which operate, for example, four days a week can claim not to be providing full-time education. The Labour Government's Education and Skills Act 2008 provided a means of closing that loophole but this Government have refused to implement it and seem to be in denial about this as an issue. If that is not the case, can the Minister explain why, as the noble Baroness, Lady Deech, said, the Government's response to the Wood review made no mention of any action on home education or unregistered school settings? When will the 2008 Act be fully implemented?

Lord Nash: We have just had a call for evidence on unregulated out-of-school settings and have had 18,000 responses. We are determined to regulate in this area but we need to tread carefully because many of these organisations are small, open for only a few hours a week and are staffed by volunteers. We do not want a cumbersome regime but one that works.

Brexit: Support for Farming *Question*

3.29 pm

Asked by Baroness McIntosh of Pickering

To ask Her Majesty's Government, further to the remarks by the Secretary of State for Environment, Food and Rural Affairs at the Oxford Farming Conference on 4 January, when they intend to publish their proposals for the support to be given to farming following the United Kingdom's withdrawal from the European Union.

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble): My Lords, I declare my farming interests

as set out in the register. Farming is uniquely important in producing food, to the environment, for supporting the rural economy and in shaping the countryside. My department is carrying out detailed analysis on future agricultural policy. Before issuing detailed proposals, we will shortly be publishing for consultation two Green Papers setting out our ambitions for food and farming and for the environment. This will be a crucial stage in the ongoing discussion on policy options with our stakeholders as we shape future arrangements.

Baroness McIntosh of Pickering (Con): I am grateful to my noble friend for that Answer. He is aware of my long-standing interest in farming. Will he give the House an assurance today that those farmers who farm in upland areas, in particular smaller farmers and those in less favoured areas, will attract the main support and that any farming support will be linked to active farming but will also recognise the work that farmers do in public good for the local community, such as retaining flood water? How long will the consultation period be, and will he ensure that farmers will have equal opportunities with environmental lobbies to be consulted in this area?

Lord Gardiner of Kimble: My Lords, I give my noble friend the absolute assurance that these two consultations on the two Green Papers will allow the environment and farming to run hand in hand, as they have always done when they work well. We are looking forward to farming interests and all other interests making a contribution. We absolutely want a world-leading agricultural industry and an improved environment. The two can work hand in hand.

Lord Hylton (CB): My Lords, I declare my interest as on the register. Will the Minister say whether the consultation papers will refer to and explain the old system of deficiency payments commodity by commodity, which served this country so well before we joined the EEC?

Lord Gardiner of Kimble: My Lords, I cannot give the noble Lord the precise content of the consultation, but I would say that this is about looking forward. We want to hear from the stakeholders who are affected by these matters what arrangements they believe would ensure that we can have a vibrant agricultural policy. As I say, we want to have as many responses to the consultations as possible, because that is the way we can shape practical policies—after all, we want practical arrangements.

Baroness Jones of Whitchurch (Lab): My Lords, the noble Lord will know that the Secretary of State, in her speech, put great emphasis on the new freedoms which will come from less red tape for farmers. Can we be assured that no red tape covering environmental protection will be affected by this pledge? Does the Minister agree with the recommendations of the Environmental Audit Committee that a new environmental protection Act is needed to secure our wildlife, animal welfare and habitats for the longer term?

Lord Gardiner of Kimble: My Lords, I have a copy of the Secretary of State's speech before me. This was very much about red tape, such as billboards and the three-crop rule, which is entirely different from our quest, which is to have an enhanced environment. We wish to be the generation that secures a better environment to hand on to the next generations. As I say, with innovative and productive farming, we can have an enhanced environment, and that is really important for the sector.

Baroness Parminter (LD): My Lords, it is welcome news that the two plans, on farming and the environment, will dovetail. But can the Minister confirm that the environment action plan will have clear targets and will not just be a list of wishes, so that we can ensure that farmers are paid for delivering the public goods which the noble Baroness, Lady McIntosh, mentioned, rather than continuing the current system which benefits the largest farmers?

Lord Gardiner of Kimble: My Lords, I should say that this is a consultation document. We want to hear back from all stakeholders what their view is as to how best to secure many of the objectives we want, which, as I say, will dovetail through having a vibrant agricultural sector and an enhanced environment. With 70% of our land in agriculture, the farming community has a prime role to fulfil in that.

Lord Forsyth of Drumlean (Con): My Lords, does my noble friend not agree that we should rejoice that, for the first time in more than 40 years, we will be able to have an agricultural policy that reflects the environment in Britain and the interests of British and United Kingdom farmers? That is a great step forward and those people who respond to the consultation will know that they have a Government who are capable of implementing what they ask for.

Lord Gardiner of Kimble: My noble friend is absolutely right that this produces an opportunity. Whatever anyone's view of what we need now to do, this is an opportunity to have a domestic arrangement for agriculture. As I say, we want to be one of the best leading agricultural countries in the world. The civil servants and officials who are working on this in my department are second to none, and they are working extremely hard along with Ministers on securing the best arrangements for British agriculture.

Lord Pearson of Rannoch (UKIP): My Lords, will the position after Brexit not be that we will have at our disposal for our farmers and environment all the money that we give them at present through the incompetent filter of Brussels, plus any share that the Government choose to give them from the additional £10 billion per annum in net cash that we also send down that unfortunate drain?

Lord Gardiner of Kimble: My Lords, I am not quite sure what the question was, but I think it may be the usual one. As I say, it is really important that we use this opportunity that we have been given to do something

[LORD GARDINER OF KIMBLE]
that helps British farmers to flourish in an innovative way, that we have agritech and research investment, and that we do things that are good for the British countryside, which is one of our great jewels. As I say, both the environment world and the farming world should be working hand in hand to secure that for us.

Lord Palmer (CB): My Lords, could the Minister confirm that the consultation document will apply to the whole of the United Kingdom, not just to farmers in England? I declare an interest as someone who tries to farm north of the border.

Lord Gardiner of Kimble: My Lords, obviously agriculture is devolved, but this is clearly an issue. We are working closely with the devolved Administrations on this. It is important that at ministerial and official level we work with those Administrations because we want to ensure that we get the best results for all the UK so that, as I say, we have an environment in which we have strong farming in all parts of the kingdom, with a good environment.

The Duke of Montrose (Con): My Lords, the Minister has listed the benefits that he expects farming to give to the countryside, but do the Government have a method of quantifying, or producing a yardstick for, how much these various elements count towards the benefits that we are looking for?

Lord Gardiner of Kimble: What my noble friend has said is very interesting, and covers some of the areas that I very much look forward to seeing in the returns from stakeholders. It is undoubtedly the case that what farmers do regarding the countryside and good environmental practice is part of what many farmers do day in and day out unrewarded.

Commonwealth Development Corporation Bill

First Reading

3.37 pm

The Bill was brought from the Commons, endorsed as a money Bill, and read a first time.

Higher Education and Research Bill

Committee (2nd Day)

3.39 pm

Relevant document: 10th Report from the Delegated Powers Committee

Schedule 1: The Office for Students

Amendment 9

Moved by Baroness Garden of Frognal

9: Schedule 1, page 70, line 37, at end insert “, including those offering part-time and distance learning.”

Baroness Garden of Frognal (LD): My Lords, I beg to move Amendment 9 and shall speak to Amendments 31, 32 and 172. I have added my name to Amendments 41 and 46 in this group. The amendments all support adult lifelong part-time and distance learning. A prosperous part-time higher education market is essential now, more than ever, to address the challenges and opportunities which lie ahead to deliver economic growth and raise national productivity by closing skills gaps and increasing social mobility.

Only 13% of the 9.5 million people in the UK who are considering higher education in the next five years are school leavers; the majority are working adults. Up to 90% of the current workforce will still be in work in the next decade. Over the next 10 years, there will be 13 million vacancies, but only 7 million school leavers to fill them. Such learning is a cost-effective way of raising skills levels and training, so people can earn and learn, as do 75% of Open University students. The benefits are also felt immediately—from the first day of study—by the individual as well as the employer. One in five undergraduate entrants in England—22%—from low participation neighbourhoods either choose or have no option but to study part-time, and 38% of all undergraduate students from disadvantaged groups are mature students.

It is essential that these far-reaching proposals are not developed solely through the policy lens of an 18-year-old student entering higher education for the first time. Reskilling and upskilling the adult workforce are essential, as I mentioned. Economic success in the coming years depends on embedding a lifelong learning and training culture which rests on three coequal pillars: the highest quality further education and higher education, undergraduate and postgraduate, after leaving compulsory full-time education; the highest quality apprenticeships for all; and flexible lifetime learning opportunities.

Part-time study is often the way that people from disadvantaged backgrounds or places enter higher education. In 2015-16, almost one in five of all new Open University undergraduate students were from a low socioeconomic status background—that is, they came from the most deprived 25% of neighbourhoods across the UK and had no previous higher education qualifications. But the number of part-time students continues to decline. Data from the Higher Education Statistics Agency published in January showed that in England, 58% fewer students started part-time study in 2014-15 than in 2009-10. This equates to an almost 40% drop in the market, although the OU continues to be the largest provider, with a growing share of the market.

This decline is of particular concern in relation to widening participation in higher education by students from disadvantaged backgrounds. The Bill's equality analysis references, on page nine, the dramatic improvement in the participation rate of disadvantaged young people but omits to point out that this has not been seen for mature students, most of whom can only study part-time.

There are opportunities in the Bill to give more explicit reference to the different modes of higher education provision and different types of student.

Both the White Paper, *Success as a Knowledge Economy*, and the teaching excellence framework technical consultation on year 2 are explicit in this area. Amendment 9 provides an opportunity to make it clearer that the membership of all key agencies, boards and committees should reflect the full range of different types of higher education provider. Amendments 31 and 32 ensure that an express commitment to all forms of higher education is included in the general duties of the Office for Students to,

“promote quality, and greater choice and opportunities for students, in the provision of higher education by English higher education providers”—

Clause 2(1)(a). The wording used here is consistent with that used in the TEF technical consultation. This is also an opportunity to make it clearer that the membership of all key agencies, boards and committees should reflect the full range of different types of higher education provider—in this case, the Quality Assessment Committee. Amendment 172 fulfils this purpose.

If there is no dedicated board member on the OfS to represent part-time students, how do the Government envisage those students being represented by the OfS? Secondly, how will the new system improve part-time student understanding compared with existing arrangements? Thirdly, what further measures will the Government introduce to prevent a decline in part-time numbers? I beg to move.

Lord Lucas (Con): My Lords, I have one amendment in this group, Amendment 53. Much of what the noble Baroness, Lady Garden, has said applies to my amendment, too. There are clearly going to be opportunities to change how we deliver higher education; there already are some, such as two-year degrees. We really need to make sure that this body is not discriminating in favour of the current pattern—and some elements of the current set-up do, such as funding rates for accelerated degrees. We need to take a broad view of what higher education could be, which is why I tabled my amendment.

3.45 pm

Lord Storey (LD): My Lords, after the excellent first day in Committee, when we heard from chancellors and former chancellors and current professors, readers and masters, I reflected that nearly all of them had come from what we might regard as a traditional university. When we think of a university, we think of a young person going into the sixth form and leaving at 18 to do a three-year degree course. The importance of university includes going away from home, and campus life. Of course, that is changing dramatically in this country, and it will continue to change as we look at different ways of learning in higher education. That is why the points made by my noble friend Lady Garden are important—we need in this Bill to reflect the importance of part-time and distance learning. That is important particularly, as she rightly said, for young people with disadvantaged backgrounds, who may be living on a council estate in Merseyside or Sheffield and for whom the notion of coming to London is exciting but challenges their ability to afford that higher education opportunity. The figures show that many young people are traditionally going to the

university where they live, and many more will start to do part-time study. I know that the Minister will say, “When we use the word university, it is implicit that we mean all forms of higher education”, but, as my noble friend said, we should be clear about the importance of distance and part-time higher education learning.

Lord Bilimoria (CB): My Lords, I shall address the point about part-time and lifelong learning, and speak from my own experience. When I qualified as a chartered accountant, with a degree from India, and with a law degree from Cambridge, I thought that I had had enough education for ever. Then I was introduced to lifelong learning by going to business school and engaging in executive education, which I have since done at Cranfield School of Management, the London Business School and the Harvard Business School. I remember President Clinton saying, “The more you learn, the more you earn”, and one can try to vouch for that.

The encouragement of lifelong learning is so important—it does not stop. Then there is access to lifelong learning for those who missed out on it, for whatever reason. I was the youngest university chancellor in the country when I was made chancellor of Thames Valley University, now the University of West London. At that university, which is one of the modern universities, a huge proportion of the students were mature students and learning part-time. You cannot equate a university such as that with an Oxford or a Cambridge. It is a completely different model, offering access and focusing on—and promoting the concept of—lifelong learning, mature students and part-time learning. Sadly, the funding for part-time learning needs to be looked at, but it is not a matter for this Bill.

At the other extreme, at the traditional universities, we have MBAs—masters in business administration—which are very popular around the world, but nowadays we also have executive MBAs. The executive MBA programme is getting more and more popular at top business schools around the world, including in our country—I am the chair of the Cambridge Judge Business School. It is part-time learning at the highest level.

I hope that the Bill will address this and encourage part-time learning and learning throughout one’s lifetime. Amendment 41 refers to,

“including access to part-time study and lifelong learning”.

In fact, I would encourage it; it is crucial.

Lord Blunkett (Lab): I welcome this brief debate. It is crucial that we should turn our attention to different forms of access and to lifelong learning in its widest sense. The publication from the four years that I was Education and Employment Secretary that I remain most proud of is *The Learning Age* Green Paper. I am proud of the commitment of the then Government to the whole range of opportunities for lifelong learning.

I deeply regret that universities as a whole in this country countenanced the demise of their extramural outreach at a time when more utilitarian delivery was uppermost in people’s minds. I pay tribute to Sheffield Hallam University for its outreach, embracing those from a whole range of disadvantaged backgrounds. I declare an interest: I have a close relationship with the University of Sheffield, where I hopefully deliver some

[LORD BLUNKETT]

pearls of wisdom and experience from a lifetime engaged in education, and I welcome its renewed commitment to lifelong learning. However, universities using resources, expertise and facilities to reach out is still in embryo.

Digital platforms now allow us to communicate at a distance. Over past decades, the Open University has been able to link that effectively to collective study and engagement; that is a crucial part of a rounded education that we can all welcome. I hope that when the Minister responds, he will, in a wider sense than just this Bill, encourage and support universities to use those resources to reach out and become essential parts of their own community, as well reaching out internationally.

Lord Winston (Lab): My Lords, I support the noble Baroness's amendment. This is a particularly important issue which, regrettably, has been repeatedly neglected in this House, except by my noble friend Lady Bakewell and a few others who have, from time to time, tried to cudgel the Government in debates that perhaps do not have quite so much impact as this major debate on higher education today. I have an interest as chancellor of Sheffield Hallam University which, together with the University of Sheffield, has transformed Sheffield and its workforce in the last 15 years. Many of the people who have transformed that place have of course been those who have come in part-time.

I do not want to repeat what I said in the previous sitting on Monday, but I pointed out—during the Tube strike—that we are going to have to look at driverless trains and at automation, which will happen right across the whole of industry. It has been calculated by some people that perhaps as many as nine out of 10 of the workforce will be out of their current work in the next decade. I am not quite certain whether the noble Baroness, Lady Garden, in moving her amendment, pointed out that a large proportion of the people who undertake part-time degrees are over the age of 30 and under the age of 60. We need to be skilling people as they grow older because we are now living longer. We need to ensure that that middle-aged group is educated. It is important to recognise that as long as we learn, we are useful. It is vital to support learning in an ageing society.

I wish to relate a personal story about a PhD student who I met at Imperial College last year. I asked her about the subject of her further degree as she was undertaking a very intricate project on global warming, looking at rare earth radioisotopes two miles below the seabed. She was tracking sea movements from 50 million years ago and providing crucial information on climate change using the most sensitive instruments. I thought that she must have the most splendid degree from one of the Russell group universities. When I asked her where she had taken her first degree, she said, "I was in an office and started an Open University course, which led directly to this PhD studentship". We need to ensure that we fully support people who have the capacity to contribute to our society intellectually. At the moment, that is not happening enough.

Baroness Bakewell (Lab): My Lords, I support this amendment and Amendments 32, 41, 46 and 172, to the latter of which my name is attached. I have already

spoken on this issue several times, as it is of pressing importance to me. I am president of Birkbeck, which caters for part-time study. However, I emphasise the tenor in which this concept sits within the Bill. Constantly, amendment after amendment states the purpose of the relevant clause or schedule and then says "including" part-time and lifelong learning. It is almost as if the concept were an afterthought. It would be churlish of me not to recognise that the Minister has acknowledged how important such learning is, but given its presence at the tail end of those amendments, it is as though this kind of learning were in some way an add-on, a second thought, something we had just remembered. I would like to see it elevated to a much stronger role.

At the moment, 570,000 students are studying part-time in this country, of whom 62% are over 30—it is usually that number. Of that number, 60% are female, so we are talking about students who are largely women over 30, who may have missed out on studying for a variety of reasons such as lack of ambition or motivation, childbirth or changing career patterns. That very important sector plays to the Government's ambition to offer access to training to non-traditional students as opposed to younger students aged 18 to 20. These statistics bear out the Government's ambition to serve people. I would also refer to another sector: the old. What are we going to do about old people who are isolated and may be depressed and live alone in the country? There is a major build-up of problems as regards how older people are to live their lives. I am proud to say that at Birkbeck the other day I handed out a degree to someone in their 90s. There is no doubt that continual learning nourishes the spirit of people who are getting older. I know of no evidence which claims that learning helps avoid dementia but I would not be surprised if such evidence came along soon. It seems to me that study and a project to enable a commitment to learning to come to fruition in one's later years is a very good motive for lifelong learning. I ask the Minister to support it at every level.

4 pm

Lord Rees of Ludlow (CB): My Lords, I support these amendments, in particular for the reasons stated by the noble Baroness, Lady Bakewell, regarding mature learners. However, there are of course many other reasons to expect that part-time learning will be a larger part of the higher education system in future. One other reason is distance learning—so-called MOOCs, and so on—which will have an important role in vocational training, as they stand alone and can be done well by mature, motivated students. However, I also emphasise that part-time learning is essential if you want to have greater open opportunity.

One of the bad features of present higher education is that if someone has been unlucky in their early education, having gone to a poor sixth form or having had family problems, they will not get over the bar at age 18 for admission to a strong university and a strong course. In the present system they do not have a very good second chance. It needs to be made easier for them to do part-time learning—at the Open University and so on—and to gain credits, so that they can qualify for admission to a university on the basis of credits accumulated perhaps elsewhere.

This is something we can learn from the University of California system, in which only a proportion of those who are at Berkeley come straight from high school. Many come through junior college or part-time learning. We need to open up and make things more flexible, which is just another of the ways in which part-time learning will be of growing importance. That is why it is crucial that it should not be in any sense regarded as an afterthought tacked on to the main part of the Bill, and why it is welcome that these amendments will increase the prominence and the dimensions of part-time and lifelong learning in this clause.

Lord Giddens (Lab): My Lords, I support these amendments and will elaborate on what I said at Second Reading about the likely impact of the digital revolution on higher education, which will potentially be absolutely fundamental and possibly as great as it has been in any other area of society and the economy.

Traditionally, part-time and distance learning have been seen as a kind of adjunct to “proper” university education, which is full-time and campus-based. That separation is likely to break down more and more radically, and in the near future rather than the distant one. Indeed, the whole structure of higher education could become fundamentally transformed. Somebody must track these trends and try to work out their implications.

In the US, 4 million undergraduates in 2016 took at least one course online—one-quarter of the total undergraduate body, and that is expected to grow to one-half within the next five years. It has been said—Americans have a way with words—that this has produced “bricks for the rich and clicks for the poor”. However, if that division is a fundamental one, it is rapidly dissolving, as digital learning increasingly becomes part of the day-to-day experience in the top-level universities.

Something huge is going on here; it is “don’t know” territory, but it will be radical. Can the Minister say how, in this Bill, the Government propose to track these trends and work out their implications for students, many of whom pay £50,000 for an experience which may become to some extent obsolete? We do not know how far the campus-based university will survive, but it will be radically transformed.

Baroness Blackstone (Lab): My Lords, I associate myself with these amendments and support what has been said so far. I particularly support what my noble friend Lord Blunkett said—I worked with him as a Minister in the Department for Education and Employment, as it then was—and what my noble friend Lady Bakewell said. I was the master of Birkbeck for nearly a decade, and from that experience I will say something about mature students who study part-time. These people give up a huge amount of their leisure time; they sacrifice all that to work and study at the same time. Incidentally, Birkbeck is coming up to its 200th anniversary. It was set up as a working men’s institute for men who worked by day and studied by night. It has continued in that way, but adding women in the 1830s.

We have to get away from the notion that university and higher education is primarily about full-time study. There may be a somewhat higher proportion of students

studying full time. But, as my noble friend Lord Giddens has just said, things are changing and we are going to see far more part-time students in the coming years, partly because some students will not want to take on the enormous debt involved today in undertaking an undergraduate programme but also because the changes in the wider environment will require them to return to part-time higher education to improve their knowledge and update their skills. Only if they do that will they be able to truly contribute to the knowledge economy.

My noble friend Lord Winston referred to part-time students being between the ages of 30 and 60. I did a little preparation before I went to Birkbeck. I went to the University of Toronto—the Canadian university that specialises in part-time and mature students—and was told that the oldest student there was 92. I asked whether I could meet her. They said they were terribly sorry but she was travelling in Europe—so I did not get that opportunity. So I say to noble Lords, “It’s never too late, so think about it”.

Baroness Lister of Burtersett (Lab): My Lords, I shall speak in support of Amendments 41, 46 and 172, which all relate to part-time and mature students. The Minister, both on Monday and at Second Reading, assured noble Lords that the Government recognise the importance of part-time education and lifelong learning. But at Second Reading he did not deal with the concerns expressed across the House about the Bill’s failure to address the needs of this group of students. That is all the more surprising given the emphasis that the Prime Minister has placed on social mobility.

It might be appropriate to quote from the Social Mobility Commission’s recent *State of the Nation* report, which says that,

“if universities are going to contribute to transforming social mobility in this country, they need to embrace a broader, more ambitious social role. For example, they need to look at increasing both access to and availability of part-time study for those who want to access HE while working or fulfilling caring responsibilities”. Here, in parentheses, I draw particular attention to the needs of lone mothers. The report continues:

“Students from less advantaged backgrounds are more likely to be part-time and/or mature students, as they have had less opportunity to study earlier in life or need the flexibility of earning alongside studying. Adult and part-time study is also important in helping an older workforce”—as we have heard—

“likely to work longer and across different sectors across their career, to reskill or upskill—as pointed out by the recent report on social mobility by Universities UK. However, the last ten years have seen a significant drop in both part-time and mature student participation in the HE sector. This is not only a huge loss of human potential, but also a loss to the economy”.

It is indeed a significant drop, as the noble Baroness, Lady Garden of Frognal, underlined earlier. Taking slightly different dates, it is a drop of 55% between 2010-11 and 2014-15. When the Minister responds, can he give us his explanation of this drop and say what the Government are doing about it, given its importance to their social mobility agenda? In view of the drop and the Government’s own Social Mobility Commission’s concerns, will he undertake to consider these amendments with a view to tabling a government amendment on Report that will ensure that the OfS has due regard to promoting part-time and mature study?

Baroness Cohen of Pimlico (Lab): My Lords, I support all the amendments and in particular the comments that my noble friend has just made. For the university of which I am chancellor, part-time study is a key part of the business model, and for my noble friend Lady Blackstone it is a key part of her business model at Birkbeck. Why, we ask ourselves, are part-time students reducing in numbers? I have to say that I do not have a good answer to that, but it is enormously important. It would be very hard to find anybody who does not support the extension of part-time teaching, but we do not seem to be getting it right—even those of us whose core business it is. I would like to ask the Government to think about this.

Baroness Wolf of Dulwich (CB): My Lords, I also would like to support this amendment and all the amendments in the group, one of which bears my name. The comments we have just heard go to the core of the problem. Everybody believes that part-time and mature students are very important—the Government believe it and every previous Government in my memory believed it—and yet, at the moment, we see not a rise but a decrease in their numbers, and they are not more evident as part of the higher education system but less so than they were quite recently. My view is that the root cause of this lies with the current funding system for higher education, which clearly cannot be dealt with by this Bill. However, the Bill can and should make explicit the responsibilities of the OfS to make these groups central to its concerns and mission and not, as the noble Baroness, Lady Bakewell, said, something to be added on at the end.

I will mention one other group mentioned in the amendment: workplace students. Again, those students are tremendously fashionable in political statements but do not tend to be very numerous in reality. Twenty or 30 years ago, we had a well-developed ONC/HNC route for those students, but we no longer do. Since I totally agree with those noble Lords who have underlined the rapidly changing nature of the jobs market, I think that this group, too, needs explicit attention from the Office for Students.

Lord Desai (Lab): My Lords, I will make a short plea for something that has not been mentioned so far. Most people have spoken about part-time students as people who want a degree, a skill, a job and so on. I do not know where further education is in all this—perhaps it is not part of this debate. Many people go into further education not necessarily to get a diploma or a degree but to educate themselves. I had enough of primary, secondary and higher education to suit me for several lifetimes, but I did go to Morley College for a family French class with my children. Children and adults studied together and it was a very pleasurable experience—I even learned some French. So I think that there may be ways of learning without actually taking a degree.

Lord Stevenson of Balmacara (Lab): My Lords, this has been a good debate focusing on three main strands. First, the dire state into which the current provision for mature and part-time students—particularly part-time students—has fallen as a consequence of the changes

in the arrangements, was referred to by the noble Baroness, Lady Wolf. She is right: it is the fee structure and the underlying economic approach to the provision of part-time education that has caused the trouble, but I disagree with her that the Bill may not be the right place to deal with that. We might return to this at some future point in the discussions. We regret that the current situation is not satisfactory and we should look to the Bill to see changes.

A number of speakers have pointed out that the opportunity to engage with this issue, although it is present in the Bill, has been missed. The Bill always uses the phrase “and part-time” or “and mature students”. It could be rewritten and refocused to try to make sure that the inclusiveness of which it talks and the ability to reach out to all those who wish to participate in our presently excellent higher education system are made central to the activity. It is not sufficient simply to have it there; it must be there in a way that drives the initiative. That is why these amendments, which affect the central architecture of the Bill and the formation of a new body called the OfS, are so important.

If the OfS is not made accountable for, not directed towards and not doing the work day by day—putting this classification system into practice—we will never achieve what we are trying to achieve. It needs to be central. My noble friend Lord Blunkett is right. There are already good examples across the system of work that has been done and is currently going on but they are not being brought together in the mainstream. There is no sense in which the system is open to people who wish to come in at different points in their own personal lives. There is no sense in which the Bill tries to address the idea of flexibility; of dropping in or dropping out of the higher education system, which is such a feature of institutions in other countries such as the USA. There is no sense in which an appropriate way of studying is to do a bit of work, go back into college and then go out to work again, perhaps to try practise some of the things that one is learning.

When I studied part-time at an institution, I had to do so in the evening and in my own time. I had to struggle to make the resources available. It was a tough time—almost as tough as participating in your Lordships’ House on this Bill—but I benefited from it. There is, therefore, also a third strand in this: somehow we delude ourselves if we think everybody comes to the higher education system straight from school. People should be encouraged to go in at any point, from early years right through to the age of 92, and even while you are travelling, as is possible with the new technologies. We should support that. I look forward to hearing what the Minister has to say on this and I hope he will take up some of these points.

4.15 pm

Viscount Younger of Leckie (Con): My Lords, the Government wholeheartedly agree that part-time education, distance learning and adult education bring enormous benefits to individuals, the economy and employers. The noble Baroness, Lady Garden, eloquently echoed these points in some detail in her speech. The noble Baroness, Lady Bakewell, happily provided us with useful continuity following her remarks in Committee

on Monday on this subject and mentioned the importance of offering and encouraging new learning activities and opportunities for the elderly. Of course, she is quite right on that. The noble Lord, Lord Winston, raised the future needs of the economy, which again is an extremely good point in this short debate. That is not only important now but, as he rightly points out, will be even more important to the economy in the future.

Our reforms to part-time learning, advanced learning loans and degree apprenticeships are opening significant opportunities for mature students to learn. There were also powerful short speeches from the noble Lords, Lord Blunkett and Lord Bilimoria, on lifelong learning, which is another important area. That was also mentioned by the noble Baroness, Lady Blackstone.

The OfS will promote student choice, and by allowing new providers into the system, prospective students can expect great choice of higher education provision, including part-time and distance learning. For example, we know that in 2014-15, 56% of students at new providers designated for Student Loans Company support are over the age of 25, compared with 23% at traditional higher education providers. The reforms complement the other practical support that the Government are already giving part-time students, including, for the first time ever, providing tuition fee loans. We are also consulting on providing part-time maintenance loans.

On the amendments, I reassure noble Lords that the Bill places a general duty on the OfS to have regard to the need to promote choice and opportunity for students. This duty is broad and intended to ensure that the OfS looks across the whole range of different modes of study and student needs. We have already heard a good part of the range in this short debate. I should include the subject of lone mothers, which was raised by the noble Baroness, Lady Lister, and the noble Baroness, Lady Wolf, who made an important point about work-based students. It is important that we keep the duties of the OfS broad and overarching so as not to overburden the organisation with too many competing and overlapping duties to which it must have regard.

Placing specific duties alongside general duties might also lead a future OfS to assume some sort of hierarchy of student needs where the needs of part-time students outweigh other duties and/or the needs of full-time students. The Secretary of State's guidance to the OfS would instead be used to ask the OfS to take forward certain policy priorities such as part-time study. It is vital that we maintain and enhance innovative forms of provision in the sector. As the noble Lords, Lord Blunkett and Lord Winston, said, this will improve the opportunities for students to choose the type of course that is right for them, reflecting their diverse needs. We will of course make clear in our guidance to the OfS that having regard to innovation is part of its general role in having an overview of the sector and the role of providers.

Beyond the Bill, to help answer the question of the noble Lord, Lord Rees, we are considering how best to support accelerated degrees following our call for evidence on accelerated courses and switching universities or degree, and how best to support part-time students

with maintenance loans which can also support more online learning. The legislative arrangements for the Quality Assessment Committee, which broadly replicates the current role of HEFCE's quality, accountability and regulation committee, do not specify types of institution or learning that should be represented. Where possible, members should have experience, preferably current, of higher education provision, and the majority of members should be independent of the OfS. It will then be down to the OfS to balance the range of skills and backgrounds it needs to create a successful committee, enabling it to have the flexibility to respond to challenges and priorities now and into the future.

However, I welcome the opportunity to set out how much importance the Government place on part-time learning, lifelong learning, adult education, distance learning and alternative modes of higher education delivery. I should like to answer a point raised by the noble Baronesses, Lady Garden, Lady Wolf and Lady Lister, on the decline in part-time student numbers. I will be quite open with the Committee, as I should be, and say that the reasons for the decline in part-time numbers since their peak in 2008 are somewhat complex and there is no silver bullet in responding to that decline. However, our policies go further than ever before in helping hard-working people who want to gain new skills and advance their careers by studying part-time. It was the noble Lord, Lord Stevenson, and the noble Baroness, Lady Wolf—

Baroness Lister of Burtersett: I am sorry to intervene, but while the reasons may be complex, can the Minister give us some idea of what he believes those complex reasons are?

Viscount Younger of Leckie: I do not want to go precisely into that at the moment except to say only that the Government continue to look at these complex points. The Bill addresses the issue by making sure that all the groups mentioned in this debate are being considered. In addition, outside the Bill, we are doing much for part-time learning by putting it into a generic form, and we are offering tuition fee loans for part-time students so that they can choose to study. This does not affect the tuition support available. For the first time ever we intend to provide financial support to part-time students similar to that given to full-time students, and in 2018-19 we intend to introduce new part-time maintenance loans, on which we are currently consulting.

Baroness O'Cathain (Con): I thank my noble friend for giving way. Surely one of the reasons is the appalling lack of broadband access throughout the country. Going back to what the noble Lord, Lord Giddens, said about the technological advances that are going to transform education and learning, it is nevertheless a fact that people find it extremely difficult to get involved if their broadband connection goes on and then off. I see in her place across the Chamber the chair of the Digital Skills Committee, which tried to encourage people to get a grip on this, but unfortunately the momentum seems to have gone out of it.

[BARONESS O'CATHAIN]

I almost intervened earlier to say that one of the main advantages of part-time and distance learning is that it keeps people's brains going and reduces the potential impact of mental health problems.

Viscount Younger of Leckie: My Lords, I said that these are complex matters and, as I said, I do not intend to lead the Committee or be led into this particular trap. Perhaps I may stress the point made by my noble friend. The Government are extremely aware of the issues in some areas of the country as regards broadband support. The Committee will be aware that separately we are working very hard on this aspect.

Lord Winston: Does the Minister not accept that one of the problems is the attitude to part-time learning, something that will become more and more important in our society? The Bill tends to see it as a second-rate form of education, which it clearly is not, and in the future will be even less so, particularly when we have distance learning, in which most universities are beginning to invest very heavily. The important issue is that part-time learning is not by its nature second-rate.

Viscount Younger of Leckie: The noble Lord is right. It certainly is not second rate, but I must say again that many of the other types of people who want to learn—many were mentioned today, including lone mothers—must be considered as well. That leads into a completely separate debate as to who you give priority to. The whole point of our reforms is that the OfS will be given this broad scope to cover everybody who might fall into these categories. Far from being second rate, it is very important, and I hope I have made that clear to the Committee.

Baroness Blackstone: I assume from what the Minister said he will not accept any of these amendments. As someone who has been involved in policy in this area, as both a provider and a politician, part-time studies always take second place in all the thinking that is ever done. That is true of officials, UUK and many universities. If the Government want to see part-time higher education and mature students playing a bigger part, which I greatly welcome, I cannot understand why the Minister is resisting making sure that there will be somebody in the Office for Students who will speak up for this form of higher education, who has knowledge and expertise about it and who will work with his or her colleagues to make sure it is promoted and gets its rightful place. If the Government do not accept this, I fear that, whatever he may say about their commitment, this will not happen in practice. Will he explain to the Committee why he is resisting accepting the amendments?

Viscount Younger of Leckie: I think I have done that. The whole point is I want to avoid placing undue restrictions on the OfS. I hope I have formed a strong argument that, in the way we have formed a new framework for the OfS and with the make-up of the new board, the skills and expertise on the board will give due reference to not just part-time workers but all the other groups caught and spoken about this afternoon.

We do not feel it is right to place undue restrictions on the OfS. To that extent, I ask noble Lords not to press their amendments.

Lord Stevenson of Balmacara: Is the noble Viscount aware that he is committing a bit of a solecism? The Bill centres on making sure that future structures and operations of higher education are inclusive, have a place for the social mobility agenda and bring forward as many of the skills and talents of the past that they can. As he has admitted, it is based on a lack of an analytical approach to the current problems, which he regards as complex, but he is not prepared even to share the broad areas of concern that it is about. I ask him at least to write to us one of his excellent letters, one of which arrived just as I was sitting down for the debate. Will he spend a bit more time giving us a bit more of the context to this, not taking up the time of the Committee, but at least informing those who wish to be? Also, it is very rare to have someone as distinguished as a former Minister of Higher Education and a master of Birkbeck College offering herself to be on the board of the OfS and to be so discourteously refused.

Viscount Younger of Leckie: I do not know about that, my Lords, but I reiterate that I take all remarks made this afternoon extremely seriously, as I do in all aspects of Committee. I will want to look very carefully at all the remarks that have been made, not least on this subject. I absolutely have listened to what the noble Baroness, Lady Blackstone, said. I will reflect on her remarks very carefully over the next few days.

Lord Lucas: My Lords, I am very grateful for what my noble friend said about my Amendment 53, but he prompts me to ask a couple of supplementary questions. Where, in the order of things, does consideration of credit accumulation come? Will that be in the Secretary of State's guidance? Where, in this part of the Bill looking at what the OfS is to do, is it that it should pay some attention to what people want by way of higher education? We seem to be going to have a body focused on producers and on ministerial ideas of what it should be doing, but there is no mention of what students, employers and others want and need. Should not the OfS pay some attention to that?

Viscount Younger of Leckie: I thank my noble friend for that. Indeed, credit accumulation or credit transfer, however it might be defined, has come up and will come up in the Bill. I cannot explain to him exactly where, but it has been raised by the noble Lord, Lord Stevenson, and others. I reassure my noble friend that we will address and, I hope, debate this issue in due course.

4.30 pm

Baroness Garden of Frognal: My Lords, I thank all noble Lords from all around the Chamber who have spoken in this short debate. They have done so with a fairly unanimous voice, which is always rather wonderful, but that obviously creates some problems for the Minister.

As my noble friend Lord Storey said, most of us in this Chamber probably went through university straight from school, because our generation was the sort who did that kind of thing, but life has changed so very much. I was glad that the noble Lord, Lord Rees, mentioned MOOCs, which are one example of how technology is helping to change the ways in which we learn and the times and places at which we can learn. I support the noble Lord, Lord Desai, in saying that we should not concentrate just on learning which leads to a degree, a qualification or a job. There was tremendous social benefit in that whole range of what used to be called leisure courses at FE colleges, which were often an introduction for people who had been turned off formal learning to become involved and promote their learning further. We can all be sorry to see how much that part of further education has declined, not least because, as the noble Baroness, Lady O’Cathain, said, it keeps the brain cells alive and therefore contributes to better health and well-being.

We have heard from all around the Committee of the importance of putting these parts of education in the Bill. As the noble Lord, Lord Winston, and the noble Baroness, Lady Blackstone, said, they are considered as second-class learning. It is all very well for the Minister to say that the OfS has a general duty to promote choice and that such courses will therefore somehow be swept up in a wonderful, comprehensive and wide-ranging form of learning, but the problem that we are all trying to get across is that this does not happen. Unless we put adult, lifelong and part-time learning on the face of the Bill, it will be overlooked in the massive move to promote traditional, full-time courses.

I am disappointed that the Minister is not prepared to accept at least some of the amendments, which would have been of huge help to the Committee. In view of all the support expressed from around the Chamber, I am sure that we shall continue to press on this matter and come back to it in later debates on the Bill. At this stage, I beg leave to withdraw the amendment.

Amendment 9 withdrawn.

Amendments 10 to 13 not moved.

Amendment 14

Moved by Lord Stevenson of Balmacara

14: Schedule 1, page 71, line 9, at end insert—

“() The Director for Fair Access and Participation is responsible for all of the access and participation functions of the OfS.”

Lord Stevenson of Balmacara: My Lords, this is day 2 of our Committee proceedings. It might be interesting to reflect for a second on how we are proceeding. It seems that the Minister’s game plan is to resist with a very straight bat—a Boycottian bat—the balls, googlies and other things that we throw at him. I am not very good at sporting metaphors, so I have probably lost the plot already, but I think that we get the sense of it: we are not getting anywhere with the amendments that we are putting forward.

I put it to the Minister that there is a case for his giving us a little more to work on, otherwise I suspect that the frustration that I already sense around the Chamber about the inability even to engage with him in intellectual debate on some of these issues will cause him problems later on. I have worked with him before, and he knows that there is a way of working which allows a little more freedom than the Government are currently giving. I appeal to him to think hard about what happened on Monday and to reflect a little more on what may happen today before we get too far into the Bill, because otherwise I sense trouble.

There is of course another strategy in play, but I cannot think of a game that I would be able to use as a metaphor for it. This time, the Minister has got his retaliation in first. On the basis of a not very long but certainly important section of our debate at Second Reading, he has conceded on the powers of the Director of Fair Access. The Government have come forward with amendments, which are in this group, in relation to that. It is interesting that, although we have not had a chance to go into the detail of it, we have seen a shift of position on the part of the Minister. The Director of Fair Access is now to be given a designated space in the structure and certain powers and responsibilities are placed to him or her. I do not want to steal the noble Lord’s thunder—we all want to listen to him, do we not?—but in constructing our amendments around this we have taken into account the position now being adopted by the Government.

Although I have put my name to the amendments of a number of other noble Peers, including that of the noble Baroness, Lady Brinton—whom I look forward to hearing, since she has great expertise and knowledge in this area—I draw the Committee’s attention to Amendments 218, 219, 220, 221, 222, 223, 225 and 234, which effectively provide an alternative model for how the Director of Fair Access could operate. In this set of amendments, which I will not go into in detail because it probably needs to be contrasted with the general approach taken by the Government, there is a specific duty placed on the Office for Students to create a post designated as the director, which is lacking in the Bill at the moment. There is a responsibility on the OfS to make sure that that person is well resourced and supported and has access to the material he needs.

It is given to the director to have direct responsibility for dealing with institutions; it is not filtered through another body or organisation or bureaucracy; it will make sure that the Secretary of State’s regulation powers apply directly to the director and do not get dissipated by general directions to the office. It would also allow for the director to appeal a decision, because there is no one at the moment if it is necessary to do so on an issue about widening access. I will not go into these in detail—they are there for anyone to see—but they offer an alternative approach, one which preserves the status quo ante of the existing arrangements, it could be argued. That approach will become increasingly prevalent as we go through the Bill, I think.

Some provisions in the existing procedures for the organisation and structure of higher education in this country will be lost in the move to a single body which is at the same time a regulator, a validator, an assessor of quality and a provider of access—a mixture and

[LORD STEVENSON OF BALMACARA]
 medley of activities which would not be found in any other sector and which I put it to the Minister should not be acceptable in this process. In approaching how higher education operates, it seems important that the elements that make up the supervision and control of one of our most important and very highly regarded assets are dealt with in a way that does not cause confusion and difficulty and is not, at the same time, capable of causing damage.

I look forward to the debate that these amendments should provoke, I hope that the Minister has listened a bit to what I was saying. I am not expecting him to concede, because these are not amendments that could be taken as they are. I accept that the drafting requires to be looked at, but we would be happy to discuss further with him or his officials the arrangements currently proposed, to contrast them with those proposed by others. I beg to move.

Baroness Brinton (LD): My Lords, my name is attached to Amendments 14 and 16. I thank the Minister for the amendments tabled in his name. I have a couple of questions on them, but I reiterate the importance of the role of the Director for Fair Access and Participation. I think we can say that all parties and the Cross Benches in this Committee agree that widening access is a goal that we all want. In coalition we certainly pushed that quite heavily and there was some limited success—the bursaries, scholarships and supports for students from low socioeconomic background—which sadly now looks as if it is going downhill again. However, the figures on improving access for those least likely to apply to Oxbridge and to the Russell group universities had not significantly improved, and it must remain a priority for the Government and for the Office for Students to make sure that this changes as we move into the next phase of the Bill.

That is why when the White Paper came out I was really rather encouraged by the tone and the language, which talked about,

“an OfS executive board member with responsibility for fair access, the Director for Fair Access and Participation, whose role will be enshrined in law”.

It said that this person would take on responsibility and that it would be,

“a continuation of the current approach”.

There was real concern when the Bill was published to see that this role had been significantly downgraded. I am grateful that the omission has been rectified, but I just want to rehearse the reasons why it is so important that the Director for Fair Access and Participation is a senior role enshrined in law. This person must have the power to negotiate with institutions, which would undoubtedly be compromised if he or she could not approve or refuse access and participation plans. The person recruited needs to be someone with a high profile in the sector, who will have senior-level respect within our institutions. I know from working at a college for mature students—the previous debate was about distance learning, mature access and part-time—that all the institutions need to take this on board. It should not be the specific responsibility of one or two parts of the sector. The only way that the Director for Fair Access and Participation will be taken seriously is if he

or she has credibility within the sector. That comes back, absolutely clearly, to the director having the power to approve or refuse access and participation plans. That is why our amendments refer to the director being “responsible”, echoing the language of the White Paper.

My questions for the Minister are as follows. What is the difference between being responsible for and the words used in the government amendments, which talk about “overseeing the performance”? For me, there is a distinction and I wish to understand exactly why that is there. In Amendment 27, it seems sensible that any OfS annual report should report on,

“the period or periods in that year during which those functions were not delegated to the Director, and ... the reasons why they were not so delegated”,

but what might those reasons be? Clearly it could be if the director were away, off on sick leave or other things, but I want to be absolutely clear that this is not a backdoor power-snatching route by the Secretary of State or the director of the OfS.

With those details satisfied, I will stop carping on about the distinction between the two but we must make it clear that the role of the Office for Students is as important in widening participation because it remains a consistent priority. Anything less than that will tell the sector that access and participation is no longer a priority of the Government.

Lord Willetts (Con): My Lords, I will briefly comment on the very interesting interventions we have already had, which reflect the shared belief across all sides of the House in the importance of access and participation. Since the original Blair Government fees and loan system and the increases that we introduced, despite all the fears, we have seen a doubling of the proportion of people from the poorest backgrounds going to university, but there is still a lot more to do.

I did not completely agree with the point that the noble Lord, Lord Stevenson, made that this was about restoring the status quo as it has so far existed. I will try to explain why I do not think that that is quite the case. There have been proposals to get rid of OFFA and make it part of HEFCE. The report of the noble Lord, Lord Browne, in 2010 envisaged something rather like that. I was one of the many who did not want to see OFFA, with its distinct responsibilities, disappear into some wider body. However, there is a dilemma here and it is made more acute by the wider responsibilities that go with access and participation.

One thing that can easily confuse us is that “participation” is now being used in this Bill in a rather different sense from how it has been traditionally used, where “access” meant getting through to the most prestigious universities and “participation” meant getting through to higher education. My understanding is that in this Bill “participation” is used in the rather different sense of continuing engagement with the student experience so that, through their years at university, students from more disadvantaged backgrounds continue to get help. I know from my conversations with the excellent Les Ebdon that one of his frustrations was that his remit on access agreements was quite narrowly defined, and there were some initiatives that might have been very worth while but it was not totally clear that he could press for them.

I am not at all clear how this example would apply in the current legislation but if there is an internship programme—a very good way of getting into some job or profession—which requires that you live in London during the summer holidays at the end of your second year, is it legitimate to help meet the housing costs of a low-income student so that they can participate in that internship programme? Is that part of an access agreement or is it going beyond getting into university and something different? My understanding of this new role of access and participation is that it is an attempt to broaden responsibilities so that as well as focusing on getting into university, it is about the nature of the support that disadvantaged students get during their three years, or whatever, at university.

4.45 pm

There comes a point when these responsibilities are so broad that trying to separate them off as a distinct function within the Office for Students, when they are such a significant part of the student experience as a whole, becomes less and less viable. My understanding of the proposals and the compromise in the excellent amendments proposed by the Government is that, while they are of course intended to recognise the distinct importance of this agenda, they make sure that the Office for Students as a whole can look at the student experience as a whole. There would be recognition that once one is looking at access and participation in its new sense, it is hard to put that into a highly distinct and separate organised entity. Several of us in this House have wrestled with this dilemma but that is the thinking behind the proposal before the House today.

Baroness Brinton: Might I use an example to try to answer the question that the noble Lord raised? I have amendments later on in the Bill about the support for students with disabilities; they have issues about both access and participation. I would welcome a director who had responsibility for overseeing support for a specific group who have problems with participation, whether that is financial support or extra support because they have a disability and might need support in different ways, rather than those students being subsumed into a general participation pot.

Lord Willetts: It is certainly the case that mainstreaming can be a euphemism for a solitary and nasty death, delivered invisibly. A lot of programmes get mainstreamed and it is a euphemism for their disappearance. My view is that when the Office for Students has the kind of ambitious responsibilities for the student experience envisaged in the Bill, it is reasonable to expect participation—in the sense that it is used in these clauses—to be a responsibility for the OfS as a whole. I would argue that that is a better way of ensuring that the noble Baroness's concerns are met than narrowing it down to one specific function within one part of OfS.

Lord Giddens: My Lords, I am afraid that my comments on fair access reflect my general worries about the Bill, which in some respects seems like a dinosaur that has lumbered into the room. It seems to have no relationship structured into it in relation to

the tremendous changes that we face in this disruptive period, which are bound to invade education and will crucially affect social mobility.

Fair participation is about social mobility. If the Committee will forgive me being a bit didactic, almost all mobility in the 20th century was what sociologists call absolute mobility. It was made possible by the decline of manual work and the creation of white-collar and professional jobs. As my noble friend Lord Winston mentioned, we have to take really seriously the possibility that this process will actually go into reverse for the next generation, and potentially in a relatively short time, as supercomputers, robotics and other aspects of the transformation of labour markets invade professions. What happened to manual work in a previous generation is almost certain to happen to large segments of professional work over the next 15 to 20 years.

This means that the so-called graduate premium, on the basis of which younger people are encouraged to amass huge levels of debt, reflects the market conditions of two or three decades ago. Somebody must think about the crunches ahead in the relationship between education, social mobility and massive technological innovation. Will that be one of those two offices, and how will it set about it? Why is there not more emphasis on planning in relation to the trends and transformations that we as an economy and a society face?

Baroness Warwick of Undercliffe (Lab): My Lords, I hope that we are not going to lose the main point made by the noble Baroness, Lady Brinton. In light of the comments of the noble Lord, Lord Willetts, I refer back to what the Minister, Jo Johnson, said to the Public Bill Committee about delegation by the OfS to the Director for Fair Access and Participation. He said:

“We envisage that in practice that will mean that the other OfS members will agree a broad remit with the future director for fair access and participation and that the DFAP will report back to them on those activities. As such, the DFAP would have responsibility for those important access and participation activities, including—critically—agreeing the access and participation plan on a day-to-day basis with higher education institutions”.—[*Official Report*, Commons, Higher Education and Research Bill Committee, 8/9/16; col. 136.] That seems to me to deal effectively with both those points, although I would welcome the Minister confirming that.

But in looking at that, I do not want us to lose sight of the practicalities of the negotiating position on the ground. There have been two very distinguished directors of OFFA—Sir Martin Harris and the current, excellent director, Les Ebdon—and the current director has made it very clear that having the independence to engage in negotiations free from conflicts of interest has been crucial in securing high levels of commitment by institutions to date and a key factor in OFFA's success. We need to capture that particular element of the role, and I hope that when the Minister replies he can reassure us that the amendments he has down will accede to and confirm that point, so that this will be very clear to the rest of the Committee.

Baroness Cohen of Pimlico: My Lords, I have a couple of perhaps slightly random points to make. Access and participation go together. If you do not enable participation either by disabled students—although access for physically disabled students is much easier if

[BARONESS COHEN OF PIMLICO]

you have modern buildings—or by students who do not come in at your normal expected entry level, you have not widened access, because they will struggle and may well fail. You have to count participation as part of access. One talks about disadvantaged students in one breath, whether one is speaking of physical disadvantage or the kind of disadvantage that comes from being badly educated. Physical disadvantage is really not that difficult to cope with provided you have modern buildings—although it is horrendously difficult if you do not. It is also made a great deal easier of course by modern technology.

However, there is also the kind of disadvantage which means you are coming in with much worse academic experience and less academic practice than your colleagues—for example, people who turn up at Cambridge without the kind of essay-writing practice which the best schools provide are at a serious disadvantage and can struggle for the whole of the first year. Unless you support people, for example by getting them to come up early, as we are beginning to think about at Cambridge—any gradation from that to a foundation year—you have not widened access. It does not seem to me that this can be mixed up, as the noble Lord, Lord Willetts, suggests, or subsumed in general provision. It is specific.

Lord Willis of Knaresborough (LD): My Lords, I did not mean to speak on this part of the Bill, and was absent at Second Reading, but I want to raise a key issue that follows on from the noble Baroness. With previous Acts of Parliament, and when we set up OFFA, we were totally consumed by the whole idea that access to higher education was about getting into Oxford and Cambridge, and that has bedevilled the whole system.

What worries me about what is being proposed at the moment—this was referred to in our earlier debate by the noble Lords, Lord Rees and Lord Lucas—is what happens not with individual universities but between universities. Quite often we see students from poorer backgrounds, or indeed from all backgrounds, who gain credits in parts of courses but then move, either with their spouse or because they want to move for work elsewhere, and find that the pre-learning that they worked very hard for is simply not accepted in other universities. The noble Lord, Lord Rees, mentioned the California situation, which applies in virtually all the community colleges in the United States, where those accumulated credits can be used and cashed in, not simply at other community colleges but at universities right up to the very highest levels, including the Ivy League, because those are high-class students. Unless we start to think about this office as dealing not with single universities but with the whole of the higher education sector, and encourage higher education institutions to work together for the benefit of all students, then, frankly, we will have missed a great opportunity to make a fundamental change to the way in which we look at the whole system rather than at individual institutions.

Baroness Blackstone: My Lords, I would like to make a couple of comments on what has been said so far. I want to associate myself with a great deal of

what the noble Lord, Lord Willetts, said. It is of course the case that if we are concerned about social mobility and allowing young people—or indeed older people, to go back to our earlier debate—who have come from social backgrounds where they have been underrepresented in higher education, we have not just to focus on their access in the sense of their admission to university and what is done to reach out to schools in poorer areas, what is done to help schools to have homework clubs, for example, or summer schools in their neighbouring university, but to work on how we can help these students to progress through their entire course. That may mean giving some help with funding when they run into particular financial difficulties. It may mean giving them extra help in particular subjects that they are finding difficult. It may mean providing vacation programmes for them.

However, it also means something that has not been mentioned yet: helping them, when they get to the end of their course, to identify what their future careers may be and how to progress to what they want to do. Many of these young people will not have the networks that their more advantaged peers have who come from homes and families where their parents have many contacts in the professional, political, industrial and commercial worlds. These young people, and indeed older students, do not have such contacts and need help in being placed and advised, not just at the end of their course but probably by following them up after they complete it. This is what a Director of Fair Access and Participation should be considering, and I believe it is what the Government have in mind.

I do not entirely accept what the noble Lord, Lord Willis has just said: namely, that you cannot mainstream these programmes or make them part of what universities do. They should all be central to whatever a university does. There should not be a single university in the country that does not think about how to make not just access but participation and progress central to what it does. Much as I admire many of our universities, I fear that this has not yet happened. It is not just about getting into Oxford or Cambridge; it is about general access to higher education right across the system.

It is also about ensuring that young people with great potential, but who have not been particularly well taught and have not had the advantages of homes where much can be provided in terms of extracurricular support, are able to access all universities, even those with very high research reputations. We do not want to corral all these young people into what happens to be their nearest university, which may be good at some things but not at some of the more academic pursuits that some of these students want to follow.

I feel that these things need to be made clear, but I support what my noble friend said in moving the amendment. I very much associate myself with what the noble Baroness, Lady Brinton, said. I thank the Government for the changes that they have made in their own amendment, which are an improvement. But we will want to come back at other stages of the Bill to some of the details about what the Director of Fair Access and Participation does and how his or her work can be reported, not just within the Office for Fair Access but more widely to Parliament and to Ministers.

5 pm

The Earl of Listowel (CB): My Lords, I am grateful for the amendments grouped here on access and participation, and follow the noble Baroness, Lady Blackstone, and the noble Lord, Lord Willetts, in thinking about how we support students from disadvantaged backgrounds to sustain and succeed in higher education. Meeting from time to time with care leavers, I hear about the excellent support that some get—meeting their need, for instance, for 12 months of accommodation because they have nowhere to return to in the school breaks. When we come to my amendments on care leavers later in the Bill, I should be grateful if the Minister could tell me the latest information he has on how successful universities are in helping care leavers to complete their university courses.

I ask the Minister about one other specific point now, and would be grateful if he would write to me on it. It is about bright children and young people from low-income backgrounds who might be great scientists, mathematicians, engineers or technicians we may just miss because we do not reach out to them enough to draw them in to science. I taught science in a primary school many years ago for a very brief period. What struck me was the enthusiasm of those primary school-aged children to learn about science. I remember from my experience as a primary school child that, when teachers talked about atoms and how matter worked, I was so enthusiastic for it. The noble Lord, Lord Winston, spoke recently about engaging not only secondary but primary school pupils in what universities do, particularly in science. That is so important.

I know from my experience as a trustee of a mental health charity for children that, in child developmental terms, it is the period between the ages of six and 12 when the child's curiosity is really alight. Unfortunately, when they enter adolescence, it is often subdued. I was very pleased recently to meet a 10 year-old who had been to Sheffield University to attend a lecture on science and was really enthused by it, but his mother told me that funding for transport had to be paid by the school, so this was something that only the more well-heeled pupils could afford to do. I would be grateful if the Minister would take this point away and consider guidance to the director on encouraging universities to reach out to primary schools to support science teaching. There is real concern that primary school teachers are often not equipped to teach science in the way we really want. Universities might have a role in reaching out more to the most disadvantaged boys and girls in primary schools to get them engaged in science early on and spark their interest.

Baroness Quin (Lab): My Lords, I did not speak at Second Reading, so perhaps I should begin by declaring some non-financial interests. I was a university lecturer before entering full-time politics, I am a member of the Court of Newcastle University and am associated, through honorary fellowships, with the Universities of Durham and Sunderland.

This issue is dear to my heart. I certainly know through contact with the University of Sunderland, of which my noble friend Lord Puttnam was chancellor, that it has a good record on participation and access.

What advice is the Minister taking from those institutions that already have a good record in this field? Their work should be associated with the development of the Bill's provisions. Having said that, I endorse the point made by my noble friend Lady Blackstone: having a good system of participation and access across the board does not limit the choice for students and gives them the knowledge they need to find the most effective course and most appropriate institution to meet their needs. That is also very important. I also warmly endorse the opening remarks made about this amendment by the noble Baroness, Lady Brinton.

Baroness Brown of Cambridge (CB): My Lords, I raise an issue that I think we have not spoken about under the important heading of access and participation: widening participation in higher degrees. The noble Lord, Lord Willetts, rightly mentioned the impressive progress that has been made, although it is not enough yet, in widening access to undergraduate degrees. I would like the Minister to assure us that the Director for Fair Access and Participation will also be interested in widening access to higher degrees, because this is increasingly an important part of social mobility and access to good jobs. Students who have the capability and interest, but are from low-income backgrounds and finish their undergraduate degrees with significant debts, may well be put off thinking about moving on to higher degrees, and may scupper their future employment prospects and progress by not going on to do those degrees. So that should be an area of interest for the Director for Fair Access and Participation.

Lord Mackay of Clashfern (Con): My Lords, I should have said at Second Reading that I am a member of the Council for the Defence of British Universities—whatever impact that might have. The government amendment seems to cope with the different layers of responsibility that exist in relation to access and participation. The director will certainly have responsibility for seeking agreements with institutions about access and participation. Then there is the question of whether institutions have fully performed what they agreed to, which becomes another responsibility of the Office for Students. Another aspect, which the noble Lord, Lord Willis of Knaresborough, mentioned, is the degree of participation open to a student who wants to move from one institution to another. There are a number of aspects to this duty, so the phrase chosen in the government amendment is appropriate at that level. I do not think that the director can be responsible in the same way for all the levels involved in this idea. To have oversight of the responsibilities that the Office for Students performs in this matter is perhaps the appropriate way to deal with the issue. Saying that the director is “responsible for” is certainly different from saying that he has “oversight of”, but that is more appropriate when there are more different levels of responsibility involved in access and participation than might at first sight appear.

Baroness Royall of Blaisdon (Lab): My Lords, I wish briefly to reiterate a point made by the noble Earl, Lord Listowel, about primary education. As we know, universities are now taking great pains to ensure that

[BARONESS ROYALL OF BLAISDON]

they have relationships with senior schools to enable students to know more about going to university, giving them confidence to look at university education. As we also know, unless they have not only aspirations but good primary education, they will not be able to fulfil those aspirations in future. It is important that universities nurture relationships with primary schools so that primary school children have a vision of what they might want to aspire to in future. I know that there are some excellent organisations and charities, such as IntoUniversity, which work with primary school children to enable them to take advantage of all the opportunities that come in the future. Of course, we cannot mandate the director to do everything and he will not have the capacity, but I hope the Government are thinking about working with universities or asking the Office for Students to work with primary school children as well as those in senior schools, because that is where the flame—the aspiration—begins.

Lord Krebs (CB): My Lords, I want very briefly to endorse the comments of the noble Baroness, Lady Brown of Cambridge, on the role of access and engagement in postgraduate education and training, particularly in relation to taught and vocational master's degrees, where there is virtually no funding from the Government any more and people have to rely on their own resources. However, if students from less well-off backgrounds are to benefit from their university education, for many career paths they will need to undertake a higher degree, particularly taught master's degrees. I hope that we will hear something more about that from the Minister.

Lord Willetts: Before the noble Lord sits down, of course, he and other Cross-Benchers are absolutely right about the importance of access to postgraduate education. I am sure he would not want to miss the opportunity, therefore, to welcome the extension of student loans to master's students, so that they will be funded on a greater scale than has ever been possible before.

Lord Krebs: I certainly welcome that, but it still leaves open the question of the accumulated debt.

Lord Sutherland of Houndwood (CB): My Lords, we are effectively talking about the criteria that will be used by the relevant offices to register, deregister and reregister universities. There is not much in the Bill that tells us what the criteria are—I have an amendment later that will bear on this question. If, for example, a university put considerable and unusual effort into access provision, or indeed did nothing at all, would that affect the need to reregister, or would it enhance the position of a new institution wanting to register as participating in the whole higher education system? This is a plea for more information. Who will provide advice to the relevant offices, whether it is the Office for Fair Access or the Office for Students, in the work they carry out? This could be a crucial way of extending access.

When I was at the University of Edinburgh, the most important access work that we did was to work with a local further education college and provide a one-year programme taught jointly by the university and the

college. Marvellous students went through there, one of whom ended up, interestingly, as the chair of the Scottish Funding Council for higher education. She was someone who went through this programme, came through the university and benefited from it. I should like to think that when we are discussing the quality of the education provided, this is exactly the kind of point that might be brought out and whose significance should be made something of.

Lord Bilimoria: My Lords, may I request that the Minister reassures us that, when we talk about access, the Bill covers diversity and, in particular, ethnic minority children and students coming to universities? I saw the importance of this for myself at Cambridge University, when we started a summer course called GEEMA. The ethnic minority students who attended the course came primarily from families who had no previous university experience. I remember giving out the certificates for one of the first courses, when 60 students from all over the country attended and were mentored by ethnic minority undergraduate students already at the university. Of the 60, many not only went on to university but went on to the University of Cambridge. Programmes such as this are very effective; are we doing enough to promote that access through the Bill?

5.15 pm

Viscount Younger of Leckie: My Lords, before I address this group of amendments, I wish to respond to the opening remarks of the noble Lord, Lord Stevenson, to whom I listened carefully. We have worked well together in the dim and distant past on one or two major Bills. I echo his thoughts in saying that that worked well. I hope that we will continue to work well together during the passage of this Bill. However, I remind him that this is only day 2 in Committee. I also remind him and the Committee that my aim at this stage of the Bill—I hope that I have expressed this—is to listen very closely and carefully to all the views expressed and to reflect on them. I hope the Committee will take the general spirit of what I am saying in the right way, to the extent that I have already written some letters of clarification following Monday's debate, which have already been passed to noble Lords. I hope that we can continue in that spirit. I hope that reassures the noble Lord that the Government are taking seriously the points that have been raised. I address the amendments in this group in that spirit of listening.

I am grateful for this opportunity to discuss the vital role of the new Director for Fair Access and Participation, and, importantly, how he will operate within the Office for Students. I share noble Lords' desire to ensure that this role is appropriately defined in legislation, given the fundamental importance of improving widening access and participation in higher education. I pick up an interesting point that the noble Baroness, Lady Brinton, raised about access statistics. It is interesting to note that the proportion of young people from disadvantaged backgrounds going into higher education is up from 13.6% in 2009-10 to 19.5% this year, which is a record high. In our latest guidance to the Director of Fair Access dated February last year, we acknowledge that selective institutions, including Oxbridge and the Russell group, already do much to

widen access. However, we are convinced that more could, and should, be done, and have asked the Director of Fair Access to push hard to see that more progress is made.

While it has always been our clear intention that the OfS would give responsibility for activities in this area to the Director for Fair Access and Participation, we listened to persuasive arguments that this should be set out more clearly in legislation. We have now tabled a number of amendments to make this clearer on the face of the Bill. To confirm the point made by my noble and learned friend Lord Mackay, these government amendments seek to clarify that the director will be responsible for overseeing the OfS's performance on access and participation and reporting on that performance to the OfS board. In other words, it is the role of the DFAP to ensure that these obligations are met. In addition, our amendments confirm that the director is responsible for performing the access and participation functions, plus any other functions which are formally delegated by the OfS. Amendment 16 makes it clear that the director will report to the OfS board on performance in this vital area.

In addition, we are ensuring that the legislation makes it clear that if, for any reason, the OfS does not delegate the access and participation functions, it must set out in its annual report both the reasons why and the length of time that these functions were not delegated. This signifies that we envisage this function not being delegated to the DFAP to be very much the exception and not the rule.

My noble friend Lord Willetts mentioned Professor Les Ebdon, the current Director of Fair Access, who has welcomed these amendments, saying:

“These changes will be crucial in helping the Government to find a high calibre Director for Fair Access and Participation, who can challenge universities and colleges to make further, faster progress towards their targets, while acting as a high profile champion for fair access issues”.

The noble Baroness, Lady Brinton, made the point that the director must be a senior person with a high profile in the sector and a senior level of respect and credibility, and she is right. We will launch a recruitment process for the director shortly. We agree that it must indeed be a senior figure who commands respect in the sector. I also assure noble Lords that there are arrangements to call providers to account where they are considered to be failing to meet their access and participation plans. Sanctions include the power for the OfS to refuse to renew an access and participation plan, to impose monetary penalties and, in extreme cases, to suspend or deregister providers.

The noble Baronesses, Lady Brinton and Lady Blackstone, raised issues about the DFAP's reporting requirements. I reassure the Committee that the work of the DFAP will not be separate from the work of the OfS, so its work will be reported to Parliament as part of the OfS's overall accountability requirements. It would not be consistent with integrating the role into the OfS to require separate reporting from a single member of the OfS when the organisation would be governed collectively by all members. Clause 36 allows the Secretary of State to direct the Office for Students to provide reports on issues relating to equality of opportunity in access and participation.

I listened carefully to the interesting remarks of the noble Earl, Lord Listowel, about bright pupils from low-income backgrounds who may become great scientists. I am happy to write to him on that, and we also agree that this is an important issue.

The noble Baroness, Lady Quin, asked what advice the Government are taking from providers that have a good record on access and participation. Again, I reassure her that the Green Paper that preceded the Bill received over 600 responses, including from institutions with good track records on access and participation. This has been supplemented with follow-up meetings, and ongoing engagement with the sector directly and through HEFCE and OFFA.

The noble Earl, Lord Listowel, asked what we would do to support care leavers to enter higher education—again, another good point. Care leavers are a target group in the Director of Fair Access's guidance to universities in writing their access agreements. Support for care leavers and access agreements has grown considerably over the years, and around 80% of access agreements include specific action to support care leavers.

The noble Baroness, Lady Blackstone, asked about a student's progression both during and after their time at university. It is right that the access and participation statements cover the whole student life cycle for students from disadvantaged backgrounds; that is our intention in extending the coverage of access and participation plans from just access. Access is meaningful only if entrants go on to complete their studies—which is rather obvious—and progress to a good job or to further study.

With those responses in mind, I therefore ask the noble Lord to withdraw Amendment 14, and I will move the government amendments.

Lord Giddens: Will anybody be responsible for monitoring wider trends in labour markets in the context of higher education and integrating that with issues of access? If you do not do that, access is relatively meaningless. You cannot simply leave it to the Treasury. Which office will do that? Where is the forward planning in all this?

Viscount Younger of Leckie: I understand that the Director for Fair Access and Participation will have the right to find these statistics, which will assist him in his role. I cannot envisage a situation where he would not wish to be aware of the bigger picture to carry out his role effectively.

Baroness Brinton: I asked a question about Amendment 27 and the fact that when the Director for Fair Access and Participation is not responsible, that has to be reported in the annual report. I asked for some specific examples other than, obviously, when he or she would be away, to try to understand why that wording was used in the amendment.

Viscount Younger of Leckie: It would be better to write a letter to clarify that in detail.

Lord Willis of Knaresborough: I asked a specific question about the transfer of students, using their acquired learning, on to courses in other universities.

[LORD WILLIS OF KNARESBOROUGH]

Despite what has been said in this House, the vast majority of universities, particularly in the Russell group, will not accept students whose prior learning comes from other organisations. If we are to deal with this issue, it is important that the Office for Students has the power within its overall remit to ensure that fair arrangements are made between universities to allow students to transfer.

Baroness Wolf of Dulwich: May I correct that? It may be true that this is not common but it is not true that the vast majority of Russell group universities will not accept credits. I want to make that clear for the record.

Lord Willis of Knaresborough: I would like to see the evidence for it.

Viscount Younger of Leckie: That was a very interesting short debate but perhaps I may reassure noble Lords that this issue has been raised before by the noble Lord, Lord Stevenson. I think we are talking about credit transfers and other means of ensuring that students who do not continue with their studies for whatever reason can be accepted at another university. The Government are looking at that very seriously and I believe that we will have a further debate on it during the course of the Bill.

Lord Stevenson of Balmacara: I thank those who have participated in this debate and in particular the noble Baroness, Lady Brinton, whose comments were very helpful in getting us to the heart of the issue. I want to make two observations. First, I fully accept what the Minister has said about the willingness to engage with us. He said several times that he was taking note of what we were saying, but that was not quite what I had in mind. He also said at one point that he was taking account of the points. Perhaps he could write one of his wonderful letters to explain the nuances or the difference. It does not need to go to everybody and I will be happy to receive it at any point in the next few weeks.

Viscount Younger of Leckie: Perhaps I may clarify that. It is simply that I am listening and reflecting at this stage, and I do not think we should get too involved in the semantics of particular words.

Lord Stevenson of Balmacara: They were the Minister's words, not mine, but I hear what he says. I hope that he is taking account, rather than just listening, as that would give us a more satisfactory sense of what we are doing.

Secondly, I was struck by the thinking behind the point made by the noble Lord, Lord Willetts, and I will read *Hansard* very carefully. He is very wise and has thought about this issue. I came to it in a rather simplistic way, reading access and participation as effectively one word—that the participation was the access having been granted, which I think was the sense understood by the noble Baroness, Lady Brinton. However, in his explanation, whether wittingly or

unwittingly—I am sure it was wittingly; I would never assume that he would act in any other way—he led a slightly different line of thought, which I think we may want to come back to at a later stage. Is this office about access and participation in the combined sense—following up those who have been given specific access because of a disability or a disadvantage, and making sure that they have the chance to benefit—or is it about the wider question of participation, which would be a completely different sense? I shall be happy if the noble Lord can help us on that point.

Lord Willetts: It is not simply about the participation of people who come from a disadvantaged background and benefit directly from an access agreement; getting into university is only the start of the journey. It is fair to say that Les Ebdon himself has sometimes felt constrained by operating within a framework which assumes that his job is to get the students in. Having got them in, we all know that there is another set of challenges, as the noble Baroness, Lady Blackstone, said. My understanding is that the word “participation” is intended to give a wider set of responsibilities also covering the process of whomever it may be through university.

Lord Stevenson of Balmacara: I thank the noble Lord. That is very helpful and extremely interesting if we are talking about giving somebody within the structure of the OfS the capacity to engender among people a much better sense of engagement with an institution once admitted, whatever their background—that is the point. The noble Lord knows what I am going to say next. Those are the ends of the policy, but where are the means by which it is going to happen? I am sure that it would involve cost because we are looking for a change from where we are, and there may be additional responsibilities. I do not see those mentioned anywhere in the Bill. We may want to come back to this point but I agree with the noble Lord that it changes the whole nature of what we are talking about, and we should reflect on that. In the interim, I beg leave to withdraw.

Amendment 14 withdrawn.

Amendment 15

Moved by Viscount Younger of Leckie

15: Schedule 1, page 71, line 11, leave out from “for” to end of line 12 and insert “—

- (a) overseeing the performance of the OfS's access and participation functions,
- (b) performing, in accordance with paragraph 11, any of those functions, or other functions, of the OfS which are delegated to the Director under that paragraph, and
- (c) reporting to the other members of the OfS on the performance of the OfS's access and participation functions.”

Amendment 15 agreed.

Amendment 16 not moved.

*Amendment 17**Moved by Viscount Younger of Leckie*

17: Schedule 1, page 71, line 17, leave out “paragraph” and insert “Schedule”

Amendment 17 agreed.

Amendment 18 not moved.

*Amendment 19**Moved by Lord Stevenson of Balmacara*

19: Schedule 1, page 71, line 43, leave out “considers appropriate” and insert “must specify”

Lord Stevenson of Balmacara: I think that I can be relatively brief in speaking to the amendments in this group. They are largely of a technical nature, relating to the administrative practices of the OfS. They are not unimportant: I hope that they will be not only listened to but taken account of. They concern the good administration of the body, which I am sure will be the case, but I will listen to what the Minister has to say about them.

However, Amendment 23 seeks to safeguard the independence of the Office for Students, and indeed of any of its committees and all of its structures, by making sure that there is no attempt by the Secretary of State to infiltrate and be part of that process. There is nothing specific in the Bill and we may be grasping at straws, but I worry that, given the responsibilities allocated to the OfS, which are substantial in relation to all aspects of higher education, there will be a loss of confidence in the structure if it is not absolutely clear that the OfS is independent and that the Secretary of State may make representations to it but does not participate. If accepted, the amendment would make it very clear that in this case the Secretary of State's representative does not take part and therefore cannot influence directly the work of the OfS and its ancillary bodies. I beg to move.

5.30 pm

Viscount Younger of Leckie: My Lords, I quite understand the desire of the noble Lord, Lord Stevenson, for greater transparency in the administration of public bodies. However, I am concerned that this amendment would unduly limit the flexibility to respond to the possible circumstances in which removal of a board member might be necessary.

General public law principles and the terms and conditions of members' appointments already ensure Ministers act rationally, reasonably and fairly in removing public appointees. Currently, the Secretary of State has the power to appoint members to the HEFCE board under such terms and conditions as he or she sees fit, detailing the circumstances whereby it would be appropriate for that member to be dismissed. This arrangement has worked successfully to allow Secretaries of State to lay out what they expect from HEFCE board members, while allowing for flexibility to customise these expectations according to the priorities of the day.

This is also fair to board members themselves, as what is expected of them is made clear through the terms and conditions. We are replicating those arrangements in this Bill.

It is also important to recognise that there could be many occasions when it would be inappropriate for the Secretary of State to divulge the grounds for dismissal in an individual case. For example, if the member were removed for problems relating to health or the personal life of themselves or their family, it may well be inappropriate to reveal that publicly. More generally, the reputation of a dismissed member, and therefore their employment prospects, might be impinged were the reasons for his or her dismissal made public. There may also be legal implications for a breach in confidentiality.

Although it has never been necessary to remove a HEFCE board member from office, if the occasion had arisen, the Secretary of State would have corresponded directly with that member to lay out the reasons for the dismissal. This correspondence would have to explain the decision in detail, and the dismissed member would have the right to publish that letter should they wish.

I turn now to Amendments 20 and 21, on the remuneration and compensation of board members. Let me reassure noble Lords that the OfS is a public body and, as such, the salary of its chair and chief executive will be made public in the usual way via a list of the remuneration of senior civil servants and officials from the public sector. In line with HM Treasury's financial reporting manual, the OfS will already be expected to publish data relating to board member remuneration, allowances, expenses and compensation as part of its annual reporting process.

Turning to Amendment 23, let me assure the noble Lord, Lord Stevenson, that I wholly understand and sympathise with his desire to ensure that the OfS board is able to take the often difficult decisions with which it will be faced, free from political influence. However, I do not believe that this amendment is the right way to achieve that. To bar the Secretary of State's representative from participating effectively in OfS board deliberations would create a barrier to the OfS board having access to the latest policy thinking from government when considering strategic decisions, in the way that HEFCE is currently able to. Current legislation allows the Secretary of State's representative to take part in discussions at HEFCE board meetings, and such discussions have routinely been two-way, with both HEFCE's decisions and government policy thinking benefiting as a direct result. This arrangement has not, though, led to any credible doubt about the independence of the HEFCE board or to suggestions of undue influence.

We believe that this is because the current legislative framework makes very clear that the Secretary of State's representative on the HEFCE board has no formal influence over or voting rights as regards board decisions, and this Bill replicates those clear and explicit limits on how the Secretary of State's representative can act at OfS board meetings. I trust that these reassurances have been helpful and ask that the noble Lord withdraws his amendment.

Lord Stevenson of Balmacara: I thank the noble Viscount for his response. I have one quick question about the costs of members that he referred to, with regard to Amendments 20 and 21. I had not picked up the link between the officials, presumably members of the board, in relation to salaries. Can he confirm or deny whether any such salaries will be subject to the current caps on salaries paid to public officials? If he does not have the information to hand, he can certainly write to me. I think there is a fairly broad limit above which people cannot be paid in the public sector and I am interested to know whether these fall within that or not.

On the matters relating to the Secretary of State's representative, I have heard what the Minister said and will study it carefully. In the meantime, I beg leave to withdraw the amendment.

Amendment 19 withdrawn.

Amendments 20 and 21 not moved.

Amendment 22

Moved by Lord Stevenson of Balmacara

22: Schedule 1, page 73, line 11, at end insert—

“() A joint committee shall be established by UKRI and OfS, which must—

- (a) consist of representatives of both UKRI and OfS, and
- (b) produce an annual report containing details on—
 - (i) the health of the higher education sector,
 - (ii) work relating to equality of opportunity,
 - (iii) the health of different academic disciplines,
 - (iv) research funding,
 - (v) the awarding of research degrees,
 - (vi) post-graduate training,
 - (vii) shared facilities,
 - (viii) knowledge exchange,
 - (ix) skills development, and
 - (x) maintaining the public interest.

() The report must be sent to the Secretary of State who must lay it before each House of Parliament.”

Lord Stevenson of Balmacara: My Lords, this group has one amendment in my name and two in the name of the noble Baroness, Lady Brown. We should focus on Amendments 508A and 509A. My Amendment 22 has been grouped with them although they come late in the operations because we are talking about the OfS and its responsibilities in general terms. It is therefore appropriate that we have some focus on that, but I am sure we will return to some of these issues when we get to that part of the Bill later on.

In relation to Amendment 22, the request here is simply for better communication and better identification. Jointly or severally, the OfS and the UKRI, in whatever form they finally come to us as part of the Bill, will be required to take responsibility—at least in the public view and within the sensibility of the sector—as the custodians of higher education in this country in its full range, from undergraduate foundation degrees

right through to postgraduate work and of course the full panoply of research funding that goes through UKRI and its bodies.

It is important, and will become increasingly important, that these bodies communicate well. I am sure there will be an opportunity later on to discuss that, not just on these amendments as I said. But this particular amendment, which we will not spend time talking about, suggests that as part of that process there should be a mechanism under which the two bodies get together to produce an annual report in the hope that that will allow a growing understanding of the work between the two institutions. It will make how they work together more transparent and will be more informative to the general public about how the system, which looks a bit disjointed, has the capacity to develop and produce the efficiencies and effectiveness that are hoped for in the Bill. I beg to move.

Baroness Brown of Cambridge: My Lords, I support this amendment and will speak to Amendments 508A and 509A in my name. The Office for Students and UK Research and Innovation will need to work closely together on many important issues for the higher education sector. Particular examples that come to mind are: the granting of research degree awarding powers, in which many of us feel very strongly that the research community should be involved; the quality and access issues that were spoken about earlier in higher and research degrees; issues to do with the higher education innovation fund, HEIF, which I understand from discussions with the Minister's team will be delivered through Research England and therefore under UKRI, which covers undergraduate enterprise and innovation as well as postgraduate and research issues; and the really key area of reporting on the health of the sector across the closely interrelated areas of teaching, scholarship, research, enterprise and innovation. These links are extremely important and I would urge the noble Viscount that the OfS and UKRI should have a duty to co-operate and that, indeed, there should be an element of cross-membership of each other's boards, which is what these two amendments would deliver.

Baroness Garden of Frognal: My Lords, I support these amendments. The Bill will set up two very powerful new bodies in the OfS and UKRI and so the importance of them collaborating and working together cannot be overstated. Teaching and research are two vital components in the university world, and to have separate bodies looking after them—compounded by the fact that, not for the first time, they will find themselves in different government departments, so that although there is a single Minister, there are two Secretaries of State—means that anything which sees them working more closely together, particularly in the early days, is of the utmost importance. The proposal in Amendment 509A for the exchange of board members is a simple and straightforward measure to try to make sure that that happens.

Lord Mackay of Clashfern: My Lords, your Lordships will be aware that in Amendment 509 the noble Lord, Lord Smith of Finsbury, and I suggest that in the

areas of research degree awarding powers and so on, the decision should be joint. I have no particular objection to the amendments because they are about co-operation rather more generally than what we are dealing with, but I want to make it clear that in due course we will be pressing for our amendment. As the noble Baroness has just said, these are vital parts of many universities, although of course not all universities have a research capability. From the point of view of teaching, if students know that they are being taught by a person who is at the forefront of research, that is thrilling and can have quite an encouraging effect on them. However, I have no objection whatever, and I do not imagine that the noble Lord, Lord Smith, has either, to co-operation of a lesser kind in relation to the ordinary business of these bodies.

Lord Smith of Finsbury (Non-Affl): My Lords, I remind the Committee of the interests I have previously declared. Like the noble and learned Lord, Lord Mackay, I support Amendments 508A and 509A in particular, and of course we have Amendment 509 coming down the track at a later stage in our discussions, which seeks to put in place a rather stronger element of co-operation. However, I think that these two amendments would take us helpfully some way in that direction.

The fundamental starting point for this issue is a recognition of the very close interrelationship between undergraduate teaching and postgraduate research in a university. The fact that there is a community not just of undergraduates being taught but of postgraduates who are in many cases conducting really ground-breaking research creates a synergy arising from that interrelationship that is of fundamental importance. Therefore, with the OfS having responsibility for students and UKRI having responsibility for research, they should be co-operating with and working together as intensively as they can, especially in those areas where the OfS is given powers to determine issues in relation to university research matters. That relates, for example, to the awarding of research degree powers and the assessment of the quality and value of research teaching and supervision.

In these matters, the research expertise that will fundamentally reside in UKRI must be brought to bear on the assessments and judgments made by the OfS. These two proposals—to reinforce the duty to co-operate and to have an exchange of board members between the two organisations—will certainly help to remind us, universities, and, fundamentally, the OfS and UKRI of the need to work together. I support the amendments.

5.45 pm

Lord Willetts: My Lords, I very much agree with the proposition behind the amendments—the importance of collaboration and co-operation between the two new bodies being created. With the disappearance of HEFCE and the creation of these two new bodies, we have to agree the divorce settlement. This is not as painful as Brexit, but we have to work out how these bodies that are now separating will work together. I support the idea of some kind of duty on them to collaborate. The idea of an annual report is also a very good one and I hope that the Government will look sympathetically at it.

However, I will add one further point, taking a step back. Because one can detect across the House a certain degree of scepticism or concern about the way the two bodies may function, we are piling on them duties, committees and specifications about what they should do. When I look at the idea in Amendment 22 that we would require a committee and an annual report, which I have some sympathy with—the amendment lists 10 items that the annual report would include—and then look ahead to some of the other amendments we will discuss in the course of today and later in our consideration of the Bill, I think that we need to give some capacity for the people who will run the OfS and UKRI to operate as grown-ups with a degree of discretion—which, incidentally, is how HEFCE functions. HEFCE operates with a minimum of specification in legislation about how it should be structured, what its committees should be and what its duties are to report.

When any one individual proposal seems attractive, when we look at them all in aggregate and ask how an organisation is really supposed to function, apart from with a lawyer endlessly advising on all the legal obligations we would add, we have to be careful. That is why I would prefer a duty to collaborate. We may be getting a bit carried away by specifying committees and the exact subjects each individual committee would discuss.

Lord Jopling (Con): My Lords, I will follow what my noble friend Lord Willetts just said—but first perhaps I should say that I am afraid I was unable to participate at Second Reading because I was on parliamentary duties abroad. In Monday's debates I did not have the temerity to participate among the serried ranks of vice-chancellors and other highly important academics. I felt that it was far beyond my pay grade. I have two degrees, one from Durham—I never attended any university function in the city of Durham—and one from the University of Newcastle, for which I had to do no work whatever. I am a former member of the court of the University of Lancaster, and for many years I have been a member of the court of the University of York.

The debate has made me look at Clause 106, which deals with co-operation and information sharing between the OfS and UKRI. The first two subsections of Clause 106 say:

“The OfS and UKRI may cooperate with one another in exercising any of their functions”,

and that the two bodies must,

“if required ... by the Secretary of State, cooperate with one another in exercising any of their functions”.

My noble friend Lord Willetts rather questioned whether we need to pile obligations that may not be necessary on these organisations.

I hope that the Minister will tell us the Government's view, because I hesitate as to whether we need to insist that there be an annual report with all these specific things. I would have thought that the bodies were likely to do that anyway and that the Secretary of State, if he found it necessary, would insist that they produce such a report. He would have the right, if he thought it necessary, to insist on the topics that should be covered in that report.

[LORD JOPLING]

Over many years working in this building, I have always had a rather dismal view of imposing on people duties that are not really necessary. I remain to be convinced that what is proposed is necessary and await what the Minister says in reply.

Lord Triesman (Lab): My Lords, I support this amendment and Amendment 509A. I do not want to repeat the points that have been made about the relative importance of teaching at undergraduate and postgraduate level and teaching and research—all those seem to me to be fundamental, systemic qualities of the university system. The noble Lord, Lord Willetts, was helpful to us in using the analogy of a divorce. I have never tried that myself—not the analogy; I have never tried divorce—but I know that a good deal of attention then needs to be given to the children of that divorce. This is the attention being given to the children of this organisational divorce.

I will make one additional point which I think justifies the requirement for an annual report and for it to contain what is specified in the amendment. If the materials produced by world-class universities in other countries can show any dissonance in university provision in another country—in this case, it could be here—they will do so. They see themselves as being in a very competitive world. If they feel that there is a lack in standards of integration, particularly of research and teaching, they will say so and do their best to persuade students who might otherwise come here to go somewhere else. I make this as a completely empirical point; it is not ideological. You could sit in the library of many British Council offices around the world, look at the reports and see it for yourselves. I ask noble Lords to think about how we protect our reputation. One key way is to protect our reputation for the integration of these matters.

I have one question to add to those being asked of the Minister. At the moment, the Secretary of State, usually through the Minister for Higher Education—however named; in this case it is quite right to say that two Secretaries of State may complicate the matter—usually writes an annual letter in which a number of the sorts of things that are in this amendment are specified. They are not orders to the system but guidance as to the things that the Government might think important. Will the institution of the provision of such an annual letter continue? If it does, there will be a requirement for an annual review, because otherwise it would be impossible for people to take into proper account what is asked of them by the Secretaries of State.

I do not think that there has ever been a fundamental objection to the letter that is sent annually. Every so often it was galling to try to go through it. None the less, it was a reasonable way for people to say, “These are the things that concern us”, without trying to take control over autonomous institutions. If provision of such a letter is to continue and there is merit in it, this amendment would add further merit.

Viscount Younger of Leckie: My Lords, I appreciate all the contributions that noble Lords have made to this short debate. The Government have consistently

agreed with the many stakeholders who have said that it is crucial that the OfS and UKRI work together on a variety of issues across their respective remits. I assure noble Lords that we will reflect carefully on the points raised in the debate on these amendments and consider them in the days ahead.

My noble and learned friend Lord Mackay, the noble Baroness, Lady Brown, and the noble Lord, Lord Smith, spoke of joint responsibilities and were right to cite some areas where they could be very helpful, particularly in the areas of research degree-awarding powers, the higher education innovation fund and looking at the overall health of the sector. Through Clause 106, we have empowered the two organisations to co-operate and share information. This power will support a number of their functions by allowing for a full and shared understanding of issues such as the stability, sustainability, efficiency and effectiveness of HE providers and the research base. The factsheet on this topic that we published in November 2016 provides further evidence of the priority that the Government attach to OfS/UKRI collaboration, and I hope noble Lords have found it helpful.

The Bill gives the two bodies discretion to decide between them the areas where they will co-operate. It also gives the Secretary of State the power to require them to co-operate should voluntary joint working between the organisations fail. Let me assure the noble Lord, Lord Stevenson, that we fully expect that there will be some sort of governance arrangement between the two organisations which oversees their joint activity. While the two organisations may decide that such a governance arrangement is most effectively delivered in the form of a joint committee, it is not necessary to mandate this in legislation, although we will reflect on the views raised in this debate. Nor do we think that the best approach is to specify in the Bill the areas in which both organisations should work together. However, I can assure noble Lords that it is our firm intention that, in the unlikely event that collaboration between the two organisations is not systematically happening, the Government will use the power in Clause 106 to compel it.

While the noble Lord, Lord Stevenson, and the noble Baroness, Lady Brown, through Amendments 22 and 508A respectively, have identified many likely areas of joint working, it seems probable that the areas in which the OfS and UKRI will need to collaborate will change in the future. We are of course mindful of the need for this legislation to stand the test of time. My noble friends Lord Jopling and Lord Willetts spoke of the OfS and UKRI co-operating. We remain to be convinced that further obligations are necessary. We agree that the OfS and UKRI need to exercise some discretion and would not want to prescribe in the Bill a list of areas of co-operation, as it would be restrictive and not future-proofed. As I have said, both organisations will report annually and we expect those reports to include areas of joint working. We are not convinced that creating a separate joint reporting duty is necessary. This may prove overly bureaucratic and require the organisations to duplicate effort.

Similarly with Amendment 509A, I propose that the Bill provides a strong legislative basis to ensure effective joint working. Such co-operation will need to

take place at all levels throughout each organisation. While I understand and welcome the intention of the noble Baroness, Lady Brown, I do not believe that this should be the responsibility of a single board member. In our view, it is preferable that responsibility is shared by the whole board. This is why the recently published advertisement for UKRI board members lists among their key duties that of ensuring that,

“strong, collaborative relationships are put in place to aid joint working with the Office for Students, the devolved HE funding bodies and other key partners”.

I hope this provides some reassurance.

The noble Baroness, Lady Brown, and my noble and learned friend Lord Mackay asked about various areas of joint working, including the awarding of research degrees. The OfS will be responsible for all degree-awarding powers, including research degree-awarding powers. However, I can reassure them that the OfS will work jointly with UKRI in making decisions around research degree-awarding powers.

I am therefore grateful to noble Lords for their suggestions. As I said at the beginning, we will reflect carefully on the amendments, but I respectfully ask that this amendment be withdrawn.

6 pm

Lord Stevenson of Balmacara: My Lords, I am grateful to those Members of your Lordships’ House who have participated in this short debate. It has raised a number of issues we will need to reflect on. I am comforted by many of the points made by the Minister when he responded, but I still think there are one or two issues. The problem lies with Clause 106, maybe inadvertently. Maybe we can be reassured by the words already given, but perhaps we can come back to that. If subsections (1) to (6) all said “must” not “may”, the issue would disappear because an unequivocal duty would be placed on the two bodies to work together. The fact that they say “may” but subsection (2) has “must, if required” is the problem. In other words, we would have to wait until it was clear, possibly from the publication of an annual report for the preceding year, that the two bodies were not working as efficiently and complaints were arising from that before the Secretary of State could exercise Clause 106(2) and issue a “must” instruction.

Lord Smith of Finsbury: Does this not identify one of the central problems we face with the Bill? We have very clear and honourable assurances from the Minister and from the Minister in another place, who I am delighted to see is here with us again. I have absolutely no doubt that it is their full and open intention that there should be close co-operation and joint working between the two bodies and joint decision-making in relation to degree-awarding powers. However, the Bill does not give us that explicit assurance. One of the things we are all trying to do is to make sure that the Bill accords with Ministers’ intentions.

Lord Stevenson of Balmacara: I could not have put it better myself. I agree entirely. Having analysed it so successfully there, there is not a solution, if the noble Lord, Lord Willetts, is to be followed, by saying, “It is all very well having these aspirations and brilliant

ideas, but it would be quite wrong to be overly bureaucratic, so we will just take a punt on it and hope for the best”. He did not say that, but that is not far from where we might be if the noble Lord, Lord Smith, is correct. I sympathise with the problem. I hope that this is not just listened to but taken account of, because a little more work on this might solve the problem and I think we are not very far apart in what we are trying to achieve here.

My issue, and the reason for Amendment 22 in my name—the noble Lord, Lord Smith, has made the point again—is that, whereas in the current structure it is relatively easy to see the differences, and where there are overlaps there are provisions that make it work, this is new and quite complicated. It is not Brexit, but it is close to those sort of issues, in that this is different from anything we have seen before in terms of what we are trying to do. We are talking about students, research activity, degrees and degree-awarding powers, all of which have to be calibrated between two new institutions that have been created ab initio. It may be that for the first couple of years it would be sensible to be more cognisant of the problems that might arise and therefore expect them to be working, rather than hoping that they will and then going back in afterwards. That is where the issue lies.

I take the point of the noble Lord, Lord Jopling, that the amendment is too specific about what is required. In a sense, this is a probing amendment—it was not intended to be taken forward—and it should be left to the bodies concerned to find their own rhythms and abilities to respond, but I hope the Minister will take away this slight worry. Even the noble Lord, Lord Willetts, said that it would be quite good to see the evidence in practice of harmonious and effective working quite quickly so that we do not have to go to Clause 106(2) to implement. We will be able to come back to this on Amendment 509, which relates specifically to research degree arrangements, and have a broader look at it. I hope that between now and two weeks’ time, when we will probably get to that, it will be possible for the noble Viscount not only to have listened but to have taken account of what we have said. I beg leave to withdraw the amendment.

Amendment 22 withdrawn.

Amendment 23 not moved.

Amendment 24

Moved by Viscount Younger of Leckie

24: Schedule 1, page 73, line 32, at end insert—

“() But a function which is one of the OfS’s access and participation functions may only be delegated to the Director.”

Amendment 24 agreed.

Amendment 25 not moved.

Amendment 26

Moved by Lord Sutherland of Houndwood

26: Schedule 1, page 74, line 19, at end insert—

“() The report must include a record of all decisions relating to the registration, de-registration and re-registration of institutions.

- () The report must include a record of decisions affecting the funding of institutions.
- () Every three years, or more frequently if the OfS judges it appropriate, the report must include comment on the operation of the Quality Assessment Committee.
- () The report must include comment on any application of the powers granted to the OfS in sections 23, 24 and 25.”

Lord Sutherland of Houndwood: My Lords, this amendment has two themes: transparency and accountability. I have to say to my colleague the noble Lord, Lord Willetts, that there is a degree of scepticism out there. He is right to have identified it but I think he is not right to have overly easily dismissed it. There is a degree of scepticism in the Committee and, indeed, in the academic community. It may just be the usual academic neurosis, but so be it; let us do what we can to reduce it.

This amendment is in the interests of transparency and accountability. There is a worry that we do not know a great deal from the Bill about the criteria that will be used to make judgments about academic and teaching quality. I am not surprised at this; there was the same problem when Ofsted was set up and there was a big argument. It is easier to begin to talk about academic quality there, and how we measure it, because school systems are much more homogenous than university systems. University systems range in teaching, and the range of teaching and types of teaching and courses is much less homogenous than in schools. That meant it was possible, at the end of the day, which is why Ofsted still lives, to produce an inspection system that carried some conviction.

We are not proposing through the Bill—I am pleased by this—a wholesale inspection system; we are proposing that judgments should be made about the quality of academic work, and teaching in particular, and the quality of academic education. I would like to know how that is to be assessed. Is it by student opinion, is it by degree results—it is easy to twiddle them—or is it by employability? The latter is important but it may depend on the part of the country in which you live or in which the university is situated. So one could give a whole range of possible criteria.

This amendment is actually a companion to Amendment 22. I did not realise it at the time because I had not seen Amendment 22—but it is. It is effectively saying to the Committee that there is room here for further consideration. The main line of accountability will be the annual report. I agree that that is not just worth doing but essential, especially in the early days. It may just be that the annual report gives us all the information we need, but in the Bill—not least in Schedule 1, which we are debating at the moment—the annual report looks much more like a request for an accountability report that you would send to a vice-chancellor to be sure that the money was spent above the board and in a due and appropriate fashion—which I am sure it is. But the Bill specifies a great deal about how you account for financing but not a great deal about how you account for the quality of research, which we will come to, and initially, at this stage, education. How do we do it?

I was stimulated further by—would you believe?—listening to Radio 4. The distinguished historian Diarmaid MacCulloch has a series at the moment on the Reformation. He started by reminding us that this is the 500th anniversary of the Reformation and set it in the context of the Renaissance, the Reformation and the Enlightenment. What do these three things have in common and what do they have to do with the Bill? What they have in common is that they were all the children of university activity: the kinds of activity that go on in universities. If we are going to assess the quality of education, where is our place in that great pantheon of Renaissance, Reformation and Enlightenment? These are the values on which western civilisation still exists. That is where they came from.

I am not asking for a committee that will assess the published works of academics and say, “Ah, we have a future Enlightenment contribution here”, but for much less: something that at least gestures towards the question of how you assess educational quality. I do not think that the Bill does that.

My solution—I cannot think of a better one at the moment but I may come back to this—is to say: let us have the annual report but insist that these matters which relate directly to the quality of education, and I list three or four, should be a specific point of report, not just whether the books are square. Let us see at the end of the debate that they will have in Parliament—that is the one concession that Ofsted got when it was set up; the annual report would be laid before Parliament and would not be a matter simply for the Department for Education—that the annual report laid there deals with these matters and is debated by the constitutional system that we have, with Members of Parliament in this House or in the other place able, because there is transparency in the information provided, to hold to account how the system is developing. I genuinely hope that it will develop well, and by and large I think it will. But that is not certain, and giving interested parties the opportunity to debate it on an informed basis in Parliament could be one way of making that more likely. I beg to move.

Lord Lucas: My Lords, I will speak to Amendments 28, 48 and 465 in this group, which have nothing at all to do with the amendment moved by the noble Lord, Lord Sutherland. Perhaps they were grouped together for the convenience of having a short debate. I hope to disappoint my noble friend on that front because here we come across what I hope will be one of the areas in which we choose to stand firm against the Government as a whole—but not at all against the Minister for Universities—with regard to the Government’s relationship with universities.

As we debated at some length a few weeks ago, universities face a very serious problem with the current attitudes being taken by the Home Office to immigration. The Home Office will not say what it seeks to achieve, why it seeks to achieve it or how it hopes universities can do better in forming a partnership with the Home Office to achieve its legitimate objectives and universities’ objectives at the same time. I find that a deeply unsatisfactory state of affairs and I greatly regret that the Home Office is choosing to take that position. There is a much more constructive position that it

could take: one of seeking partnership with the university sector to address problems that we as a nation have and perceive and to resolve those problems in the interests of the country as a whole, not leaving out the financial, commercial and human interests of the university sector. With a more rational attitude taken by the Home Office, there could be a real resolution of these problems.

In the context of the Bill, with these amendments I am trying to search for ways in which the university sector could organise and present itself so that the nation would be on its side and it would be equipped with the data, the information and the means of self-improvement to make it an excellent partner for the Home Office when we get a change of heart in the Home Office—as eventually we must.

I do not lay any particular force on the wording of the amendments. Amendment 28 says that the sector, and therefore the Office for Students, should make it clear what contribution overseas students are making to this country—we should not wait on the Home Office to produce that information for us but do it as a sector. The Office for Students should have a responsibility for making sure that that information is gathered and published so that we have a clear, well-presented statement of the benefits that come from having overseas students.

6.15 pm

Amendment 48 gives the Office for Students an interest in helping universities co-ordinate in this area. It is really not useful for universities to try to tackle the Home Office one by one. The Home Office picks them off. Imperial College, which is a most excellent institution, is one of only four which have managed to do a top-level deal with the Home Office. It deserves it. It runs international students extremely well and very few students who come to Imperial have any thought of transgressing from an immigration point of view. But if the best universities allow themselves to be picked off, the rest will have that much harder a time. This really is an area where the university sector as a whole should be working together so that it presents a united but constructive front to the Home Office.

Amendment 465 looks further at the question of data in order to enable people to understand what is going on with visa approvals and refusals so that we can all have the information we need for a serious debate in this area; so that it can be clear which institutions are doing well; so that we can start to ask questions about that; and, indeed, so that we can start to look at the performance of the Home Office. There are a lot of stories about what in-country Home Office representatives are doing and about their eccentricities and the difficulties and damage this causes universities and, indeed, schools—but it is not published in any coherent, co-ordinated or verified way. Until that information is available, it is very difficult to have a stand-up argument with the Home Office about what is going on.

My three amendments together are saying: let us have some co-ordination, some leadership and some information so that when we have a conversation we will do so from a position of strength.

Baroness Garden of Frognal: My Lords, I support the amendments in the name of the noble Lord, Lord Lucas, and will speak to Amendments 85 and 127 in my name. Like the noble Lord, Lord Lucas, I wondered about the linkage with the amendment moved by the noble Lord, Lord Sutherland, but he talked about transparency and accountability, which we are also talking about. The amendments in my name were previously tabled in the Commons by the Liberal Democrats but they reflect numerous debates on this subject in both Houses over the years.

The intention of the amendments is to highlight the very significant impact of international students on UK universities, in particular the contribution they make to the financial health of an individual university. Previous debates and reports in both Houses have rightly concluded that counting international students in migration targets is a poor policy choice, damages the reputation of UK universities and should be reversed. We shall discuss these issues in much more detail when we debate the amendments in the name of the noble Lord, Lord Hannay, later on.

In connection with the amendments in this group, and to set the context, almost everyone agrees that including students within the net migration target is wrong. The list of those who have spoken out includes: the BIS Select Committee in its 2012 report; 68 university vice-chancellors, who wrote on the subject to David Cameron, warning about the impact on universities' reputation, also in 2012; the Institute of Directors and other business groups; Philip Hammond, indeed, who suggested conversations were going on in government about this until Theresa May publicly slapped him down; and even David Cameron, who, according to Max Chambers, his former home affairs adviser, had decided to take students out of the immigration target and,

“planned to do so after the EU referendum”—

ah, the best-laid plans of mice, men and politicians.

It is not even a question of public opinion. A YouGov poll from May last year showed that 57% of the public said that foreign students should not be in the figures, compared to only 32% who thought they should. The fact that they are included makes us somewhat of an anathema even among our closest international allies. President Obama has previously spoken about the need for the US to welcome foreign students and Australia, the country with the very points-based immigration system promised—and now abandoned—by the leave campaign, changed its system in 2012 to position Australia as a preferred study destination for international students.

The Government's justification for the continued policy has been the international rules around reporting of migrant numbers. However, as the Migration Observatory at Oxford has made clear, there is a big difference between the migration statistics and the Government's self-imposed migration target. The amendments do not, however, seek to override the Government's decision. They simply ask them to put their money where their mouth is by ensuring that the value of these students to universities is made public each year, as the noble Lord, Lord Lucas, has set out in his amendments, too.

[BARONESS GARDEN OF FROGNAL]

Among my amendments, there is one where the provider would have to provide information about the fees charged to international students and, in Amendment 127, the OfS would have to set out in its report,

“the financial contribution of international students to English higher education providers”.

If the Government want to continue to stand in the way of this consensus, they should be made to do so publicly and in the face of statistics. These amendments would therefore play a minor but important role in informing public debate on this issue.

Lord Bilimoria: My Lords, I support the amendments in the names of the noble Lord, Lord Lucas, and the noble Baroness, Lady Garden. I start by declaring my interest as a third-generation former international student in this country: both my grandfathers, my mother and I were, and now my son is, at Cambridge University.

The benefits that international students bring to this country and to our universities are enormous and priceless. It is our biggest element of soft power. There are 30 world leaders at any one time who have been educated at British universities. Generation-long links are built and, most importantly, the international students enrich the experience of our domestic students and universities. Then of course there is the money: directly and indirectly, £14 billion is brought in by international students to our universities and they create employment for 130,000 people. Yet every single time the issue has been debated in this Chamber, we have had unanimous consensus except from the Minister responding. A straight bat is played back to us, with a no.

The country does not think that international students are immigrants. The public do not mind international students staying on and working for a while after they finish their studies. This wretched referendum has brought immigration together into one bad thing and the Government insist on categorising international students as immigrants. There may be a UN definition, but when you come to calculate your net migration figures, you do not have to include international students as migrants. Our competitor countries—the United States, Australia and Canada—do not include them.

Statistics are available to show that international students, on the whole, return to their countries; those statistics are not being released. Can the Minister tell us why? I believe these figures show that only 1.5% of international students, if that—it may be 1,500—overstay and do not go back. We have removed the exit checks from our borders, so we do not know who has left our country. We should be scanning every passport, EU and non-EU, into and out of this country. We should introduce visible exit checks at our ports and borders immediately; we would then have that information at our fingertips and we should release it.

I declare an interest as president of UKCISA, the UK Council for International Student Affairs, which represents the 450,000 international students at all our educational institutions in this country. We despair that these students who bring this benefit to this country are not acknowledged. In fact, the perception that this creates is terrible. I know for a fact that

Jo Johnson, the Minister for Universities, is very supportive of international students. I have seen that personally. He is here and I thank him for his support, which I know is genuine. However, I am sorry to be very personal but we have a Prime Minister who, when she was Home Secretary, said that every international student should leave the day that they graduated. The headlines in India were, “Take our money and get out”. That is the perception created.

I have had the Australian high commissioner to India say to me, “What are you doing with your attitude to international students? We have a Minister for International Students in Australia and we welcome them. In fact, if they want to stay on and pass through all the filters, they are welcome because they have paid for their education and will benefit our economy. On the other hand, you are turning them away and turning them to us, for which we are very grateful”. We are being made a laughing stock. There is an increase in international students around the world of 8% a year from countries such as India. As our former Prime Minister David Cameron said, we are in a global race. Well, we are not in that race if this is the attitude and perception that we give out.

If the Prime Minister is not willing to listen and if, sadly, the perception of immigration is so bad that the good people who visit this country—the tourists, business visitors and international students, and in fact the migrants who benefit this country over the generations, and without whom we would not be the successful country we are and the fifth-largest economy in the world—are not appreciated, then the only way to address this is through legislation. An amendment would say, “We must declare and detail the actual benefits and contributions of international students at our universities”. It is the only way that the Government will listen, and if they continue to include international students in the net migration figures then the amendment coming up in the name of the noble Lord, Lord Hannay, is the only way that we will be able to address this. We will do that down the line and say, “Let’s legislate that they should be excluded when counting net migration figures”. This is very important because it goes to our soft power, to the impression we create around the world as a country and to our economy and universities. It is part of what has made our universities the best in the world and this country so wonderful.

Lord Puttnam (Lab): My Lords, in supporting the amendment of the noble Lord, Lord Lucas, perhaps I could give the Committee the benefit of the experience that I have had in the past four years. I have just completed a four-year term as the Prime Minister’s trade and cultural envoy to south-east Asia. In that role, I got to know very well the Education Ministers of Cambodia, Vietnam and Laos—all really excellent people who had a tremendous respect for the education system in this country. Over that period of four years, I failed ever to explain our visa policy. I would go further: they were really offended by it. Vietnam, Laos and Cambodia are not known for the export of terrorism. They are rapidly developing countries and in the case of Vietnam, an important rapidly developing country that sees itself as a world player and which we are

prioritising in our post-Brexit determination for a bilateral trade agreement. Try to imagine what it is like to sit in the Cabinet of those countries and be told, “Your students are being grouped as potential terrorists”. It is offensive and it damages us. It is foolish and damages our universities and international reputation. I was deeply ashamed of the arguments that I was forced to put up, all of which were spurious and none of which were defensible.

Lord Waldegrave of North Hill (Con): My Lords, I support the amendments of my noble friend Lord Lucas. This is probably the first shot in a considerable battle in which I hope this House will engage. There is a certain irony which I cannot pass over in complete silence. I was the junior Minister who, in 1981, had to take the full force of opposition from the Liberal Party, the Labour Party, members of my own party and every right-thinking person in what the President-elect of the United States would call the liberal intelligentsia for allowing universities to charge economic fees for their overseas students. Not a single overseas student would come, we were told. This was the end of the civilisation as we knew it. As a matter of fact, of course, not only did the students come in ever-greater numbers but we had provided a wonderful independent source of income for our universities, and thereby saved them at a time when the Treasury and other people were always trying to cut the money. Without those flows of money, our universities would be in very serious trouble. There would not be graduate departments of engineering in many of our great London-based colleges without overseas students, and it is an absolute absurdity not to separate students.

6.30 pm

As we all know, and as my noble friend Lord Willetts has made clear in other fora, there is perfectly good evidence available to show that the Home Office should declare victory in its legitimate campaign to close down bogus colleges, of which there jolly well were some. My wife used to preside over and own a very distinguished cookery school, but there were cookery schools down the road which had no need of ovens or anything of that kind because they were bogus—people disappeared into the hinterland and that was the end of it. The Home Office ran a legitimate campaign against them and has won it. There will always be a few, but it really has transformed that, and well done to it—that is a good thing to have done.

All the real surveys show that the figures for overstayers are very low, so I really cannot understand the policy. I know it derives not from this department, but from elements in the Home Office proceeding in a manner akin to the “Titanic” heading towards an iceberg. There will be a crash in due course, and we have to help them avert it. My noble friend Lord Lucas’s amendments are in some ways on the fringes of this, and other amendments have been put down, but of all the important things facing universities at the moment, almost the most important is to preserve their capacity to win their share of overseas students and to charge them economic fees where they can pay. It is a wonderful resource for this country and will continue to be so. I hope that your Lordships will remain adamant on this

matter and that we may persuade the Government that they are doing, by accident I think, something which could be immensely dangerous.

Lord Winston: My Lords, we are deeply grateful to the noble Lord, Lord Waldegrave, for his remarkable contribution to the universities, particularly on this point, and to the noble Lord, Lord Lucas, for raising this issue. The noble Lord, Lord Lucas, mentioned Imperial College, which has a very large number of students coming from Asia, but it is not just Imperial College. I have already stumbled over the noble Baroness, Lady Garden of Frognal—I suspect I am using unparliamentary language in saying that, so let me put that right now—but it is not just the universities. The Royal College of Music, for example, has one of the largest components of students coming from Asia anywhere in the country. We are funded by those students, and that great conservatoire, which is now one of the world’s three leading conservatoires in international competition, could not exist without that income. It contributes massively to our society and to our culture, and of course to the wealth of the cultural activity we have in great cities such as London. We should not forget the conservatoires, because they are part of this issue and very important. The director of the Royal College of Music has just left China and is now in Bangkok, where the college will undoubtedly be recruiting more students and getting the very best musicians—some outstanding—from countries in Asia.

When I was in America at various times last year, visiting Caltech at one point, the University of Southern California at another, UCLA and, briefly, New York, I would go into labs and see many Indian students. They said, “We would not consider now applying to Britain for a studentship. We would prefer to go to the United States, where we are welcomed. We are not actually welcome in Britain”. We need to knock on the head this issue about their being immigrants. It is of vital importance in the discussion of the Bill and I absolutely support the sentiments that have been expressed in this short debate.

Lord Cormack (Con): My Lords, I also express my strong, unequivocal support for my noble friend Lord Lucas and his amendments. I declare an interest as a senior associate member of St Anthony’s College, Oxford, which is a wonderful example of an international college. Many of our students come from countries all over the world, and many of them go back to senior positions of authority in government, the civil service and the diplomatic service—to many positions of leadership—in their own countries. They always look back to their days at St Anthony’s with pleasure and pride. We have the good fortune at the moment to have, in her last year sadly, a wonderful international warden, Margaret MacMillan, one of the great historians, particularly of the First World War. To those of your Lordships who have not read *Peacemakers*, or *The War that Ended Peace*, I commend them most warmly—I digress just briefly to say that.

What I want to do is to make plain my strong support and my, to be frank, incomprehension at the Government’s policy. This morning I sat on the

[LORD CORMACK]

Home Affairs Sub-Committee of the EU Select Committee of your Lordships' House, which received evidence from the Immigration Minister, Mr Robert Goodwill, and the Minister of State for the Brexit department, Mr Jones. Admirable people both, and in due course your Lordships will have a chance to read the evidence and to reflect on the report, but what I found completely difficult to accept was the fundamental contradiction in the arguments being put forward on the student front. My noble friend Lord Waldegrave, in his very brief but admirable speech, talked about the bogus colleges. If there was a justification for separating this, it was that, but even though others will crop up from time to time, the bogus colleges have gone, and we are now dealing with legitimate institutions of higher education, our universities in particular, to which students should be attracted from all over the world.

We were told this morning, and it has been said many times, that the Government place no limit on the students who come in. That is fine and good—we all agree with that—but if that is the case, why create a deterrent to those very students by lumping them in with those who seek to come as immigrants into this country? They have every right to seek to come, and I am deeply disturbed about all the aspects of Brexit, but that is another story entirely, and the fact is that students are different. They come not to stay but to study, and they go back to enrich their own economies and countries. Occasionally some do want to stay on for further education and some want to stay and work here, but what is wrong with that? What is the damage to our vibrant economy—which we were told about this morning by the two Ministers who came before us—in that?

My noble friend Lord Lucas has performed a signal service to your Lordships' House in introducing his amendments as he did. It is quite clear from all those who have spoken so far that there is enormous sympathy for them. I do not want any votes tonight—I do not suppose any of your Lordships do—but I hope that if the Government cannot come up with a sensible way to accept the theme of the arguments we are putting forward tonight, your Lordships' House will pass a suitable amendment on Report. We have not only a right but a duty to do that.

What the noble Lord, Lord Puttnam, said, struck many a chord. This country, particularly after Brexit, is going to depend more than ever on its reputation as a centre of civilisation, a country to which all are welcome to come to contribute and learn and then go back to their countries. The respectable part of the imperial legacy is something in which we can all take pride. I sincerely hope that the Minister will be able to give us an encouraging response today even though, clearly, we accept that he cannot give a commitment.

Lord Smith of Finsbury: My Lords, in supporting the amendment from the noble Lord, Lord Lucas, I cannot hope to match the eloquence of many of the contributions that we have already heard, especially those from the noble Lords, Lord Bilimoria and Lord Puttnam.

I shall focus on two brief points relating to the enrichment of the overall student experience that foreign students bring to our universities. First, we surely want, especially in our leading universities, to attract the very best students doing the very best work, challenging each other and their teachers in the most formidable way. If we put obstacles in the way of attracting those best students coming from overseas, we are going to be the poorer for it. Secondly, students learn not just from their teachers but from each other. They learn from discussion, debate, association, collaboration and taking part in all sorts of activities with their student colleagues. Having overseas students as part of that mix enormously enriches their experience, opens their eyes, widens their horizons and makes the experience of being at a university much more powerful than it would otherwise be. So not only do we as a country lose out in terms of our soft power and our influence, standing and reputation around the world if we make it difficult for overseas students to come, but we also diminish the possibilities and the experience for our own indigenous students by so doing.

I know the Minister for Higher Education knows all that; he is on our side in this. By passing this amendment or something like it in due course in our discussions in this place, we will strengthen his hand in the battles he faces with the Home Office and the rest of the Government. I suspect that we will be united across all parts of this House in seeking to do this, as we try to ensure that this country lifts its head just a little higher in its relationships with the rest of the world.

Lord Broers (CB): My Lords, many noble Lords have spoken very eloquently about this matter. I add my support to the amendment from the noble Lord, Lord Lucas, and those that go with it. There is a simple pragmatic fact that we seem to have got wrong here: many of the brightest students are actually of huge immediate financial benefit to this country. In Cambridge we have raised vast sums of money from overseas. Very famous people overseas like to see students come to this country. We look ridiculous in this extraordinary situation, which has gone on for years.

To bring up an anecdote, I was vice-chancellor at Cambridge at the time of 9/11. After that event the Americans threw up barriers against students by placing immigration restrictions on them. The silver lining was ours; all of a sudden, the students we would normally have lost to some of the great American universities were all flooding to our door. It was a very fast process. The American universities reacted to it very fast and cured that problem—rather too quickly for us, in fact—but it was a good example of how rapidly you can create damage in this field. I hope the Government come to their senses on this issue.

6.45 pm

Baroness Blackstone (Lab): My Lords, the noble Lord, Lord Waldegrave, referred to what happened to him in 1981. I say to him that not everyone in the Labour Party or the so-called liberal intelligentsia failed to support him; I was strongly in favour of the move to charge overseas students fees. I think he was right and we have all benefited as a result.

I want to go back to another point in my career. When I was responsible for the Department for Education and Employment, we launched the Prime Minister's initiative to recruit far more international students, and to do so in a way that would be more effective than when individual universities just went out one by one and competed with each other in trying to recruit these students. We worked out a system, we set targets for the numbers that we would try to recruit and we met those targets before the deadline for doing so. This was one of the really important contributions that Tony Blair made when he was Prime Minister. It derived from a visit to China when he met some former Chinese students who had studied in this country and was impressed by their commitment to the UK and their pleasure in describing what they had got out of being students here. He realised that if you do this well, you actually make friends for life. That is what we should aim to do when it comes to recruiting overseas students in large numbers.

I was going to make many of the points made by the noble Lord, Lord Smith, about the value to individual higher education institutions of bringing in a wide and diverse range of students from all over the world. It is of great benefit to British students. I disagree with him on one point, though: he referred to the "leading universities" doing this, by which I assume he means the research universities. No, it is not just about the leading universities; there are benefits to British students in all universities from getting to know students from around the world. In fact, the benefits are greater in those universities that do not have many advantaged students who have already been able to travel with or without their parents. When I was vice-chancellor of the University of Greenwich, we had a great many students from inner London and outer London who had never been abroad. In my view, for them to be able to meet students from around the world was an enormously enriching experience.

We must look at this not just in a slightly elitist way in respect to the "best and the brightest", a phrase that I do not like very much. It is about all students, including those who come from the developing world who may not have had a fantastically strong secondary education—they too benefit from going to British universities. This is why so many of the growing middle class in India have wanted to send their students to this country. As someone who has spent quite a lot of time in India and who believes that it is a great country with which we should associate in as many ways as we can, I think it is a disaster that as a result of the visa policies of the Home Office over the past seven or eight years we have lost huge numbers of Indian students. We will live to regret that. I strongly support the amendments from the noble Lord, Lord Lucas, and hope that we can put in the Bill a requirement that the Office for Students should report on the number of international students coming here and what they are bringing in terms of financial benefit, let alone all the other invisible benefits that we have all talked about.

I have one final point. I agree with those Members of this House who have said it would be rather a good idea to welcome some of these students to stay here in employment. We will benefit from what they bring because they will be skilled and hard-working and will

have knowledge that some of the other young professionals who are coming out of our universities do not have, because they come from every corner of the world.

Lord Winston: Is it not a factor that the Home Office does not have proper data on which students go to which universities from these other countries, which makes it very difficult to explain what we are doing and why it is so valuable to both them and us?

Baroness Blackstone: I cannot speak for the Home Office on the care it takes in collection of data. Others will know better, but I suspect that it is making very foolish adjustments every day of the week about the overseas students that we have in this country and their potential threat. They are not a threat: they are a benefit and advantage to us all.

Lord Kakkar (CB): My Lords, I support the amendment in the name of my noble friend Lord Sutherland of Houndwood and remind noble Lords of my interests as professor of surgery at University College London, fellow of King's College London and honorary fellow of Harris Manchester College, Oxford. My noble friend made an important point about the powerful effect that the annual report from the Office for Students may have in allaying concerns as these new structures settle down in the coming years. There is genuine anxiety and, as he said, transparency and accountability by way of this report could have a very important effect in ensuring that the ultimate arrangements agreed on as the Bill is passed and enacted are more broadly welcomed, and the opportunity for the new regulatory system to provide confidence to the entire sector is achieved.

The fact that there is little detail about the obligatory content of the annual report, apart from the financial information described so far in the Bill, means that we need to specify more accurately other elements that will provide that confidence. The elements in the amendment describing,

"all decisions relating to the registration, de-registration and re-registration of institutions",

are vital. Such activities, very powerful in terms of regulation of the entire university and higher education sector, are in many respects new, and their exercise will have to be carefully monitored. This can be done only by accurate reporting. Equally, other areas of the amendment will provide confidence and help us to understand how the office is undertaking its work and ensure that Parliament is able to scrutinise this new and powerful body and return to its functions and responsibilities properly informed in future.

If Her Majesty's Government are determined to make a success of this new regulatory regime, such a commitment to transparency and accountability will be vital. Such a commitment, reflected early in the passage of the Bill through your Lordships' House, will allay other concerns about the nature and implications of the new regulatory regimen. I hope that the noble Viscount, in addressing the amendment, will be able to deal with the very important points that my noble friend raised.

Lord Judd (Lab): My Lords, I am pleased that what has come to the fore in this debate has been the concern of this House for the qualitative impact on our universities. I look at the world as someone who has done international work all my life, and what the noble Lord, Lord Cormack, said, was very important. He underlined that the day that Brexit comes into effect, we become more dependent on our relationships with the world than we have ever been. It is not just a matter of what markets we will get; in every dimension of our security and well-being, we are inescapably linked to the world community.

I do not understand how a university can be a relevant centre of learning and higher education in the modern world unless it represents, in its character and being, the world of which it is a part. It is essential in virtually every discipline. On Monday, we emphasised the importance of interdisciplinary studies. It becomes even more important within those studies to include the reality of what the world is. I just hope that any reporting that may be introduced will take those wider dimensions into account, not just the quantitative dimension.

As a young MP way back in the 1960s, in the first debate in which I cut my teeth, I was up against the Secretary of State, the almost irreplaceable Anthony Crosland. It was about overseas student fees increasing. I remember thinking then what a pity it was that the vice-chancellors put so much emphasis on the impact of fees on their income. Of course that is crucial, but I wondered why they were not making the important point that the quality of their education itself was desperately dependent on that international reality.

I thank those noble Lords who have made this debate possible. I am glad to hear from those who know him better than I do that the Minister is on our side. I sincerely hope that he is, because we shall damage the quality of our education—academic freedom and the autonomy of universities—which we took so seriously for many hours of debate on Monday. Why? Because we wanted to preserve that quality. How can we have that unless it is international in character?

I add just one point, which is anecdotal, so far as I can make out—it is not established in statistics—but I think it needs to be taken to heart. Already there are indications of overseas academics being offered an enhanced future in their profession but unwilling to take it because they are not sure that Britain is a place in which they want to live and work. That is a tragedy of the first order. There is already anecdotal evidence that sensitive, imaginative students at undergraduate level across the world are saying, “Hang on a moment. Is this hostile Britain really the place we want to go to pursue our learning and higher education?”. There is a fundamental issue at stake here, and we need to get it right very fast indeed.

Baroness Cohen of Pimlico: My Lords, at the risk of lowering the tone after my noble friend Lord Judd’s speech, I say that I support the amendments of the noble Lord, Lord Lucas. Not only are we cutting ourselves off from the intellectual, social and international contribution from the students we are refusing or discouraging, we are behaving with staggering ungraciousness to those students who have already

made an enormous financial contribution to the welfare of our universities. It would serve us right if they stopped doing so. Anyone who, like me, has been instrumental in raising money for universities knows how we can depend on the generosity of foreign students educated here to support our universities. I cannot bear it that we are treating them with such ungraciousness.

Lord Watson of Invergowrie (Lab): My Lords, I suspect that the noble Lord, Lord Sutherland, was quite relieved when the noble Lord, Lord Kakkar, delivered his intervention—because, up to that point, he was very much cast in the role of guest at his own party. As ever, I enjoyed his contribution. His amendment is an important one; it highlights the need to pursue transparency, accountability, equality of teaching and how it is to be assessed—issues that you would think cannot fail to command the support of all noble Lords, although I suspect that the Minister will find a way to disagree.

I diverge a little from the noble Lord, Lord Sutherland, who prayed in aid the Renaissance, the Reformation and the Enlightenment as products of high-quality university scholarship of their ages. I have to say that two out of three ain’t bad—but, as a fellow Scot, he will know what I mean when I say that I hae ma doots about the Reformation.

7 pm

We are indebted to the noble Lord, Lord Lucas, and the noble Baroness, Lady Garden of Frogna, for their amendments, because the remainder of this lively and informed debate has focused on the contentious issue of international students. The wealth of experience evidenced in the debate and the vigour with which those contributions were delivered should be weighed heavily by the Minister.

I do not want to pre-empt the debate—although many noble Lords have done so—that will take place later in this stage of the Bill on Amendments 462 to 464, but it is worth taking the opportunity to underline the importance of international students to the higher education sector. As many other noble Lords have said, it appears that the Government still do not fully appreciate the value to many institutions—not simply, as the noble Baroness, Lady Blackstone, the more prestigious ones—of the contribution made by students from abroad. I was very struck by the point just made by my noble friend Lord Judd, who said that while the financial contribution is of course important the general contribution made by the presence of students from other countries is hugely valuable. Of course the fee income generated is important: in some cases, at some institutions, it helps to subsidise the fees of domestic students. But the benefits of integration and the enrichment of the student experience provided by their presence should not be lightly discarded.

I said that the Government do not appreciate fully those benefits—at least that is their official position. Without wishing to make too much of the issue, I have to say that I found myself unusually in agreement with the Foreign Secretary when he said very publicly, as is his wont, in a recent speech, that overseas students should be excluded from the immigration statistics.

That is certainly the position of the Labour Party, and I know that it is shared by many others in this Chamber and further afield. Of course, the Foreign Secretary was quickly slapped down, but he is right—it is common sense to treat international students as a benefit to, not a burden on, this country.

This group of amendments places a duty on the OfS to help institutions to plan their needs in terms of international students and to report on various aspects of the overall numbers and fees charged. That would certainly enhance the Bill. I somehow have a feeling that the Minister will either say that they are unnecessary because they are too prescriptive and go beyond those matters on which the OfS should reasonably be required to report, or perhaps that they are simply too burdensome—a word that seems to be used increasingly.

I say to him in good faith that he and his colleague the Minister of State, who is not here at the moment but who to his credit has spent a great deal of time following these debates, are really up against it in convincing noble Lords that, as proposed, the Office for Students is an appropriate vehicle for regulating the sector. It will only make that task more onerous if he chooses to cast aside such modest amendments as those that we are considering in this group. Earlier today, the Minister sought to reassure noble Lords that he will reflect on all amendments. That will be of very limited value if, at a later date, he simply comes back on Report or in letters to say that, having reflected, he is not minded to accept the amendments.

As I said, the substantive debate on international students is for another day but, given the great concern among universities across the sector at the threat to the international student intake, without even considering the threat to research, the Minister would be well advised to undertake his reflection on those amendments in advance and place himself in a position to offer a positive response at that time.

Viscount Younger of Leckie: My Lords, before I turn to the issues raised in this group on international students—and as the noble Lord, Lord Watson, said, we are due to have a more substantive debate on the question of international students at a later point in the Bill—I want to address Amendment 26, proposed by the noble Lord, Lord Sutherland.

This Government are absolutely committed to ensuring the accountability and transparency of the OfS, and this Bill includes a range of provisions regarding the establishment and governance arrangements of the OfS, including placing a duty on the OfS to make an annual report on the performance of its functions and lay its annual accounts before Parliament. It is our firm expectation that the annual report will include details of the registration and de-registration of institutions, funding decisions made by the OfS and the operation of the Quality Assessment Committee. Furthermore, we will expect the OfS to make information available throughout the year on its website and through communications, in a similar way to how HEFCE and OFFA have operated.

However, we do not think that it would serve a useful purpose to be overly prescriptive about the content of the OfS annual report in the Bill. Comments

have been made to that effect this evening under different amendments. That could risk having unintended consequences of influencing the organisation's priorities in a way which could limit its ability to act with appropriate levels of independence and respond to changing priorities. We acknowledge that our firm expectation is that any decisions on funding or registration will be included.

The noble Lord, Lord Sutherland, raised the big and important question about the assessment of quality for universities and providers, and how this would work. It is a very fair question. I refer him to the fact sheet on quality assurance published in the autumn. We will write further to him with further detail—and I offer a meeting for him to meet officials and my good self should that be wished.

I turn to the remaining amendments in this group. I am grateful for the opportunity to discuss the important issue of international students. This Government very much welcome the contribution that international students make to the UK—and passionate speeches were made by a number of noble Lords, including the noble Lord, Lord Broers, and particularly the noble Lord, Lord Bilimoria, and my noble friend Lord Waldegrave. The contribution is not only economic, as the noble Lord, Lord Watson, said; international students enrich our universities by bringing fresh ideas and new perspectives. There is no doubt that the Government recognise this.

I also reassure noble Lords, including the noble Lord, Lord Puttnam, that the Government are committed to ensuring that international students continue to come to the UK. There is no cap on the number of international students who can study here, nor is there any plan to introduce one. The UK is the world's second most popular destination for international students, behind only the United States, and that is a proud achievement.

I recognise some of the anxieties that have been raised here. The noble Baroness, Lady Blackstone, raised an interesting point about the loss of Indian students, as she put it. I reassure her and the Committee that we continue to welcome high numbers of Indian students. India was our second-largest source country for international students in the academic year 2014-15. We are continuing to promote the UK's great education offer with India—for example, through the new Study UK Discover You campaign. Home Office data show that around 90% of Indian students who applied for a tier 4 visa were granted one.

I shall address directly some points raised by the noble Lord, Lord Winston, who spoke about the concern about student numbers falling. The UK higher education sector is diverse, as he will know, and there are a number of factors affecting why a student chooses to study in the UK and at a particular institution. Not everyone will necessarily have the same experiences, but the UK remains a highly attractive destination for international students. This is backed up by some of the latest data, published on 1 December, which show that university-sponsored visa applications have risen by 8% since 2011. University-sponsored visa applications to Russell group universities were 6% higher in the year ending September 2016. So we continue to punch above our weight internationally, attracting the most

[VISCOUNT YOUNGER OF LECKIE]

overseas students after the US, with the UK getting 10% of the market share. I again emphasise that we welcome genuine students and we have no plans to cap the number who can come here to study.

Having said all that, it is important to give a balance to this debate; I am very aware that there are concerns around Brexit, which have been well explored and well discussed in this Chamber in Questions and debates—we are very aware of that. I understand the good intention of requiring the OfS to gather and publish information on international students. However, I am not convinced that this amendment is required. The Bill already includes provisions requiring the OfS to monitor and report on the financial health of the sector in the round. To do this, the OfS will need to have a clear picture of the types of students and the income that they bring to the sector. Also, Clause 8(1)(b) requires all registered providers to give the OfS such information as it needs to perform its functions. This will allow the OfS to gather information on EU and international student numbers and income generated, where this is required to enable the adequate monitoring of financial health. There is also a wide range of information on EU and international students already in the public domain through the Higher Education Statistics Agency. HESA already publishes detailed information about international student numbers along with a breakdown of which countries they are travelling from.

I turn to Amendments 28, 48 and 465, proposed by my noble friend Lord Lucas. I respect the support that he has had this afternoon and I have been listening carefully to this particular debate. I recognise the need to have as much data as possible available on international students and I hope the detail that I have provided already today on the availability of this information reassures him. Let me turn to one specific part of my noble friend's amendment. If I have looked carefully at his suggestion, details should be published of the percentage of total visa applications that are successful—or, if I may put it another way, the percentage of visas that are refused for each educational institution. Institutions that are tier 4 sponsors are required to undergo an annual basic compliance assessment to ensure that they are complying with their obligations. One element on which they are measured is the visa refusal rate for their prospective students. Should that level exceed 10%, an institution stands to lose its ability to sponsor international students, although discretion can always be exercised and specific circumstances taken into account.

We have deliberately avoided publishing details of the scores of those who pass the basic compliance assessment as this information is seen as commercially sensitive. Imagine for a moment that an institution has only very narrowly scraped over the line. The Home Office will recognise that it has passed and will not take any action against it, assuming there are no other causes for concern. But were it to become known that it was close to the line, its reputation might suffer. Prospective students might assume that there was a greater risk that it would fail next time round and therefore be more inclined to apply to an apparently more secure competitor. I am sure your Lordships will understand how damaging the release of these data

could be to affected institutions and recognise the potential implications, both reputationally and financially—and, by the way, the implications on international students coming to this country. I am sure that the institution concerned would want to take any action that it might consider appropriate away from the full glare of the public spotlight. That is why the information is regarded as commercially sensitive and why I believe it must remain so.

The Government also recognise the importance of clear and accessible advice regarding immigration policies. This is why the Home Office takes steps to ensure that key stakeholders are engaged and involved in any changes, whether formally through consultation or more informally when key stakeholders gather for the regular Home Office-led forum meetings. Changes to the Immigration Rules are communicated to all tier 4 sponsors when the rules are laid in Parliament. Where appropriate, changes to the Immigration Rules include transitional arrangements to allow for providers and students to prepare for the change in policy. DfE Ministers and officials regularly meet with sector representatives to ensure clear communication to help inform strategic planning.

On the issue of protecting and enhancing the contribution of international students, I am not persuaded that this amendment is necessary. The UK higher education institutions have proved extremely successful at attracting international students, which I alluded to earlier in my comments. That the UK is the second most popular place to study overseas in the world is testament to that. This Government also have a strong record of promoting UK higher education globally through the GREAT campaign and through our partners at the British Council.

I ask the noble Lord, Lord Sutherland, to withdraw his amendment and I hope that he will accept my explanations.

7.15 pm

Lord Sutherland of Houndwood: My Lords—

Lord Lucas: My Lords, perhaps I can just sign off on my amendments before the noble Lord, Lord Sutherland, brings this to a conclusion. I am grateful to my noble friend for his detailed comments on my amendments and I will read what he has said carefully. I am not at all sure that he has convinced me, but these are subjects that we will return to several times in the course of this Bill—most focus will be, as has been said, on Amendment 462. I very much hope that the Government are thinking through what they will do to convince their own side, let alone the other sides in this Committee, that this Bill should be permitted to proceed without some forceful amendment on overseas students.

I was interested by the argument that my noble friend made on visa refusal rates. He is effectively saying that we should hide from students whether their university is about to go bust—not only overseas students who are going to start over here on a course that is about to be extinguished by the Home Office, but our own students who will find the university going down the plug hole because it no longer has the money from the overseas students. It is an astonishing

attitude, I think, that the commercial interests of a failing university should be put ahead of those of both our own and international students. I very much hope that this House will manage to persuade the Government otherwise at a later stage.

Lord Sutherland of Houndwood: My Lords, as I was about to say a moment ago, this is a strange position that I find myself in. I feel a bit like an academic who has been conducting a really quite polite seminar and, as he finishes, he looks round and sees a herd of buffalo charging towards him full of fine thoughts and great wisdom. I want simply to make the point that I support very warmly the issues that have been raised about overseas students.

I spent a number of years working with the University Grants Committee in Hong Kong as one of its international advisers. I got to know quite a few of the Australian vice-chancellors, because some of the best of them went there also. When they heard what we were doing they guffawed as only an Australian vice-chancellor can guffaw—it is a powerful sound, I can tell you. Their reaction was, “We will clean up on this”, and they are doing so with great skill and expertise.

This is an ill-designed grouping of amendments. The point was made earlier that they have more to do with each other than perhaps we first realised, but one issue that has come up is that the Government have not yet reassured the wider community that all will be well. That is the point of the transparency that I am seeking. If they have not done that then they have not yet done their job. The finest illustration of this is the debate that we have just had. The wisdom of the Government in relation to overseas students is not a fine clarion call to support extra powers for government-appointed bodies to run the rule over the registering and deregistering of universities. We were told earlier this afternoon even that there will of course be people such as wise and mature academics and whosoever, but the evidence is sufficient for us to know that Governments can sometimes get things badly wrong. Although I will withdraw my amendment, such a mechanism is perhaps a partial safeguard against that, but I will come back to this in due course.

I thank the Minister for his comments, his offer of a meeting and his reference to the piece that was published in the autumn. I am one of those sceptics who likes things on the face of the Bill and we will come back to this in due course, but I thank him none the less.

Amendment 26 withdrawn.

Amendment 27

Moved by Viscount Younger of Leckie

27: Schedule 1, page 74, line 20, at end insert—

“() If, at any time in the financial year to which the report relates, all of the OfS’s access and participation functions were not delegated to the Director under paragraph 11, the report must include a statement specifying—

- (a) the period or periods in that year during which those functions were not delegated to the Director, and
- (b) the reasons why they were not so delegated.”

Amendment 27 agreed.

Amendment 28 not moved.

Schedule 1, as amended, agreed.

Clause 2: General duties

Amendment 29

Moved by Lord Stevenson of Balmacara

29: Clause 2, page 1, line 9, after “have” insert “equal”

Lord Stevenson of Balmacara: My Lords, it may be for the convenience of the Committee if I explain that the scurrying around here is intended to provide a reassurance that this extremely long-looking group will not be taken in one bite, as it were; there will be an opportunity for other bites—ho, ho!—because we will stop at about 7.30pm when those assembled here to conduct the dinner break business commence. That makes my speech rather complicated and I hope that noble Lords will bear with me. Since we have been going since just after 3.30pm, I think it is reasonable to expect that we might stop at the appropriate time. It is not my job to announce that but I am having fun doing it, so that is what we are going to do.

This group of amendments counterposes those considered in the last debate. It would be better to consider it as a single group with the amendments in group 7 as they both relate to the broad understanding that we should have about the form and function of the Office for Students. Clause 2, which sets out general duties for the Office for Students, runs to six subsections. The interesting thing about them is that they swing around a bit, in the sense that three or four of them are broadly in line with what we have been saying we want the Office for Students to do: to promote,

“quality, and greater choice and opportunities for students ... to promote equality of opportunity in connection with access ... and participation”—

we have had a fair amount of discussion on that, and—

“so far as relevant, the principles of best regulatory practice”,

and “regulatory activities”, which I am sure we will come back to at some stage. However, interposed in those provisions in three paragraphs are rather hard-edged issues to do with competition, promoting value for money and,

“the need to use the OfS’s resources in an efficient, effective and economic way”.

It is almost as if two different hands in separate rooms drafted a set of duties for the OfS and then got together and cut and pasted them together. These two groups of amendments address that issue.

There is nothing here about serving the public interest or taking account of promoting confidence in the higher education sector. There is nothing about being forward looking, as my noble friend Lord Giddens said in relation to another amendment. Will this body have a remit to scan the economic future and think about the way the sector should develop to meet changing technologies, needs and economic requirements?

[LORD STEVENSON OF BALMACARA]

These matters are not mentioned. Does that mean they will not be addressed? There is always a worry that if you have a specific set of duties—obviously, they cannot cover pages and pages but they should certainly be extensive enough to ensure that we know what we are about—and they do not mention a particular issue, it may not be addressed. As the old adage goes, what is mentioned or specified gets measured.

The other half of that problem is the question of ranking. In this list of what is to be done, is there a sense in which quality is important? If it were, that would be the most important thing, but is that at the high end of the hierarchy? In other words, does the OfS look first at quality, choice and opportunity, secondly, at competition between English higher education providers, thirdly, at,

“the need to promote value for money”,

and, fourthly, at,

“the need to promote equality of opportunity”?

From what we have been hearing in the debate so far, equality of opportunity, social mobility, access and participation are ranked quite highly in your Lordships’ thinking but that is not obvious from the way the Bill is set out. In speaking to the previous amendment, the noble Lord, Lord Sutherland, said that in some cases it is reassuring and important to have a Bill’s aspirations and focus set out in it. If he is right, we are missing something in that regard in this Bill.

Amendment 29 seeks to reflect my point that a ranking or hierarchy would probably be inappropriate in this case. We surely want to ensure that all aspects of what is written down in statute for the OfS are given equal prominence. I hope the Minister can confirm that that is in his mind as well, by means of a reassuring statement or other method. If it is not, he should say what the priority is and why the relevant provisions are set out in the order they are.

Amendment 42 relates to the point made earlier about the unease and scepticism the Committee feels, in that, without a specific duty to maintain the confidence of the UK higher education sector, it may be difficult for the OfS to win the hearts and minds argument and get the support it will need from the sector if it is to be successful. Would that not be a sensible provision to include somewhere in the general duties?

Amendment 43 gives us the opportunity to put some flesh on our earlier discussion about extending higher education in the mindset of those who use it across the whole range of activities within the sector, and include the provision of vocational and professional education within OfS functions. This would pick up alternative providers and the new challenger institutions. It also addresses the point made by my noble friend Lady Cohen about the work done by providers that were established by the last Labour Government to undertake more vocational and professional education, but which are now universities. If that is not listed and made clear in the general duties, does that mean it is of lesser substance? I know that my noble friend feels passionately that there should not be a two-tier system. I agree. If providers are to abide by the Bill’s provisions and offer good value for money, be effective and high quality, meet all the tests and provide what students

want, we should not separate them into different classes. It is important to ensure that the Bill’s wording is correct in that regard.

Our Amendment 44 is of a slightly different character. It relates to an issue to which we will probably return: that the Office for Students has no student representatives. Thanks to government amendments that are due to be tabled, the concept will be introduced that someone should be on the board who is capable of representing students. However, as we have said, students permeate all aspects of higher education. Those of us who are young enough to remember the 1960s, and even those of us who do not remember them, know that the battles of the day were fought to get representation on academic boards and the whole edifice of higher education as it then was. We marched, stood, stamped and occupied. It was terrible; it was great. It was also very confusing. If you were young, as I was, and you were a bit confused about it all, it was just a terrific partying time. Anyway, we got there. To our considerable shock and, in some cases, dismay, we had to sit for hours in committees listening to boring stuff. I suppose I should not take up time with such anecdotes—but why not?

Having marched for the right to have student representation on the Bodleian committee at Oxford, and won it, I then attended a committee and found that I was the only student there because the rest had either not got up, forgotten about the committee meeting or had gone to the wrong place. I had to defend the argument before people who terrified me in every respect. They were crabby, difficult and wonderfully, scientifically aggressive, in a way that only very senior academics can be. The question we were asking was why the university could not arrange it so that the library was open when the students were up. The academics replied, “Don’t be ridiculous. Banks don’t open in the evening; why should libraries be open in the evening?”. And that was the end of the meeting, so it was not a very successful experience. However, we got better at it as we went on. Why did I go into that? Because I think it is good to have students on the bodies with which they will be involved. It would be sensible and possible, despite what the Minister said the other day, to find a way for students to be represented on the board of the OfS, either through the NUS or appointed by the NUS. That is what our amendment seeks to do.

I will make two minor points before I run out of time. We have talked seriously and at length earlier today and at other times about the need to disseminate a diverse provision of higher education. We are in favour of having lots of different types of institutions, from conservatoires right through to the highest-level institutions. Amendment 51 would establish that specific arrangement in the general duties. Amendment 52 plays back to an earlier discussion about credit transfer and will give the Minister the opportunity to come back on that point.

7.30 pm

Amendment 264, which is the last in the group, would make conditional the granting and removal of degree-awarding powers, linking it to a duty to maintain confidence in the sector. That is a slightly complicated

issue which we might wish to come back to. The worry here is that the new powers appear to have much more of a sense that there will be entrants into but also exits from the higher education provider sector. There may be good and persuasive reasons why that happens, but it is important that a public interest argument exists in that regard. With that, I beg to move my amendment.

House resumed. Committee to begin again not before 8.31 pm.

Equine Welfare Standards

Question for Short Debate

7.32 pm

Tabled by Lord Higgins

To ask Her Majesty's Government what steps they are taking to improve equine welfare standards.

Baroness Chisholm of Owlpen (Con): My Lords, I have stepped inadequately into my noble friend Lord Higgins's place this evening. He apologises for being unable to attend because of a family illness, and I thank him for initiating this important debate.

I had my noble friend down as a heroic athlete rather than an equestrian, but clearly there are more shoes to his feet than just running ones, and we must now add riding boots. I myself have been involved with horses and ridden them since I was two; frightening though it is to say, that is for 63 years. All the horses that I have owned have lived to an old age and at present Treacle, my grandchildren's Shetland, is thought to be around 28 years old, so clearly I am doing something right.

As noble Lords will know, horses 63 years ago were an extremely important part of people's livelihoods. They were still used for work on farms, and in towns they were used by breweries, scrap merchants and milkmen, to name just a few. Now we associate them with sport and pleasure, but they are no less important to our way of life and the economy. Contributing around £8 billion to the economy, the horse industry employs more than 200,000 people. This employment is particularly important to those living in rural areas.

With nearly 1 million horses in the UK, we are reaching something of a crisis. This crisis is not the fault of thousands of responsible owners who look after their horses, ponies and donkeys in an exemplary way. I am sure we all know people who go without certain comforts so that their equine friends are looked after to a high standard. This crisis is about irresponsible dealers and owners who are ignorant and in some cases naive about the responsibilities associated with owning horses. The market has become saturated and prices have crashed in the murky world of irresponsible dealers and breeders.

It is estimated that 7,000 horses could be at risk. There has been an increase of reported welfare problems, seen by the RSPCA, Redwings, the BHS, World Horse Welfare and Blue Cross, all of which must be congratulated on the hard work they do towards animal welfare. Arguably, perhaps the increase in reported cases is

welcome and means that the public are becoming vigilant and doing something about what they witness. However, I am not convinced that is the case, and of course an ideal is to have no reported problems at all.

It can cost up to £100 a week and in some cases more to keep a horse, but one with bad conformation and in poor health can be worth no more than a few pounds. There are breeders and dealers who allow their horses to run together, breeding indiscriminately, regardless of age and conformation, and so on, which means that many of these horses are worthless.

A report called *Horses in Our Hands*, published in July 2016 following a four-year study by the University of Bristol, funded by World Horse Welfare, found four main areas of concern: unresolved stress and pain behaviour, inappropriate nutrition, lack of suitable stabling and turnout, and delayed death. I will speak briefly on one of these problems: turnout, or indeed lack of it.

Fly-grazing has become an increasing problem among the travelling community, but the problem is not exclusive to them. For instance, dealers in Wales were found to be fly-grazing their animals over a wide area. Landlords and local authorities find it costly and time-consuming to prosecute so the practice carries on, and there is confusion about how to eliminate it. Local authorities do not have the resources to prosecute or indeed even investigate, and horses are not designated as one of the priority animals.

By nature these horses tend not to have passports or be microchipped, so finding their owners can in itself be problematical. Many horses are not legally identified. Even if the owner is known, unless the horse is signed over to the local authority or a charity they are unable to rehabilitate, sell or geld the animal until a case is concluded. That results in horses being kept in centres for a considerable time, which leads to rising costs and fewer spaces available for incoming horses. Of course, charities do not have blank cheques to build new facilities.

What can be done about this and the other problems found in the report I mentioned earlier? As I have so often said in this House on many different topics—this is no different—we need a joined-up, concerted approach to this distressing problem. Animal health welfare groups, vets, trading standards and professional equine bodies—including yard owners, feed suppliers, farriers, hunts, pony and riding clubs—and the Government need to work together to educate the public, encourage best practice and enforce the law.

Government and equine organisations must communicate clearly about equine welfare, and make sure that owners can identify suitable sources of advice and that the advice they receive is up to date and without commercial bias. Practical solutions must be developed and owners encouraged to seek help and advice, particularly when they find themselves in trouble from unexpected hardships. They should feel that they can come forward in the knowledge that they will be helped, not judged.

According to the RSPCA, the new legislation passed in 2013-14, which has made it easier to deal with problems of fly-grazing, has brought the numbers

[BARONESS CHISHOLM OF OWLPEN]

down. However, there is still patchy enforcement of the legislation. Good practice for this and other welfare concerns needs to be enforced with training for local authorities and for animal welfare officers dealing with horses.

I am aware that the problem of horse identification is being tackled by Defra—I am sure that the Minister will confirm this. This has to be one of the most important priorities if vets, local authorities and charities want to find unscrupulous owners. I understand that from next month there will be a central database, to be fully operational by the end of the year. However, the problem will remain if local authorities do not enforce the law due to lack of resources. Have we missed an opportunity in that horses born before 2009 do not need to be microchipped? I hope that the Minister might consider making microchipping for all horses mandatory.

There is a welcome initiative in which in certain cases discounts are available on the cost of microchipping and obtaining up-to-date passports for animals. This has been seen to be popular among the travelling community, so perhaps it could be extended. However, if you cannot afford to get your horse a passport and a microchip, perhaps you cannot afford a horse in the first place.

I have touched only briefly on a few of the problems facing equine welfare. There are many more issues that I could have raised, such as the live transport of horses and ponies over long distances and abroad. I greatly look forward to hearing from other noble Lords this evening, who I am sure will cover many of the issues not mentioned by me.

In conclusion, the Government cannot be solely responsible. Equine welfare must be the responsibility of all of us involved with horses. We must be the eyes and ears for horses and report bad practice where we see it so that the animals we respect and love can lead healthy, happy and productive lives.

7.40 pm

Baroness Mallalieu (Lab): My Lords, notwithstanding the helpful way in which the noble Baroness opened the debate, I am sorry that we do not have the noble Lord, Lord Higgins, here to thank him both for initiating it and for a lifetime of work on his part to improve animal welfare, particularly that of horses.

I am a horse owner of some 60 years, and the one sure thing I know is that the more you think you know about horses, the less you really do. That was clear to me from the report to which the noble Baroness drew our attention, because I learned an enormous amount from reading it. The first and most important point is that equine welfare is largely compromised by ignorance and not just by those who are irresponsible.

I should declare my interests as president of the Horse Trust and of the Countryside Alliance, and as a trustee of the charity Racing Welfare and of the union for stable staff in racing, NASS. It is a great pleasure that today the British Horseracing Authority has shown that it appreciates the importance of this area by announcing the appointment of its first director of equine health and welfare.

In my four minutes I will concentrate on just four things that I think the Government could do right now to make a real difference. First, the code of good practice for the horse, currently on the statute book, is out of date. Over a year ago, the Equine Sector Council consulted widely, then approved and, in March 2006, presented to Defra a ready-to-go, up-to-date code of practice, since when there has been silence. Would the Minister be good enough to undertake to take it off the shelf and bring it into force? The industry would prefer it to be statutory but, if that cannot be done at once, then I ask that it at least be given Defra approval until it can be.

My second point concerns the retrospective issue of horse passports and microchipping. Many horses—many of them elderly—are without passports or microchips. Their owners cannot apply for them as the deadline has long passed, so they cannot enter the food chain. There is a real welfare problem at end of life with horses of no economic value. It is expensive to put them down. Too often as a result, suffering is unnecessarily prolonged as the owner cannot face giving, or afford to give, the order or, worse, the horse is passed on to who knows where or is abandoned. The Government have the option to seek a derogation to allow retrospective microchipping and then to set up our own database. The digital system is ready to go—it has been fully developed. What is needed now is positive encouragement at Defra to get the consultation under way and to get this up and running. Post-Brexit, we will be able to do it anyway.

My third point concerns phenylbutazone, or bute—a common painkiller and anti-inflammatory drug widely used for horses. However, no horse in this country which has ever been given bute can enter the food chain. According to Defra, a vet has to mark the passport at the dead of night before he treats a horse, which is absurd. It is supposed to be a protection for human health but the EU allows imports of horsemeat from third countries, notably from Mexico and Canada, where considerable numbers of United States thoroughbreds—ex-racehorses—are sent for slaughter, many of them after very long journeys and many of which have had bute. A derogation for a withdrawal period of six months for our horses ought to be sought. There is no evidence of danger to human health after such an interval, as the EU tacitly recognises by accepting those overseas horses. Therefore, a consultation could be started on this now. After Brexit we will be able to make our own rules not just on this but on live exports, for which the welfare restrictions we have wanted have not always been approved in Europe.

Fourthly, and lastly, the Government could require CCTV to be installed at key points in all licensed horse abattoirs which do not currently have it. That would go some way towards giving an owner confidence that their horse would be put down efficiently and properly at the end of its life.

7.45 pm

Baroness Masham of Ilton (CB): My Lords, I congratulate the noble Lord, Lord Higgins, and thank him for securing this short but important debate on equine welfare. I hope that Lady Higgins will soon

be better. I declare an interest as I have a highland pony stud and a small rural riding centre in North Yorkshire.

A great deal of work goes into looking after equines and it is not cheap. There is the upkeep of the buildings, grassland management, farrier bills, staff wages, vets' bills, fodder and insurance, as well as passport and microchip costs, and there should always be respect for the animals, even if they are difficult. All horses, ponies, donkeys and related animals have to have a horse passport, which identifies an animal by its height and species and states whether it can be used for food at the end of its life. Last week I signed four passports for my last year's foals. I hope that they will never go for meat.

The Highland Pony Society used to have a better system, as foals were registered as progeny and then had full registration at the age of three, when they had the correct colour and height. Many highlands change their foal colour, which means that the passports have to be corrected when they are fully grown. What suggestions do the Government have to improve the welfare crisis and deal with the increase in fly-grazing and fly-grazed horses? Has the legislation which recently passed through Parliament not helped?

I strongly support the proposal for CCTV to be mandatory in UK slaughterhouses to monitor whether welfare standards are adhered to. There is no doubt that cameras make a big difference in detecting crimes of all sorts. All animals should have both their passport and their microchip checked on arrival and be respected with kindness at the time of death. I hope that the Minister agrees with that. Would legislation be required to make CCTV mandatory? I hope the Minister will give us an answer tonight.

Each year, around 50% of veterinary surgeons registered to practise in the UK are from overseas, with the vast majority coming from the EU. I have often had student vets on two weeks' work experience to learn about horses. One of the best came from the Dick veterinary college in Edinburgh and was Russian. I hope that foreign students will not be restricted because of Brexit. In the UK we have some very important animal charities. It is essential that we work together to promote high standards for equidae in Europe. I hope that the UK will not become isolated and that we will continue to be part of these important initiatives.

I have been taking part in a grass sickness research project. Grass sickness is a most horrible condition and claims many equines in various parts of the country. We live in hope that a cure will be found one day.

7.48 pm

Lord Blencathra (Con): My Lords, when I served as a junior Minister in MAFF under my noble friend Lord Deben, I had responsibility for horses on farms. My noble friend Lady Trumpington had responsibility for racehorses—a duty which required her to make weekly inspections of Newmarket Racecourse, or so she said.

The one big gap in policing welfare standards was that horses kept in livery yards or stables were not inspected by any government or local government department. I think that that is still the case today and

I suggest that is where we have a welfare problem. My concern is based on the evidence of my own eyes, which I see from the train window every week. I see scruffy bits of land alongside the railway tracks which have been carved up into little “pony paddocks” with a couple of horses in each. I am appalled at the state of these paddocks. I was born and brought up on a farm, and I do not have a townie's misplaced view of fields of knee-high, flowering meadow grass. But I know that horses cannot survive on bare mud and patches of grass half an inch long. The stabling may be an old portakabin or container, with some bales of hay scattered about. The supplementary food is grossly inadequate. I see horses standing ankle-deep in freezing mud, with a tatty bit of canvas as a warming rug. The conditions I see fall way below the welfare standards Defra would tolerate in farm animals.

It is left to the RSPCA to enforce welfare, but I think it is a politically motivated organisation and I do not trust it to conduct impartial prosecutions. Therefore, I urge my noble friend that either Defra or local government should take responsibility for this gap.

I turn now to the slaughter of horses at the end of life. I cannot find accurate statistics on the numbers slaughtered in UK slaughterhouses—they seem to range from 3,000 to 8,000. There are demands for CCTV in all horse slaughterhouses, and I support that demand. However, let us be clear that, whatever abuses may occur in UK slaughterhouses, they pale into insignificance in comparison to Europe, where standards of transport and slaughter are not a patch on those in the UK. We used to have the wonderful minimum value rule in the UK, whereby no horse or pony could be transported to Europe unless it was valued at more than £300. That rule permitted valuable racehorses to be moved, with owners knowing full well that horses would receive excellent welfare treatment because they were valuable.

On the other hand, the rule also stopped end-of-life horses and past-it ponies being treated cruelly, since they could not be transported for days on end from England to Italy and Spain for slaughter. But the rule fell foul of the EU, where horses are just another trading commodity. Will the Minister therefore investigate putting a complete ban on the live movement of end-of-life, low-value horses so that we can stop cruelty of movement and slaughter on the continent when we leave the EU? There is absolutely nothing we can do to enforce the animal transport laws in Europe, as lorries drive for days on end to Italy and Spain, the main consumers of live horsemeat. I conclude that the only way we can save our horses from cruelty is not to export them live.

I suspect it is the case, however, that we have now lost the capacity to deal with all end-of-life horses ourselves. The knackers' yards that we used to have could utilise horse carcasses, but they are largely gone. If end-of-life horses and ponies are not sent for meat, there is a disposal cost of anything from £200 to £1,000, which horse owners may not be willing to pay. It is no good saying that we should slaughter them here and export the meat, because the Italians and the Spanish want them killed locally, irrespective of where the horses came from originally. Will my noble friend

[LORD BLENCATHRA]

tell me whether we could, theoretically, bring back the minimum value scheme when we leave the EU? Do we have the capacity to slaughter all our end-of-life horses here, and, if we do, would we be able to export the meat so that there is no disposal cost to horse owners at the end of life?

7.52 pm

Lord Kennedy of Southwark (Lab): My Lords, we are all grateful to the noble Lord, Lord Higgins, for putting down this Question for Short Debate and understand that he cannot be with us due to a family illness. We are also grateful to the noble Baroness, Lady Chisholm of Owlpen, for stepping in to ask this Question today. I should first declare an interest as I am, along with my noble friend Lady Mallalieu, a trustee of the National Association of Stable Staff, which is a trade union affiliated to the TUC and represents stable staff employed in the horseracing industry. I want to pay tribute to the members of NASS for the important work they do in the horseracing industry in helping deliver some of the best equine standards in the world.

In my brief remarks I want to focus on the horseracing industry and its work to deliver, as I said, some of the best standards in the world—and we should take some satisfaction from that. The British Horseracing Authority is the body responsible for the regulation of horseracing and has an excellent record of working with the Government, the RSPCA, World Horse Welfare, NASS and many other organisations to deliver standards that are in excess of those required by legislation. It is fair to say that racehorses are some of the best looked-after horses in Britain. High welfare standards are demanded of everyone in the industry and none of the 1,400-plus meetings can go ahead unless the equine welfare standards demanded by the BHA have been satisfied. The industry is open and transparent about the risks involved, about which we all know. No sport is without risks, and the key is to learn from and mitigate them. Equine fatality has fallen in the industry in the past 20 years. It is down now to 0.2%—a very low rate indeed. Detailed data are kept, and that has helped the industry progress. After the racehorse retires, work is undertaken as it moves on to other things, is rehomed and retrained.

I want to ask the noble Lord, Lord Gardiner of Kimble, a couple of questions. In his response to the debate, will he tell the House how his department works with the British Horseracing Authority to learn and develop best practice? What discussions does the department have with the RSPCA and other welfare organisations to improve equine welfare standards? Does he agree that care at the professional level has had a positive effect on the welfare of horses generally, notwithstanding what we have heard from other noble Lords in this debate? Finally, does he think that the legislation is sufficient at present to protect the welfare of horses, and when did the department last routinely review the legislation in this area?

7.55 pm

Lord Trees (CB): My Lords, I join others in thanking the noble Lord, Lord Higgins, for bringing forward this debate. Animal welfare is of great concern to the

British people and it is very appropriate that we give it due regard in this House. In considering this topic, I begin with a general observation; the longer I am in this House, the more I realise that, for many issues—not all, of course—the problems relate not so much to a lack of legislation but rather to a failure to communicate, apply and above all enforce existing legislation. This is particularly pertinent to this topic, which is why I begin by making the point, and why I will reiterate it later.

Time prevents me going into great detail on specific welfare issues, and these have been prioritised in a commendable recent report by the University of Bristol veterinary school. Suffice it to say that there are in-life issues and there are end-of-life issues. Many in-life welfare problems arise because of the inadequate management of horses. Some of these can be addressed by more education and information, but many, particularly those which arise because of inattention to care and which may partly reflect the relatively low cash value of horses, to which there has been reference already, require detection, intervention and the enforcement of current laws such as the Animal Welfare Act 2006, which is an excellent piece of legislation.

There are also issues concerning end of life and humane slaughter. While horses in the UK are not regarded as food animals, thousands are slaughtered each year to provide meat exported for human consumption. The ability of horses to enter this trade enhances their value at the end of life. Sadly, however, covert videos have shown how brutally some horses may be treated at slaughter. This could be addressed by mandatory CCTV in all equine slaughterhouses—and access to that recorded material by independent authorities. Confidence on the part of owners that their horses will be humanely slaughtered, and access to what is an affordable means of euthanasia, would do much to improve equine welfare.

At all life-cycle stages, accurate horse identification is key to enabling adequate monitoring of welfare. Although the microchipping of horses has been a legal requirement since 2009, there is still no single national database for microchipped horses here in the UK, although a new European regulation was introduced at the beginning of last year which requires that. We urgently need legislation implementing the EU requirements.

In summary, will the Government consider making CCTV mandatory in equine slaughterhouses? With respect to microchipping, when will a single database be in place and will the Government consider requiring the microchipping of all horses, including those born before 2009? Finally, will the Government consider making it a statutory responsibility of local authorities and the police to enforce the existing Animal Welfare Act 2006 and provide the resources to enable this? These are all modest and achievable aims, which are the least we should provide to safeguard the welfare of one of Britain's most cherished animals.

7.59 pm

The Earl of Shrewsbury (Con): My Lords, I congratulate my noble friend on securing his debate on this important subject today. I am not surprised that it has attracted a

big field. I declare an interest as a lifelong enthusiast of all matters equine. Indeed, even though it does not look like it these days, I rode for 20 years as an amateur jockey. Also, my wife is a long-established breeder and showman of Welsh mountain section A ponies.

The adequate treatment and welfare of equines should be paramount in our society. I intend to be brief and touch on three matters. First, on the rehoming and retraining of racehorses, some 4,000 horses leave the racing industry annually for a variety of reasons. Injury, age, attitude and inability are just a few. Some go for breeding. Sadly, only a proportion are capable of being rehomed, with many going to excellent homes where they are retrained as competition horses and even as hacks and pets. A variety of charities and other establishments in this country specialise in providing new homes and opportunities for these animals. Those bodies do excellent work.

Secondly, in some parts of the wider equine world, standards of equine husbandry are sadly lacking. Far too many animals of poor pedigree are being bred, and in considerable numbers. Often, male equines are left as entire when their conformation, pedigree and temperament are highly suspect, as is their genetic make-up. Their contribution to the equine gene pool is substandard. Many of these randomly bred animals are kept by fly-grazing and in poor conditions. Visit the pony sales and witness the unwanted foals being sold for a pittance for slaughter. Can my noble friend say what steps Defra is taking to combat that situation and to encourage owners to breed responsibly and selectively, and is he able to comment on the policies to this end of the various breed societies?

Thirdly, I am concerned that the RSPCA does not always live up to its perceived high standards when it comes to equine welfare. Perhaps it should concentrate less on politics and more on animal welfare. A number of years ago my wife loaned out our daughter's riding mare while she was abroad. The mare was to be stabled at a local DIY livery. We heard some while later that the animal was in appalling condition, as the girl who had borrowed the animal had moved away and left the mare behind. We went to see the mare, which had become a hat rack, covered in serious haematomas. We immediately rescued it and our vet's bills were in excess of £1,000. Our vet was shocked at the condition of the animal. He thought that it was a disgrace. We informed the RSPCA, which sent an inspector who, when he saw the mare, informed us that he had seen far worse cases and was not prepared to take the matter further. That is disgraceful.

Finally, when it comes to the end of life for our equine friends, they should be treated with compassion, dignity and the respect that they richly deserve. My wife has a strict policy of her animals being put to sleep at home, quietly and kindly in their familiar surroundings. We used to send them to a horse abattoir, but the last time we took some stock to that place, the conditions were appalling, the staff could not speak English, there were rotting pony pelts on pallets in the yards and the place was filthy. Never again will we do that. What is Defra's position with regard to welfare standards at equine abattoirs, and what prosecutions over the last five years has Defra instigated against

such substandard operations? Will it take steps to ensure that random, unannounced visits are made by local authority inspectors and vets and ensure that CCTV systems are mandatorily required to monitor abattoir staff and working practices?

8.03 pm

Lord Dear (CB): My Lords, I, too, am very grateful to the noble Lord, Lord Higgins, for securing this debate and to the noble Baroness, Lady Chisholm of Owlpen, for so ably filling his slot. Horses, too, have formed a part of my life—hacking, hunting and riding ceremonially in London. I was proud to be a trustee of World Horse Welfare for a five-year period that concluded in 2015.

I have spoken in your Lordships House before on matters equine, ranging from the registration of farriers to the problems of long-distance transport, which I will touch on in a moment. This is a short debate and I get the feeling that we are racing through it in order to complete it within the allotted time span, but this is a subject that we could quite easily take three hours on. However, I am grateful for the time that is available to us today.

First, it seems in the UK that we have a highly romantic view of the horse compared with the variable view that is taken of dogs, cats or perhaps ferrets. The horse is met with almost universal acclaim and respect—and quite rightly too. Most people who know nothing of horses would conclude that they are probably dangerous at both ends and uncomfortable in the middle, but that does not stop the universal love for the horse that we in this country have seen. One only has to exercise a 16.3 half-hunter, groomed to within an inch of its life, in central London and stop anywhere near a footpath to be immediately surrounded by a crowd of people—not all tourists: many of them office workers—determined to explode the horse by filling it full of polo mints and chocolate to understand that.

But that love of the horse, as has already been alluded to, leads to a massive ignorance of what is really going on behind the scenes. We have heard a lot of that before and I concur with the views that have been expressed. It leads to a growth of abuse and neglect of the horse, and all of that was ably identified in the World Horse Welfare report in July of last year, *Horses in our Hands*, which was referred to by an earlier speaker. The welfare needs of the horse have been ignored and I will cover just three points in this short debate. Two have been covered already, so I shall repeat them purely for emphasis, and one has not yet been mentioned.

The first is the issue of equine identification. There is no real system of enforceable equine ID in place, which leads to very shady practice, as we have heard. What we need is a tough, robust, user-friendly and enforceable passport system backed with a central database. I do not think anyone has mentioned the central database that would have to be put in place behind that, but it should certainly be a matter of some government concern. Will the Minister comment on that issue particularly? What we have is a system that is coming in late and is patchy. Microchipping has been mentioned retrospectively and local authority enforcement of that system is required.

[LORD DEAR]

Secondly, on welfare at slaughter, £500 has been mentioned, but it costs £650 in the Cotswolds to slaughter a horse and dispose of the carcass. Many people cannot get anywhere near to that. Of course, that is exacerbated by the reduction in the number of slaughterhouses generally that we have seen over the last few decades. CCTV installation would do much to sort out that problem and bring transparency and a degree of mandatory control. I will not go on because those points have already been made. Food Standards Agency involvement would be essential.

Lastly, if my voice will stand up to this, on the question of long-distance transport of horses, one tends to think that this is a problem of horses leaving Poland or Estonia and going down in transporters to the toe of Italy, southern Greece or southern France. That is so, but at the same time it also involves horses travelling from this country. I have spoken in your Lordships' House before on this issue. It is estimated conservatively that 50,000 horses are so moved across Europe each year. That is days and days of travel and thousands of miles, and the horses are often deprived of rest, food and water. Yet an EU transport regulation—of 2005, to be precise—is largely not enforced across Europe. That is backed up of course by the EU scientific adviser, who has said to the whole of the EU that the maximum travel should be 12 hours and then the journey should be broken for food, rest and water. That is largely not being done. So my question to the Minister is one that I have asked in your Lordships' House before. What are we doing to support and encourage other countries in the EU to enforce that regulation?

8.09 pm

Baroness Parminter (LD): My Lords, given what has been said by previous speakers, I should declare that I am not a horse rider but I have always thought that horses are magnificent beasts, deserving of the utmost respect. Most of us here, whether we are riders or non-riders, would agree that the majority, as the noble Baroness, Lady Chisholm, rightly said in her opening remarks, are well cared for by people who respect them. However, it is clear that welfare problems remain and it is the equine charities that have to pick up the pieces and rehabilitate horses before finding loving homes for them. I pay tribute to the RSPCA, World Horse Welfare, Redwings and a charity local to me in Surrey, the Mane Chance Sanctuary, which does a fantastic job of rescuing and rehabilitating abandoned and older horses and then integrating them back into the local community. All equine charities have more horses in their care than they have spaces for, and the majority need to be put into private boarding facilities. The increasing costs of doing this are unsustainable for all charities.

It is good news that the number of abandoned horses on public and private land has reduced since fly-grazing legislation was adopted by the Government, but enforcement is still patchy and it is arguable that the issue is given insufficient priority by local authorities, and certainly there is a lack of resources from some. As the noble Baroness rightly identified, however, local authorities are hampered by the inability to

prove horse ownership. It is the law that horses should be passported and that those born after 2009 should be microchipped as well, but there are no consequences for non-compliance. Moreover, the 2009 cut-off is causing real problems, as the noble Lord, Lord Trees, and the noble Baroness, Lady Chisholm, have both said. The recent legislation on dog microchipping stipulates that it applies to all dogs, so my question for the Government is: if it is good enough for dogs, why is it not good enough for horses? What plans do the Government have to make retrospective microchipping mandatory? We know also from the Animal Welfare Act 2006 that it has to be statutory or it just will not be enforced.

Horses are left to suffer in far too great numbers. Last year the RSPCA collected 1,336 horses, the third highest number ever, of which 70% had been neglected. Unlike the noble Earl, Lord Shrewsbury, and the noble Lord, Lord Blencathra, I wish to commend the RSPCA on the prosecution work that it undertakes. I would respectfully argue that the association is not politically motivated. We may disagree with the priorities of some charities, but they are charities and therefore we cannot say that they are politically motivated. I would also point to the support of World Horse Welfare and the Blue Cross for the excellent prosecution work that the RSPCA undertakes. Frankly, my request to the Government is not to remove this work from the association but for them to make a firm commitment to support the vital work being done by the RSPCA and others. However, it is my understanding that the RSPCA undertakes 80% of all prosecutions, and we in this House should be grateful for its work not only with horses but with all animals.

It is clear that more needs to be done, including making retrospective microchipping a priority, to rescue horses from the miserable existence to which too many of them are still condemned.

8.12 pm

Lord Grantchester (Lab): My Lords, I am sorry to hear of the family problems experienced by the noble Lord, Lord Higgins, and I wish his wife a speedy recovery to good health. I also thank the noble Baroness, Lady Chisholm, for introducing this debate on his behalf. I declare an interest as a farmer, but I have never had any horses on the farm.

While issues around horse welfare go wider than fly-grazing, this debate nevertheless allows the House to look at the issue one year on following the introduction of the Control of Horses Act 2015. I, too, would like to thank the RSPCA for its work and for the briefing update because it gives us the wider national picture. I would also like to thank profusely Jenny Seagrove of the Mane Chance Sanctuary, who has garnered extensive opinion from her colleagues in the Home Counties, where the problem could be said to be at its most acute.

Speakers in the debate have highlighted the pressing issues around horse welfare brought on following the downturn in the economic climate in 2012, while uncontrolled overbreeding continues. The RSPCA estimates that the number of horses being fly-grazed has decreased from 3,500 to around 3,000, with what

is still patchy enforcement of the legislation. However, comments received via the Mane Chance Sanctuary are that while the legislation is helpful, it has by no means provided a solution. It has simply generated more frequent movements of herds from one fly-grazed area to another, often at the eleventh hour. The legislation has simply aided faster action where cases are deemed of a high level of importance.

This patchy enforcement highlights the varying standards of different local authorities that fly-grazers exploit, especially as local authorities have not received any financial resources to deal with the problems. It is apparent that local authorities often do not quite grasp the severity of the problem, do not fully understand the current legislation, and do not take action when presented with the evidence that could catch the perpetrators in the act. It appears that, with no set protocol in place, no one from the police, local authorities, trading standards, animal charities and so on appears to be willing or able to take charge.

Landowners are also responsible, whether the land is private, corporate or council owned. As the land used is often rough and of poor quality, it is rarely monitored and owners may have no knowledge of what is happening on their property. In some cases they do not realise their ownership until they are presented with Land Registry documents, with the result that some herds go unnoticed for months. I understand that some companies and councils supply Travellers with grazing but do not put in place any form of contractual agreement or grazing licence, and any that do seem not to include any animal welfare provisions. The recent World Horse Welfare conference saw an emphasis on the importance of the mandatory use of CCTV, which has also been mentioned extensively by other speakers in the debate.

As time is short, I ask the Minister to ensure that his department follows up on the issues surrounding the inadequacies of the horse passport system and makes retrospective microchipping mandatory, following the consultation on the EU regulation 2015/262. Can the Minister clarify how the passport-issuing organisations report on their work to the department? I am sure he will agree that the lack of a central database raises questions about the value of the passport system in promoting equine welfare.

On other areas covered by the regulation, is the department following up on concerns regarding the licensing of breeders and trainers? Currently there is no regulation of trainers so that anyone can call themselves a horse trainer or behaviourist without any relevant education. Could Defra work with the Animal Behaviour and Training Council to draw up a regulation for qualified horse professionals to replace that for “experienced” horse professionals; that is, those persons who often use outdated methods involving the use of whips to meet a quality standard.

Horse welfare should go far wider than being largely confined to issues of neglect, cruelty and overbreeding. There is a need for improved education into the knowledge of good horse management and behaviour prior to ownership. A horse welfare inquiry could be undertaken by the EFRA Committee of the other place to call for evidence and report on the need to enhance attitudes from well-meaning but sometimes poorly informed

owners and riders, who rely on traditional methods that are often entrenched in pony clubs, passing on bad habits to the next generation of children. It seems that, along with the hard riding hat, the whip is still a standard piece of equipment. Any such report could provide excellent clarification for Defra to reassess the guidance and code of practice issued by the Minister’s department. I would be grateful if he would agree to take this forward.

8.18 pm

The Parliamentary Under-Secretary of State, Department for Environment, Food and Rural Affairs (Lord Gardiner of Kimble) (Con): My Lords, perhaps I may in turn thank my noble friend Lord Higgins for securing this debate and my noble friend Lady Chisholm for opening it on his behalf. I too send my best wishes to my noble friend and to Lady Higgins.

I declare my interest of long standing in the welfare of the horses and my membership of the British Horse Society. I have ridden horses for much of my life and it is fair to say that I have fallen off quite a few. The exhilaration that the horse provides is difficult to describe adequately, and indeed I am looking forward very much to my forthcoming visit to the Horse Trust at Speen.

When I use the word “equine”, I of course include horses, ponies, donkeys and their hybrids. Indeed, since time immemorial the equine and the human have been in partnership. There are now just under 1 million horses in the UK, and according to the British Equestrian Trade Association’s national equestrian survey of 2015, the economic value of the equestrian sector stands at £4.3 billion of consumer spending each year across a wide range of goods and services, and has increased from £3.8 billion in 2011.

There have been and are a range of uses that we have put our horses towards. There is also the range of breeds we have in this country, from the wonderful Suffolk Punch to the thoroughbred we all enjoy racing—and sometimes riding if we can stay on board—and the native semi-feral moorland ponies that are so iconic in so many wonderful moorland places of our isles. For all these breeds, it is essential that their welfare is upmost in owners’ and custodians’ minds. I am most grateful to the noble Baroness, Lady Mallalieu, and the noble Lord, Lord Kennedy of Southwark, for highlighting the high standards in the racing world, in particular the dedication of the stable staff who care so much about their horses, which I have seen for myself.

My noble friend Lady Chisholm referred to the research *Horses in Our Hands* conducted by the University of Bristol and funded by World Horse Welfare into the welfare status of equines in England and Wales. This is valuable research. The overall theme of its recommendations is that everyone involved in equines, including government, should help educate owners and keepers about the importance of meeting the needs of their animals. One of the issues highlighted is inappropriate nutrition. It is also clear that too many horses are suffering from unresolved stress and behaviour associated with pain. These are all matters principally resolved by educating horse owners. We all need to play our part.

[LORD GARDINER OF KIMBLE]

The noble Baroness, Lady Mallalieu, asked about the code of practice. She is absolutely right: the Equine Sector Council has been most helpful in helping us to update this. I hope we can make progress on this.

The noble Lord, Lord Kennedy of Southwark, asked about a review of certain matters. The Animal Welfare Act, which applies to racehorses, was last reviewed in 2010 by the Government and EFRA. The BHA and the RSPCA worked closely together to set standards at racetracks. The code of practice also applies to racehorses. I will look at what the noble Lord, Lord Grantchester, said about some of the other matters to do with behaviourists and otherwise. Clearly, we want to ensure that the welfare of horses is best achieved.

I am also pleased to confirm to my noble friend Lady Chisholm, the noble Baroness, Lady Mallalieu, and the noble Lord, Lord Dear, that Defra is making good progress with the central equine database, which I expect to be ready in the summer. It will hold records of all horses currently identified with a UK passport-issuing organisation, including details of the owner of the horse.

A number of noble Lords, including the noble Lords, Lord Trees and Lord Grantchester, the noble Baroness, Lady Parminter, and my noble friend Lady Chisholm, asked about microchipping of all horses. Defra will consult in February on proposals for implementing a new EU regulation on the identification of horses in England, including whether all horses should be microchipped. The identification system can help trace owners of horses, but only when owners are complying with the law. Unfortunately, all too many horses that are mistreated are not correctly identified. In these cases, the database will not hold a record and it will, I fear, still be difficult for local authorities to trace the owner. I hope the database will help us in this regard.

I acknowledge and thank the noble Baroness, Lady Mallalieu, for her leading role in bringing into effect the Control of Horses Act 2015. The Act has been widely welcomed. Animal welfare organisations—I was looking at the RSPCA's briefing for the debate—acknowledge that the Act has helped to reduce the number of fly-grazing incidents. Clearly we look for further progress on this matter, but it is the case that this is a piece of legislation that has the basis on which I hope we can make proper progress.

We are currently reviewing the animal establishments licensing regimes with a view to modernising them. We will shortly be publishing our firmed-up proposals following a consultation last year.

My noble friend Lord Blencathra referred to the welfare of horses in livery yards. The Animal Welfare Act 2006 makes it an offence to cause an animal unnecessary suffering and also to fail to provide for an animal's welfare needs. I would advise anyone who has concerns about a particular livery yard to report it to the relevant local authority, World Horse Welfare, the RSPCA or other animal welfare charities.

My noble friend Lord Shrewsbury asked what the Government are doing about tackling overbreeding. As with many issues, the answer lies in better education

and information for owners. I believe that action lies with the whole of the sector and is one of the most difficult challenges facing us all today.

My noble friend also asked whether we have any sort of controls over the RSPCA. The RSPCA is a charitable organisation that works closely with other equine specialist welfare charities, such as World Horse Welfare and Redwings. I am sure there may be occasions when organisations could handle cases better—I am sure there are many occasions when I could handle my cases at the Dispatch Box better—but when it happens it is important that charities learn from their experiences and make improvements.

On equine slaughter and CCTV, there was an issue for owners, that of “delayed death”. I acknowledge the work of a range of horse charities that are encouraging horse owners to consider this difficult subject, but it is important to plan ahead and so avoid one of the key issues the World Horse Welfare report highlighted.

My noble friend Lord Blencathra asked about the numbers of horses slaughtered in UK slaughterhouses. In England, 3,329 horses were slaughtered in slaughterhouses in 2016, which reflects a continued fall since 2012, when 8,848 horses were slaughtered. What is interesting is 99% of equines were killed in slaughterhouses that have CCTV. Horses may also be humanely killed in other places such as knacker's yards, where there are also and must be strict rules concerning the welfare of horses. The Government agree that CCTV has a very useful role to play. We will keep these matters under review. The route to achieve any change would be through secondary legislation—a point the noble Baroness, Lady Masham, raised. Regardless of whether there is CCTV in slaughterhouses there are clear legal obligations on all operators to have appropriate monitoring procedures in place for all slaughter operations. Of course, official veterinarians of the FSA are present during slaughter operations to monitor and enforce animal health and welfare regulations.

The point the noble Baroness, Lady Masham, made about foreign and EU nationals working here is clearly one of the issues that needs to be resolved as part of our negotiations. I am well aware of the importance of what vets do for us.

My noble friend Lord Blencathra asked about a complete ban on live movement of low-value horses for export and the application of stricter export controls on horses to prevent them going for slaughter on the continent when the UK leaves the EU. These clearly are matters we will wish to consider as we define our policy on leaving the EU. We have recently supported calls within the European Union to reduce the maximum journey times for horses. I hope that gives encouragement to the noble Lord, Lord Dear.

We work on the international stage, where we are considered to have some of the highest animal welfare standards in the world. Indeed, we are spending about £9.8 million each year combating exotic diseases. That of course includes diseases affecting equines. With the support of international animal welfare organisations, we try to raise the global standards of animal welfare in forums such as the World Organisation for Animal Health.

Even with the best legislation in the world, without people working together in partnership we will never be able to achieve our ultimate goal of improving welfare for equines. That is a point my noble friend Lady Chisholm made very powerfully. That is why it is so important not only that we have effective organisations, many of which have been described in this debate, but that they are prepared to work alongside each other. This is where the Equine Sector Council plays such an important role.

It is the role of government to set out the best equine welfare standards and legislation. To achieve this goal, we work closely with World Horse Welfare, Redwings, the British Horse Society and many other organisations. I join my noble friend Lord Shrewsbury and the noble Baroness, Lady Parminter, in paying tribute to the work that those charities undertake in promoting and raising standards in equine welfare. I also acknowledge the British Equine Veterinary Association, which promotes veterinary and allied sciences related to horse welfare and provides a forum for discussion and exchange of views.

Many of us in this debate have a lifetime of association with the horse. It has undoubtedly given us some of the greatest pleasures and privileges. I believe that this is shared by so many people beyond your Lordships' House. We have clearly had a brisk gallop tonight. Of all the animals, we owe the horse a very great deal. High standards of husbandry and that knowledge being shared widely are our goals. It is incumbent on us all to work together to advance their welfare.

Higher Education and Research Bill *Committee (2nd Day) (Continued)*

8.31 pm

Clause 2: General duties

Lord Lucas (Con): My Lords, I have a couple of amendments in this group. Perhaps I may start by speaking to Amendment 34. I have great hopes for it. My noble friend earlier enjoined us to be broad in what we put into this part of the Bill and not to be too bogged down in detail. I do not think that we can get much broader than the public interest, but it would be an important addition to this part of the Bill.

There are some very important things which will not get done under the current wording. One of them is consideration of what sort of system is wanted and what demand is out there. What do students want to see happening? What do those who recruit students when they graduate want to see happening? What pattern of provision is emerging? What strategy should be pursued to develop the higher education system which the country as a whole wants and needs? This is really important, and one can see that the current system does not function or at least functions extremely slowly. I shall give noble Lords a couple of examples.

The American university system is based largely on the liberal arts model. That has been very slow to come into this country, although our best students are flooding across to study it in America because it is the

only place they can find it. A lot of good students want to stay abroad and to use universities to explore new subjects. We tend to take the view that you go to a university to study history or physics, and that is what you should stick to, but that is not what we all need afterwards. I studied physics; I could jolly well have done with a bit of essay-writing to go with it, not to say public speaking and maybe a bit of business. It would have done a great deal of good, because how many physics students go on to be physicists? It is not that many. But we have admission arrangements that pay no attention to breadth in the way that American universities do. There is clearly a great demand among students for good courses in the liberal arts style. That demand is not being responded to with any sense of rapidity by the established university system. Being universities, they all have the breadth of teaching ability and subject spread which would enable them to offer such courses if they chose to do so, but there is no pressure in that way.

The other example is acceptance of BTECs. It is noticeable how difficult it is to predict whether a university will accept a BTEC for its courses. For example, Durham has a very prestigious business course which accepts BTECs, but the course in Exeter does not. Why? Is this the pattern of response that we want in our education system as a whole? We agree that we do not want to tell individual universities what to do, but perhaps the conclusion is that we want more good courses open to BTECs. There seems to be nothing in the Bill which allows the OfS to consider such matters, and there should be.

My second amendment in this group is Amendment 47. The simplest thing would be for me to wait for an answer on that from Minister, rather than my taking up time telling him things about it when I want to listen to what he has to say.

The Lord Bishop of Birmingham: My Lords, I regret that my friend the Bishop of Portsmouth is not in his place tonight, having been exhausted, I suppose, by leading the debate on the Armed Forces covenant on Monday. He has asked me to bring before your Lordships Amendment 58 which relates to the general duties of the Office for Students. This is in the context of warmly welcoming the Bill's commitment to greater diversity and improved choices for students, both in the wider choice of the number of institutions and in course and subject. However, we believe it is vital also to have a variety of institution types with distinctive characteristics. There are many universities with a particularly distinctive character: for example, the cathedrals group of universities, and others such as Goldsmiths, which has a focus on creative studies. It is this fact that the amendment seeks to recognise and pay heed to.

Your Lordships may know that there are more than 100,000 students enrolled across the 16 cathedrals group institutions. Collectively, undergraduates, post-graduates and research students are making the cathedrals group about the same size as the university sector in Wales. We do not for a moment wish to press this amendment to a Division, but we hope that the Minister and his officials will be willing to look afresh at the inclusion of and provision for universities with a distinctive character.

Lord Addington (LD): My Lords, in making my first contribution in Committee I should start by making a declaration of interests, but I hope noble Lords will forgive me if it does not include being a member of a university in any shape or form. I think this puts me in a distinct minority in this debate. I am president of the British Dyslexia Association and chairman of a company that deals with assistive technology. This is relevant to the amendment I have tabled, which suggests that disability should be included in the general duties here.

Disability in universities is in a rather strange place at the moment. At the start of last term, universities acquired a duty to deal with what is graded “bands 1 and 2” disability functions. They were supposed to receive some guidance. They have not received that guidance to date—or if they have they have had it incredibly recently. So they have a duty which they have not had before, which means they are doing something they have never done before. Should they be doing it? Yes, probably, because they are charging fees and they have a duty to make reasonable adjustment, which has been taken on by the disabled students’ allowance until this point. That has been removed, so they have to do it, so they will need some guidance.

The noble Lord pulled me up when I said at Second Reading that there was no guidance on this, saying, “Yes, there are duties in regulation”. There is no guidance on this situation because it has not occurred before. It is new; it started in September. I hope that at the end of this debate we will have a little more information about the state of the guidance that has been issued. If no duty is placed somewhere in the Bill, how long will this situation go on for and when will we update it? Whatever happened here, the cock-up school of history has another example of what can happen.

When it comes to other duties such as accessibility, universities do not have an unblemished record. I have had many letters coming across my desk saying, “I could not get into a lecture hall”. If you cannot get into a lecture hall to receive lectures you cannot be part of the main group. There are arguments on both sides. Perhaps the person was expecting a little too much and the duty of reasonableness may not have been covered, but such situations occur. The record is not perfect; there is a greater duty and we do not know what we are supposed to be doing.

I hope that through this amendment, which is currently a probing amendment, we will get some clarity. Simply saying that the problem will be taken care of somewhere else is not good enough. We must know. Some 20% of the population are reckoned to have a disability; 20% of the school population are reckoned to have special educational needs. Many of those will be covered by a disability, if not the social sector, and the cross-over between them is far too complicated to be gone into at this time of night. There is a problem here. Unless we are going to remove whole sections of society, we must have a commitment and a way of making sure that such a provision is enacted and disabled people are allowed in.

It is a complicated, varied sector, covering everything from mild dyslexia to quadriplegia—I know I have missed a lot of people by going sideways in that description. How is this duty to be recognised, where

is it going to be recognised and are we going to make sure that people are up to date and doing the job correctly? Somewhere in the Bill it should be stated clearly that we have to get on with it, because at the moment there is no great consideration of this issue. I look forward to hearing the Minister’s comments.

Baroness Wolf of Dulwich (CB): I have a number of amendments in this group and before talking to them generally I want to say how much I agree with almost everything that has been said so far in this short debate. The Minister and other noble Lords have on a number of occasions emphasised the importance of not getting too hung up on detail, not giving too many detailed and restrictive instructions to the OfS. My concern is with these general clauses, which define what sort of institution this is and its general remit. The problem is that the definition it is not general enough. So much of what is said is focused on the development of individual institutions—their financial health; their particular policies and progression statements.

I strongly support Amendment 58 because it would insert the word “diversity”. Surely what we want in a 21st-century higher education system is not simply choice between lots of institutions that are actually very similar but genuine diversity. I do not think, for reasons that I could bore your Lordships with for an hour but will not, that the current approach will generate diversity. It will generate new institutions but it will not in and of itself generate diversity.

It is absolutely critical that the central office that represents our Government has as one of its concerns the need to generate not just competition between similar institutions—not just choice between ever more institutions that look much the same—but genuine diversity. That will require quite a lot of thought and active intervention—pump-priming, whatever. Many of these amendments, including those that have my name on them, are about the need to secure and improve the overall strength and quality of higher education provision in England, to maintain confidence in the higher education sector as a whole.

8.45 pm

I completely agree with the noble Lord, Lord Lucas. It has to be about not just the financial health of individual institutions but the financial health and viability of the higher education sector. You have to look at whether or not institutions are in a position to generate new ideas and new courses and, if they are not, what the OfS can do about it. It must look at this more broadly and not just at individual institutions. Unless it does so, new courses are not likely to come up because the safe approach is always to do more of what other people are doing—maybe a bit more cheaply or with more effective marketing, but basically to continue the pattern of the past few years, which is that we get more and more alternative providers but they all offer the same thing.

I hope—and I would like to hear from the Minister—that in the final version of the Bill there will be far more at the top, where the OfS board will look at it, so that everybody will be clear that this is what this institution is about and there is far more about the

OfS's duty to the sector and to the country as a whole, to take a leading role and, above all, to look not just at competition in a narrow sense but at securing genuine, high-quality diversity. I look forward to hearing from the Minister whether the Government are minded to think about this.

Lord Liddle (Lab): My Lords, I declare an interest as pro-chancellor of Lancaster University. I fear that noble Lords may feel that I have worked out my line with the noble Baroness, Lady Wolf, because it is very similar to hers in its thrust.

I am not against competition *per se*. I am in favour of it. There is a lot of competition in the university sector as it is. My own institution is deeply competitive in trying to recruit students within a group of universities which it sees as its prime competitors. For instance, we have to invest an awful lot in our high-quality management school if we are going to continue to attract the international students who are so important to our income. Let us not pretend that we do not have competition. We have a lot of it. On the whole, at present it is healthy.

If we are to have more competition, it must not be bargain basement competition at the bottom end of the market, trying to erode margins in the cheap-to-teach subjects—let us put it like that—because ultimately that would undermine the viability of the university sector as a whole. Therefore, when we are talking about competition, the duties ought to have a heavy emphasis on innovation. I would like to see more competition in the area of new courses and institutions that reach out to people who have had apprenticeships and give them a ladder of opportunity into degrees. I would like to see more innovation in trying to attract to university people who are bright but have not succeeded in our conventional education system. There is a strong role for innovation but it has to be guided and managed. I would be horrified by the possibility that the OfS should think that competition should override all other considerations.

I do not have a word formula to meet these requirements, but this requires thought. I would like to hear from the Minister whether the Government share the concerns that the noble Baroness, Lady Wolf, and I and others have expressed in this debate, and to hear that they emphatically do not think that the promotion of competition should override other objectives. My noble friend Lord Stevenson spoke to his amendments on having regard to the public interest. I would like to see a provision on having regard to the financial sustainability of the sector as a whole. Such amendments are very important, as we have to have balance on this question.

Baroness Garden of Frognal (LD): My Lords, I have added my name to amendments in this group as set out by the noble Lords, Lord Stevenson and Lord Lucas, and the noble Baroness, Lady Wolf. I also support Amendment 57, as introduced by my noble friend Lord Addington. They relate to the general duties of the Office for Students and reflect some of the concerns over the unprecedented powers of this new body. We have already addressed the issues in Amendment 41 to do with part-time study and lifelong learning.

Amendment 42 comes from MillionPlus, which is the Association for Modern Universities and has as much interest as anybody in maintaining confidence in the sector, which they have all joined relatively recently, and promoting the reputation which has been hard earned and needs to be protected.

Of the other amendments in the group, Amendment 43 is on the provision of higher education which meets the vocational and professional needs of the students. In the 20 years that I worked for City & Guilds, my work involved linking in with universities, professional bodies and the higher reaches on trying to gain transferability and acceptance for different types of awards. Anything that can be done to try to promote that transferability between types of qualification has to be commended—particularly, I suppose, in view of the degree apprenticeships coming up. Again, recognition of vocational achievement within an academic context there would surely be for the good.

The noble Lord, Lord Stevenson, has introduced amendments on supporting and working with student representatives. As we have addressed previously, if the Office for Students is to live up to its name it would be quite useful if students had something to do with it. Amendment 67 suggests that they could even have current experience of being a student.

The amendments on the financial health and viability of the sector are all self-explanatory and seem good. My last comment is on the right reverend Prelate's amendment. I entirely agree with the noble Baroness, Lady Wolf, about the importance of diversity and how having providers with a denominational characteristic has to be a good part of the mix that we are trying to promote in higher education.

Lord Willetts (Con): My Lords, I would like to comment on some of the interventions we have heard expressing concerns about alternative providers. Sometimes, it has been an unhappy story and alternative providers have not delivered what they were supposed to but some of the criticisms are unfair, for two reasons.

First, we should remember that these organisations have no access to research funding or funding for higher cost subjects, so there is a large range of university activities for which they have no access to public funding to engage in. In fact I know that for some of them, their grievance is that they would rather like to have access to some of these strands of funding so that they could provide a greater range of subjects.

Secondly, it is not entirely true to say that they are all of a sort. In my experience, they are quite astute at identifying where there are gaps in provision. For example, modern music is not a subject which is particularly accessible and well taught in higher education institutions. If you want some qualifications of higher education standard for modern music, you by and large go to an alternative provider. Many of them have focused on vocational courses. There is increasing interest in alternative models for delivering medical education. I am being wary as I see the noble Lord, Lord Winston, is poised but there is beginning to be debate about whether medical education could do with some innovation, and some new providers would like to come in.

[LORD WILLETTS]

The argument on this was very well set out at the time of Robbins. There was a lively debate then about new ways of delivering higher education, and the conclusion of some of the leading universities at the time and of the UGC was that the best way to get innovation in higher education was to allow in new institutions to deliver it, as that was a better way of achieving it than expecting the existing ones to do things differently. The new Robbins universities were of course set up without any prior track record. They got university title straightaway and came in with great ambitions for doing things differently.

As we go through these clauses there are lots of genuine concerns, which we need to focus on, about the weight given to competition and collaboration. I may come to those when we debate those clauses, but we should just remember that the story of the advance of British higher education is successive waves of new entrants coming in and doing things differently. That is why we have the diversity that we currently celebrate, and we should, as a minimum, expect it to be as possible in the future for new entrants to come in as it was at the time of Robbins and of the great Victorian reforms.

Lord Adonis (Non-Afl): My Lords, I am glad I am following rather than preceding the noble Lord, Lord Willetts, because the point I wanted to make was about geographical diversity. Mindful of the injunction he gave earlier on that we do not want to load still more duties and responsibilities on the Office for Students, I am not suggesting that there should be an amendment on this, but it is very important that the OfS, and indeed public policymakers at large, have regard to the importance of fostering and improving the geographical diversity of our higher education institutions. One of the things that is surely clearest to those of us who have been engaged in the big and increasingly challenging debate on regional regeneration is the importance of higher education institutions in the regions serving a steadily higher proportion of our larger communities across the country.

What is interesting about Robbins is that of the big developments in the 1960s, although it is true that there was some significant innovation in terms of the type of higher education being introduced, by far the biggest and best example was not in fact a Robbins institution but the Open University, which was quite strongly opposed by some of the established institutions at the time. It was only—how can I put it?—a significant exertion of prime ministerial power on the part of Harold Wilson, along with Jennie Lee, that got the Open University going.

Lord Willetts: I completely accept the heroic success of the Open University. But is the noble Lord, Lord Adonis, saying that he very much welcomes the fact that it got university title straightaway?

Lord Adonis: The OU was a wise and sensible innovation, although there is a wider issue here of alternative providers and profit against trustee status, which I will come back to. The 1960s universities were of course set up on the trustee model. The most

significant change that Robbins made was not innovation in terms of types of university, but in extending university institutions to large parts of the country where they either had not existed at all before or could offer only other people's degrees. The University of London was basically the institution which enabled large parts of the country to have any higher education system at all in the past.

Three years ago, on behalf of the North East local enterprise partnership, I was asked to lead a review of policies to promote economic regeneration in the north-east. One of the things that became clearest to me in our work was that the single most important class of public institutions, in terms of fostering regeneration and innovation in the north-east, were the five universities in the region. Without them, what was an exceptionally challenging area for growth, innovation, the location of businesses and creating higher education opportunities would be in a much worse condition. Underlying this, a particular issue which we face as I see it in the higher education sector is the propensity of students, particularly those from less-advantaged backgrounds, to study at local universities rather than to aspire to go to national universities. If the local universities are not there or do not themselves offer the quality—there will often not be a choice there because of the nature of their communities—then there are no higher education opportunities at all in those communities. When it comes to objectives for public policy for the period ahead, maintaining and enhancing the geographical diversity of high-quality institutions is hugely important.

9 pm

This leads me directly to the issue of alternative providers. I have read the Higher Education Policy Institute's report on alternative providers, published last week, which has some astonishing statistics: it said there were 700 with 300,000 students, more than 100 of which have access to fee loads. So it is a very large sector—it is just that these providers are predominantly in London and the south-east. That is not really surprising, when you think about the professional networks in communities and so on. However, the area where we seem to need significant improvements in quality and diversity in the offer is in other parts of the country, where in particular there is much less propensity on the part of students to travel than on the part of students in London and the south-east, and where the concept of the local university is often the difference between students being prepared to go into higher education at all or not proceeding. In terms of the things that the OfS should have regard to, in its regulatory role it will play quite a big role in seeking to encourage a market in alternative providers that is geographically diverse, and maintaining and enhancing the existing diversity of our institutions is hugely important.

That leads me to what the right reverend Prelate said about the role of denomination providers. One of the great virtues of the Church of England is that it is a national institution that regards itself as having a mission in all communities. As we have this ever-greater suction towards London and the south-east, that aspect is important. Allying institutions with a powerful social mission—such as the religious communities, which are

located community-by-community across the country and are not simply regionally based—to the great cause of opportunity and higher education is hugely important. They will have a big and perhaps increasingly important role in introducing and enhancing the quality of higher education to communities that are not advantaged and which are distant from London.

Baroness Brown of Cambridge (CB): My Lords, I shall speak to a couple of issues. First, although I generally support the reasons behind the amendments in this group, I have to express some concern about what I infer from the comments of the noble Lord, Lord Lucas, who was speaking about the role that the OfS might play in encouraging universities to take students with different qualifications. Until recently I was vice-chancellor of Aston University, which has the outstanding Aston Business School, which does indeed take students with BTECs. However, our experience at Aston Business School was that these were the students who were least likely to succeed in that course. They had the highest rate of third-class degrees and failures. They had real problems with the mathematical elements of the economics in the business degree, such that we put on a lot of additional teaching to try to assist them through it. It is very important that universities are allowed to set their own admissions criteria because their curricula will require different things of the students who attend. It is important to indicate to students what is going to be needed to get through those courses.

I therefore have a lot of sympathy with Exeter over not taking students with BTECs for the curriculum that it teaches. Aston and, I think, Durham are able to, but I am sure that they do so by providing additional help. I encourage the Minister to stick to what Clause 2(4) says—that the guidance from the Secretary of State must not relate to the criteria for the admission of students or how those criteria are applied—because that is hugely important to the autonomy and independence of our universities.

Lord Lucas: I entirely agree with the noble Baroness: it absolutely is not interference with an individual university; it is looking at the system as a whole and saying, “We need to do something about providing better courses for people coming out of school with BTECs”, if we have decided that BTECs are what schools are providing. BTECs are just being upgraded to address some of the problems, and I hope that works, because clearly there are problems with the old syllabus. Universities have to take their own decisions but the OfS surely ought to be looking at the system as a whole and changing the provision somewhere, because the system as a whole is not meeting people’s needs.

Baroness Brown of Cambridge: I thank the noble Lord for that clarification, which I strongly support.

I shall speak briefly to Amendment 56, in my name and that of my noble friend Lady Wolf. The Office for Students is tasked with promoting quality. Promoting quality seems a modest ask, and we feel that the Office for Students should be given a more dynamic and assertive challenge—not just to see that a particular objective or standard has been reached, but to be active

in ensuring that quality is delivered in an environment of continuous improvement. We urge the Minister to consider some more active wording about the need to secure and improve the overall strength and quality of higher education provision in England, with a stress not just on ensuring quality but continuing to improve it.

Baroness Cohen of Pimlico (Lab): My Lords, I support the amendments. I would like to see something more definitive in this package of clauses. One of the most important developments in higher education is the growth of the degree-level apprenticeship. It has not had the fair wind that it deserves, but it is immensely important, because people come out of it without debt and, usually, with a good job, but there is a distinct feeling that it is looked down on as being in some way trade training rather than degree level. I have 2,000 such students in my university and we expect to expand, not as a matter of principle but in response to huge demand. There is very little in the Bill about degree-level apprenticeships, and perhaps there is not meant to be, but since it is such an enormously important development, I would like something in the Bill to say that we will encourage it.

That goes along with geographical diversity. We have eight establishments all over England—again driven, I fear, not by social purpose or a plan but by the market. We discovered that we had students coming to London who did not mean to be there. They were making great sacrifices to be in London and a lot of them seemed to come from York or Leeds. We thought that the local profession would have welcomed them and given them a hand to get started. So I fear that demand did that but, as many noble Lords have said, you cannot expect everybody to travel to London or the great southern centres to go to university. It is enormously helpful to a locality to have a decent university. Much of the demand for degree-level apprenticeships will not be in London; it will be outside London and geographically spread. I am looking for a way to say this in the Bill.

Baroness Warwick of Undercliffe (Lab): My Lords, several of the amendments seem linked to some of the issues that we were discussing on Monday. That is, there is a sense of unease in the sector that the system is not being looked at in a holistic way. That came through in an awful lot of the evidence that went, first, to the Commons Select Committees, but also came to us in this House, in the form of the briefing we received. I very much focus on the amendment tabled by the noble Lord, Lord Lucas, on promoting choice and serving the public interest. It is entirely right to expect universities to serve the public interest, and it is a role for the Office for Students to try to ensure that they do that as a sector, particularly with regard to the need to maintain confidence in the UK’s higher education sector. There is a real anxiety that some of the major changes in the Bill will rather undermine the sector rather than maintain confidence in it.

I have one anxiety, which we can come back to later, about the role of OFFA. When I asked the civil servants whether there were any changes, and what the difference was between the new Office for Students and HEFCE, they did not perceive that there were any

[BARONESS WARWICK OF UNDERCLIFFE]

real, or major, differences. But there is one difference on which we should focus, and I hope the Minister will consider this—that is, the role of HEFCE as it is now, which I hope the Office for Students will be able to take on board, of reflecting the needs and interests of the sector to government, not necessarily formally but certainly to ensure that there is an unasked-for dialogue. I hope that the Office for Students, in knowing the sector as it will, will be able to transfer that to government. It all goes to the sense of maintaining confidence in the sector and the public that they are getting the value for money that their taxes, having been spent on higher education, really deserve.

Lord Mackay of Clashfern (Con): The question has been raised with me as to whether the provisions of Clause 2, in preventing an intervention by the Secretary of State, may have the effect of preventing the Secretary of State coming in to try to support vulnerable subjects. We know that some subjects are very important—for example, physics—yet they are quite expensive to teach. So in the interests of economy, institutions might be inclined to abandon courses in these subjects. The restrictions on the Secretary of State are not, I think, intended to exclude that kind of provision, but I should like confirmation of it.

The other thing that I want to mention relates to Amendment 56, tabled by the noble Baronesses, Lady Wolf and Lady Brown, about, “the overall strength and quality of higher education provision”. I am wondering what the “strength” aspect of higher education is. I would be glad of some clarification.

Viscount Younger of Leckie (Con): My Lords, I thank noble Lords for a thoughtful and wide-ranging debate—a debate in two halves, or one-quarter and three-quarters. I must make sure that the House remembers the eloquent speech from the noble Lord, Lord Stevenson, before the dinner break. I hope to do justice in responding to all the important issues raised, and on this occasion I make no apologies for speaking for slightly longer on this group. For those areas where I do not have time to go into detail, I shall write a letter.

The Government are keen to ensure that the general duties afford the OfS the ability to make sound judgments and take action according to priorities. It is essential that this legislation sets out a high level of core priorities for the OfS but does not burden it with a long list of specific duties that it must attempt to balance without sufficient flexibility to be responsive as priorities change. The noble Lords, Lord Stevenson and Lord Liddle, raised the issue of ranking and the prioritisation of duties, which is a fair point, but I reassure them and other noble Lords that there is no implied ranking in the list of OfS duties in Clause 2. They are all important and must be considered in the balance. I agree with the noble Lord, Lord Liddle, that the competition duty must not override other duties. Clause 2 is deliberately drafted with that in mind. There is no hierarchy, and no obligation to prize one of the listed matters over any other. Ultimately, this approach is very much at the heart of optimising the effectiveness and breadth of the future OfS. A discretion is given to the OfS to

decide how to weigh matters in the balance in individual cases. The OfS must be able to use its judgment on how best to balance regard for these duties. It must be able to take strategic action and be responsive to priorities, while still retaining accountability for ensuring that no duties are unduly neglected.

9.15 pm

I will now focus on quality and confidence, specifically Amendments 42, 50, 56 and 264. Several of these are aimed at ensuring the quality of and confidence in our higher education sector. I support the sentiment behind these amendments entirely. Quality is the cornerstone that will maintain and perpetuate confidence in our world-class higher education sector. This is not the first time that we have faced concerns about allowing entry of low-quality providers to the higher education sector; my noble friend Lord Willetts cited Robbins and the innovation in the higher education sector. The argument has been just as rife, and certainly just as baseless, in every era of higher education expansion, be it the 1820s or 1992. These concerns were not borne out in the past and nor will they be now.

I reassure noble Lords that Clause 2 already requires the OfS to have regard to the need to promote quality, so the proposed amendments are somewhat duplicative of provisions already made in the Bill. What is essential is that the effect of the provisions within the Bill are sufficient to maintain that confidence. Unlike the OfS, HEFCE is not explicitly required to have regard to the issues in Clause 2 and thus the Bill goes further than ever before in promoting quality and therefore safeguarding confidence. I believe that the existing Bill provisions will offer sufficient assurance that the OfS will be obliged to deliver the outcome of maintaining confidence in the higher education sector.

In the new regime, a provider must meet tough quality and financial sustainability and good governance criteria, and undergo a rigorous scrutiny process to test the quality of its academic provision, as set out clearly in the Bill’s conditions of registration for providers. The noble Lord, Lord Stevenson, said that providers would be more likely to exit or fail and that the OfS therefore needs a duty to maintain confidence in awards. Under our reforms, if a provider is not financially stable, it will not be able to apply for degree-awarding powers.

Although we plan to consult on the detailed criteria and process for obtaining degree-awarding powers, we imagine that they will not deviate significantly from those already in place and are certain that any difference will not compromise quality. The level of detail required, however, would not be desirable to include in primary legislation. In addition, any new degree-awarding powers will be issued on a time-limited basis in the first instance. In the unlikely event that it is needed, the OfS could revoke degree-awarding powers, following due process and subject to rigorous safeguards including an appeals process—something which I spoke about on the first day in Committee. It has always been the case that degree-awarding powers can be lost. Alternative providers are granted renewable degree-awarding powers on a six-year basis. Renewal is subject to the Government being satisfied that the quality of those degrees has been sustained.

I turn to Amendment 49 and financial health. Confidence in the sector is also a product of its financial sustainability and we completely agree that students have the right to expect that any higher education provider that benefits from having access to public money should be in robust financial health. Our White Paper was explicit that the OfS should perform a similar role to HEFCE in assuring financial sustainability and health. We have listened to concerns that this needed to be strengthened.

The new clause that we introduced in the other place gives the OfS a statutory duty to monitor and report publicly and to Parliament on the financial sustainability of providers and the sector. As set out in Clause 62, the OfS will also rigorously check the financial health of all providers that will be in receipt of government funding, either directly or indirectly, prior to their registration, and these providers will also be required to have student protection plans. The Government believe that these measures, taken together, provide a sound basis for assuring the financial health of the sector.

I shall now address a point on public interest that was raised by my noble friend Lord Lucas who again showed a thoughtful approach to his amendments. The Government invest substantial amounts of public money into the higher education system and government Ministers, as legitimate, democratically elected representatives of the people, have an absolute commitment to ensure that the system is working in the public interest.

Furthermore, the general duties of the OfS to promote choice, competition and equality of opportunity and to ensure value for money all constitute different and important facets of the public interest. Therefore, in delivering these duties, the OfS will operate in a way which ensures that the higher education sector operates in the public interest, as we would expect it to do.

I turn to another important subject—diversity in higher education—and to Amendments 30, 43, 51, 52 and 57, which aim to ensure that a diverse range of higher education provision is available to all. This is something that this Government wholeheartedly support, and it is our intention that, through the reforms set out in the Bill, the diversity of our world-class higher education system is not only maintained but strengthened. By diversity, I mean not only the diversity of the types of provider and subjects that is key in supporting student choice but also the diversity of provision as regards the format of study options available, such as part-time. The noble Baroness, Lady Wolf, referred to diversity and said that it could be as well as or instead of choice. However, I reassure her that we also see this as being about having a wide range of different choices available for students.

The Government recognise that one of the real strengths of our higher education system is the ability of institutions to determine their own missions as either multidisciplinary institutions or as institutions specialising in particular courses such as the performing arts or theology, as highlighted in the amendment tabled by the right reverend Prelate the Bishop of Portsmouth but spoken to by the right reverend Prelate the Bishop of Birmingham. I thank him for his contribution. He spoke about the inclusion of, and the provision of, universities with specific characters. Without

going into further detail, I would be delighted to offer him a meeting with officials to hear more about our plans in that respect. In order to protect this type of specialist provision, we made an amendment in the other place to make it clear that the Secretary of State cannot give guidance to, or impose terms and conditions or directions on, the OfS which would require it to make providers offer, or stop offering, particular courses.

The Bill will also allow the OfS to build on the valuable work HEFCE has undertaken in recent years on the issue of “cold spots”. As part of its existing duty on student choice, the OfS will have a remit to be aware of local cold spots and take action if necessary. The noble Lord, Lord Adonis, raised the question of diversity and geography. Encouraging, and responding to demand for, new entrants in new areas is very much an important part of our reforms—something that I think the noble Lord is certainly aware of. New providers are already coming forward in cold-spot areas that will be able to take advantage of our reforms. The often-mentioned Dyson Institute of Technology in Wiltshire and the New Model in Technology & Engineering in Herefordshire are two cases in point.

Amendment 57, raised by the noble Lord, Lord Addington, concerns the important issue of access for disabled students. I know that he has assiduously promoted the need to ensure that the rights of disabled people are looked at by government. Widening access and promoting the success of disadvantaged students is also a priority for this Government and will be a key part of the remit of the Office for Students. The OfS has a duty to have regard to equality of opportunity in connection with access and participation in higher education for all groups of students, including, importantly, those with disabilities. There is already a strong legal framework in place which protects individuals with disabilities and their right not to be discriminated against.

Higher education institutions are responsible for complying with the law in terms of promoting equality and making reasonable adjustments for disabled people under the Equality Act 2010, and we expect universities to fulfil their responsibilities under the Act. So a range of statutory arrangements already in place promote access to higher education for those with disabilities. I am aware that the noble Lord, Lord Addington, who made a passionate speech in this respect, might say that he has heard this before. However, I will go further and say that the Government have facilitated a sector-led group to draw all this guidance together to help providers to respond to the changes to disabled students’ allowances, and this will be reported shortly. I hope that he will know that we are taking action in this respect.

Baroness O’Neill of Bengarve (CB): Perhaps I may raise one point for clarification. I think the Minister just referred to the public sector equality duty, which of course would in any case apply to any university that is indeed a public body. I accept the point that perhaps no supplementary and additional clauses are needed there to ensure proper and fair treatment of students with disabilities. However, I am not quite certain how that would apply to an English higher education provider that is not a public body but a private one. Can the Minister clarify that point?

Lord Addington: My Lords, I do not know what the answer is but I suspect that there is a duty under the Equality Act. I point out to the Minister that the fact that everything has changed because of the DSA and because the guidance is not in place has driven this. That is my concern. We are already a term late with something that is a fundamental shift. This should have been addressed months ago and has not been. I would be prepared to meet with any officials or to do anything that gives more clarity here. This whole sector needs to know. The British Dyslexia Association's helpline is probably the biggest proof that there is a problem here, as it hears from a lot of very worried people who want to know what is going to happen to them, and institutions that do not know what to do.

Viscount Younger of Leckie: On this particularly important but sensitive subject I take note of the comments made by the noble Lord, Lord Addington, and the noble Baroness, Lady O'Neill. If I can create a broad sweep around this subject, it might be helpful for us to arrange a meeting to ensure that we can give both noble Lords and indeed the Committee confidence that we are looking seriously at how, under the new framework, the disabled are properly looked after and monitored during their period at providers, including universities.

On the question of vocational education and Amendments 43 and 47, these amendments recognise the importance of ensuring a joined-up vocational education sector to deliver the opportunities and skills for learners and to drive economic productivity. The higher education sector has an important role in providing both academic qualifications and vocational and technical skills to deliver the capabilities needed by employers. The duties on the OfS to have regard to the need to promote quality and greater choice and opportunities, and the need to encourage competition, are applicable broadly across the range of higher education provision. This includes vocational and professional higher education courses, linking in with the Government's post-16 skills plan and apprenticeships to ensure that we have a comprehensive academic and technical skills offer.

To reassure my noble friend Lord Lucas, who tabled Amendment 47, it will be important for the Office for Students to co-operate appropriately with a range of other bodies, including the Skills Funding Agency and the Institute for Apprenticeships and Technical Education, and Clause 58 makes specific provision to enable this.

Finally, I will say a brief word about student involvement in the OfS, which was raised by the noble Baroness, Lady Garden. We have already discussed this with regard to other amendments and have acknowledged it through the amendment introduced in the other place which guarantees dedicated student representation on the OfS board. Students are at the heart of the OfS and our wider reforms; I have said that before and I think it is generally acknowledged. We have been listening and will continue to listen to students throughout implementation, and the OfS will embed student engagement, in all its forms, throughout its work.

We have covered a wide range of issues in this debate and I am grateful to noble Lords for their considered contributions. I maintain that it is essential

that the legislation sets out the high-level priorities for the OfS while providing sufficient flexibility to respond to changing priorities. I am confident that Clause 2 on the whole delivers our shared aim of ensuring that we maintain our world-class, diverse and inclusive higher education system in the interests of students and taxpayers. However, I can assure noble Lords that the Government will reflect further on several of the issues raised by these amendments as the Bill progresses through this House. In the meantime, I hope that the noble Lord will agree to withdraw his amendment.

9.30 pm

Lord Stevenson of Balmacara: I thank all noble Lords for their contributions and I particularly thank the Minister for his very full response, which has gone some way down the path of trying to reassure us, although we will probably have to pick up one or two points that he made in the debate on the next group. I should like to end with my thoughts for him to take away and reflect on. I will not make the usual pun about whether they will be taken note of—although it seems that I just did.

The Minister's argument for not putting more ambitious wording into Clause 2 seemed to be that there were already sanctions in place if, in the event, institutions did not do what was required. I find that a bit weak. I think that it would be more helpful if there were a bit more aspiration in Clause 2 and a bit less about the process, and I ask him to reflect on that.

The Minister also implied that many of the obvious day-to-day operations of the OfS and its ancillary work would clearly be in the public interest. However, you can never rely on that—a point made by the noble Lord, Lord Sutherland, before he left his place. The public interest is important, as has been said by a number of people around the Committee, including the noble Lord, Lord Lucas. I think there is a case for having the public interest mentioned in at least one of the provisions—perhaps in Clause 2(1)(b).

The whole discussion on the remit is not really about the financial health of the institutions concerned—again, there are processes in place for that—but about how to inculcate into the OfS, as it is set up, the sense of wanting to see academic vitality across the country and new institutions in the right places in the country, or a sense of innovation, which the noble Lord, Lord Willets, talked about. Of course, he is right that the waves of change that came through were very impressive and produced a step change each time. However, in thinking about that he may want to bear in mind that we also lost a lot when some of the institutions—such as the polytechnics—set up in the shadow of the Robbins movement ceased to be polytechnics and lost some of the drive that was specific to that activity. In a sense, that is part of my worry about the clause—that it does not quite get us all the way to an all-inclusive and all-embracing style of higher education, including everything that is currently there and, without disrupting the existing arrangements, making plenty of space to bring in new people. However, the Minister has agreed that he will reflect on that and, on that basis, I beg leave to withdraw the amendment.

Amendment 29 withdrawn.

Amendments 30 to 32 not moved.

Amendment 33

Moved by Lord Stevenson of Balmacara

33: Clause 2, page 1, line 12, at end insert—

- “() the need to promote collaboration between English higher education providers where it is in the public interest and the best interest of students and employers,
- () the need to promote innovation in the provision of higher education by English higher education providers where it is in the public interest and the best interest of students and employers.”

Lord Stevenson of Balmacara: My Lords, we move to the other half of the discussion on Clause 2, which is primarily about competition and collaboration, as indicated in the Marshalled List and the groupings, although there are a number of sharper amendments around them. I shall not go through them in detail: they are basically about trying to prioritise collaboration and development and to reduce the reliance on competition.

We have already had a debate in which the Minister made it clear that the various points in Clause 2 are to be taken as a whole. Therefore, it could be argued that there is no need to worry about the problems created by competition or the fact that collaboration is not given a high enough position among the priorities. Nevertheless, if people read the clause from beginning to end, they will come across some words earlier than others that will be bound to set the tone. Therefore, these amendments—others will speak to the bits that they are most interested in—are interesting in that they try to give a sense that these measures must leave the sector with a predisposition to work together and the idea that, if it does work together, there will be benefits, and through that collaboration quality will be improved. For instance, Amendment 45 would explicitly encourage collaboration and innovation. You can say that that is not necessary but, if it were included in Clause 2, it would clearly make a difference. I beg to move.

Baroness Brown of Cambridge: My Lords, I will speak to Amendments 35 and 37 in my name and that of my noble friend Lady Wolf. In doing so, I want to support the intent of Amendment 33 in the name of the noble Lord, Lord Stevenson. As we have heard, universities are, by their nature, highly competitive; the noble Lord, Lord Bragg, commented on this on Monday and the noble Lord, Lord Liddle, reinforced the point today. They compete for the best students, the best academic staff and research funding, and they compete particularly fiercely for positions in the large range of existing ranking and league tables, and in particular for positions in the National Student Survey.

Much of this competition benefits students. For example, the importance of doing well in the areas of the National Student Survey that concern assessment and feedback has meant, in almost every university in the country, that students now have their work marked and returned much more quickly than they used to a

couple of years ago. There is now a real focus on doing that in a timely manner so that students get good feedback on modules in which they are weak so that they can use it for revision and to ensure that they are well prepared for examinations. Clearly, competition in many forms strengthens the student experience.

Collaboration between institutions is also hugely important. Let me give noble Lords some examples. When I was director of engineering for the marine business at Rolls-Royce, we made use of a modular Masters in marine engineering and technology that was developed by a group of very distinguished universities, mainly in the north-east of England. Students could register at any one of the institutions for their degree and assemble a bespoke course, with specialist modules across the institutions. It was a collaboration that worked for industry and for students.

Collaboration and the sharing of best practice in the area of efficiency and effectiveness, as reported in Professor Sir Ian Diamond's reviews, has enabled universities to reduce back-office costs, share access to expensive teaching facilities and invest in new infrastructure in recent years. Again, this is of direct benefit to students. Birmingham City University, Aston University and the University of Birmingham—all the universities in Birmingham—continue to collaborate on a joint outreach programme into schools across the city. It is a collaboration that supports widening participation and university access for some of Birmingham's least advantaged children.

I argue that students, employers and our economy will benefit directly from this type of collaboration—and we want to see more of it, not less. To focus on competition in the absence of collaboration could slow the rate of improvement and innovation in our higher education system. I urge the Minister to ensure that the Office for Students has regard to the need to encourage both competition and collaboration between HE providers. This will be in the interests of students, employers and our economy.

Lord Jopling (Con): My Lords, over the past 30 years, I have spent a good deal of my parliamentary time involved with international bodies such as the OSCE Parliamentary Assembly and the NATO Parliamentary Assembly, with which I am still quite heavily involved. I have become, at those organisations, exasperated sometimes by the capacity of members to put down a series of amendments to motions that amount in many ways to decorating a Christmas tree—I have always described it as such and have had my leg pulled about it. Looking at the two paragraphs in Amendment 33, I question whether the main part of what they are driving at is already covered in the various subsections of Clause 2.

It may be that on reflection the Government will feel that way about some of these amendments. For instance, I would have thought that a great deal of, “the need to promote collaboration”, was covered by subsection (1)(b) on encouraging competition—not all of it, but most of it. Again, “the need to promote innovation”, is largely covered in subsection (1)(a), which refers to, “the need to promote quality, and greater choice and opportunities”.

[LORD JOPLING]

Rather than making this clause a sort of Christmas tree, I hope that the Government will look at these amendments to see if anything useful can be added to the Bill—but if they are not necessary, please do not bother.

Lord Winston (Lab): My Lords, forgive me if I add a slightly dissonant note to this conversation about collaboration. The sentiments behind it are absolutely wonderful and I agree that the collaboration over outreach, for example, in Birmingham and over outreach and public engagement at the University of Bath are two very good examples of where it works. But essentially—and with respect to my Front Bench, who have done a fantastically good job at looking at some of the issues raised by the Bill—one of the problems is that it is very difficult to see how one can enforce this kind of collaboration in any meaningful way.

To take the issue of science, where we are inevitably competing in the REF and where we sometimes publish in collaboration, noble Lords should see the internal wrangling over who goes first on the paper and who goes last as the senior author on the paper, which happens again and again in universities. It is a massive problem. In my own career, I had a very important collaboration with University College London, where we were extremely innovative with a new technology that looked at chromosomes. Ultimately, the collaboration failed totally because, regrettably, we could not agree on how we would publish it. It became an issue when we looked at the scores.

Sadly and unfortunately this is still true. So much of science is published in a very testosterone-driven environment. It is not desirable, but it does happen. One reason why it is so important to have more women in science is to try and humanise our laboratories because women are so much more ready, in my experience and certainly in my lab, to collaborate, even when the collaboration may not be to their full advantage. Males are less ready to give way to this. While I absolutely accept that there is extreme value in the notion of this kind of collaboration, I wonder whether it would be terribly useful to have it included in the Bill in this form. It could be included in some other way and perhaps we will come back to it in time, but I suspect that it would be very difficult to implement.

Baroness Wolf of Dulwich: My Lords, I agree with a great deal of what noble Lords on both sides have said, but there is an issue here that the amendment gives me an opportunity to raise, since I am informed that one cannot ask questions once a Bill is in motion. One issue that faces us at the moment in the university sector is that we have the OfS, and we are not quite clear whether it is a regulator or not, and we also have the Competition and Markets Authority. One question that I have is whether there are incipient conflicts between these two important and powerful bodies. I would personally like to see collaboration included to make it clear that it is not outlawed, although it is extremely difficult to achieve—it is almost impossible to achieve.

I would like to take this opportunity to mention the Francis Crick Institute, which, thanks in good part to the good offices of the noble Lord, Lord Willetts,

when he was Minister, achieved the utterly amazing feat of getting Imperial, King's and UCL to collaborate.

Lord Winston: That is not true.

Baroness Wolf of Dulwich: Well, sort of.

Collaboration is not something that can be enforced. Competition becomes extremely naturally to us, but at the moment we have two bodies with very different views. The Minister has assured us, and I am happy to hear, that the drafting of Clause 2 does not preclude in any way thinking about the sector, thinking nationally and thinking about society.

My experience of how my own and other people's institutions interpret the requirements of the CMA is that, basically, it does not think that you should ever speak to anyone else because that might be interpreted as interfering with competition. I know that this sounds a bit like a Christmas tree and a signal, but perhaps I can take this opportunity to ask the Minister to let me know, if not right now, whether officials have looked carefully at the possibility that we will see conflicts over this issue; that is, between what I take to be two regulators, or certainly one regulator and the Office for Students. I would be grateful for some information on that.

9.45 pm

Lord Willetts: My Lords, I would like to follow on from that speech by asking the Minister, who has been so helpful this evening, to clarify how collaboration might work. I listened attentively to what he said in his intervention on the previous group of amendments and he seemed to make the argument that this overarching aim of serving the interests of students would encompass both competition and collaboration. It would be helpful to me and perhaps to other Members of the Committee to have that explained.

We have had examples from academics of what might happen in the world of universities. Let me give an example from the area of policy, which is that sometimes a university may have got into significant financial difficulties. What HEFCE did was essentially to broker a merger of universities. Sometimes that involved sending a rather weak swimmer to rescue a drowning man and created another set of problems, but nevertheless what HEFCE can do when an institution gets into difficulties is promote mergers.

It is an unhappy parallel and I am reluctant to raise it, but we have seen examples in health legislation of bringing in a duty to promote collaboration. Reportedly, that subsequently led to occasions when it was rational for two underfunded and financially exposed hospitals to come together, but that was not possible because there was a competition requirement on Monitor with no scope for promoting collaboration. So it would be helpful if we could hear from the Government that they do indeed understand these types of functions and that there could be circumstances where it remains desirable, and—here I follow on from what was said by my noble friend Lord Jopling—whether the way to tackle it is through a long list of duties or a simpler overarching statement. It would be helpful to understand the logic.

What is partly going on here, if I may say in my final observation, is that we are dealing with a problem of trust. Indeed, we may have someone who is an expert on trust here in the Chamber with us. The odd feature is that HEFCE had an extraordinarily wide range of powers, which it operated with extraordinarily high levels of discretion and a minimal legal framework. It got away with that because, by and large, people understood and trusted HEFCE. The more we can think of this body as a successor to HEFCE in a different financial environment—it does not have grant-giving powers as its ultimate source of responsibility, so it needs a legal power as a regulator instead—the more we can think of it as the heir to HEFCE, apart of course from the research side, and exercising the range of functions that HEFCE had. At one moment, HEFCE was promoting cold spots and at another it was brokering mergers because, by and large, it was trusted by the sector to do that kind of thing. Some statement about the spirit of HEFCE living on, combined with a broader approach, might be a better way of tackling this than setting out a very long list of duties and obligations of which I continue to remain wary. There is no evidence that that promotes trust in any other area, and I have to say that the advice I was given by parliamentary draftsmen when I was a Minister was that they hated long lists of duties in undifferentiated lists. They never regarded that as a good way of defining a legal framework within which a body would operate.

Lord Adonis: My Lords, I turn to the issue of geographic diversity. One of the prime areas where there has been collaboration is in creating campuses and a university presence in areas of the country where it otherwise would not have been either an economic or a prime mission of a university to seek to make such provision. The example that comes to mind from my time as a Minister, and where quite a lot of work was done by government bodies to foster collaboration, was in Medway. As I recall, that was a collaboration between the University of Greenwich, the University of Kent and, I think, another institution to enable higher education provision to be made in a very challenging and deprived area. A sole provider would not have been prepared to move in there. The same was true of the creation of higher education provision in Cornwall, which, as I recall, was a collaborative vision on a similar basis. Looking at the need to spread geographical provision more widely, fostering collaboration between institutions, and further education institutions where necessary, will be very important to making any provision at all.

Collaboration is not only between prestigious institutions, although I should add that in my experience the Government can foster collaboration of any kind where they are prepared to sign very large cheques, which has a large part to do with Crick. However, where we want to see more provision in areas of the country where it is not at the moment in the prime mission of any institution to provide it, collaboration between different types of institution may be a prime way to see that come about.

Viscount Younger of Leckie: My Lords, I assure the noble Baronesses, Lady Wolf and Lady Brown, and the noble Lord, Lord Stevenson, that I fully understand

the principles they seek to address here. To reassure the noble Baroness, Lady Brown, on the new duties for collaboration and innovation, we are wholly supportive of collaboration and innovation where it is in the interests of students. I hope I can go some way to answer the question raised by my noble friend Lord Willetts on how collaboration and competition will work. I will say a little more about that later. For example, providers could share services to generate efficiencies that allow more resources to be focused on teaching, offer courses in partnership, or design new styles of degree programmes to meet differing students' needs. These are essentially non-competitive ways to enhance the offering from both or more institutions should they decide to collaborate.

I will start by saying a little more about collaboration. The general duties of the Office for Students are absolutely consistent with the idea that providers should continue to collaborate and innovate in the new regulatory system. There should be no conflict with the OfS's duty to have regard to encouraging competition between higher education providers where it is in the interest of students. My noble friend Lord Jopling is right in his assessment that the OfS is already required under Clause 2 to have regard to,

“the need to promote quality, and greater choice and opportunities for students”.

Such collaboration and innovation is implicitly and undoubtedly in the student interest. To pick up on the question asked by my noble friend Lord Willetts, there is nothing inherent in that “have regard to” duty that would prevent the OfS also supporting collaboration between higher education providers if it considers it is also in the interests of students, employers or the wider public—for example, by supporting the merger of two providers.

The noble Lord, Lord Winston, asked in his thoughtful, brief intervention how the OfS would enforce collaboration. We do not wish to create an expectation that the OfS should be formally or actively regulating this type of activity. That would be unnecessary.

On innovation, we concur with the noble Lord, Lord Stevenson, about a lack of innovation in the higher education sector. It is important for the OfS to have a focus on supporting a competitive market. That means it must regulate fairly and allow all providers to operate under the same set of rules. This will make it simpler for new high-quality providers to enter and expand, help to drive up teaching standards overall, enhance the life chances of students, drive economic growth and be a catalyst for social mobility.

Competition will incentivise providers to raise their game, fostering innovation. New providers can respond innovatively to what the economy demands and equip students with the skills needed for jobs of the future. So promoting innovation, like collaboration, does not require a separate duty. When it is in the student interest, the OfS will be fully able to support it because the student interest is at the very heart of the OfS. Requiring the OfS to have regard to encouraging competition only where it is shown to be in the interest of students, employers and the wider public would be unnecessary, burdensome and inflexible to implement. The current wording already limits the promotion of

[VISCOUNT YOUNGER OF LECKIE]

competition to where it is in the interests of students and employers. The amendment would mean that the OfS would have to demonstrate that in some way that these various interests were met, placing an unnecessary evidential burden on the regulator and, in turn, on higher education providers.

I now turn to whether the OfS should have regard to encouraging competition where this is in the interest of the public or of wider society. The Bill makes explicit the general duty to encourage competition,

“where that competition is in the interests of students and employers”.

In doing so, it emphasises that the student interest is at the heart of the OfS and recognises the wider public benefits associated with maximising choice and competition in the higher education sector.

As I set out in the previous debate, operating in the public interest or that of wider society is implicit in the role of the OfS as a public body that is accountable to the Secretary of State and to Parliament. The noble Baroness, Lady Wolf, spoke of the conflict between the roles of the CMA and the OfS and asked me to provide further detail. As I said on Monday, I look forward to discussing this matter later in Committee, when we will consider the noble Baroness’s proposed new clause. I hope that she will have a little patience and that we can discuss that at more length later on in the Bill. In the meantime, I hope that I have been able to reassure the noble Baroness, Lady Wolf, and the noble Baroness, Lady Brown, who spoke at the beginning of this debate, that we have struck the right balance—and it is a balance. I hope that she will not press her amendment.

Lord Stevenson of Balmacara: I think that it was my amendment, but the noble Baroness may choose not to move her amendment at the appropriate time. I am grateful to everyone who has contributed to this debate. It has been a good mini-debate on the other half of the question about what Clause 2 sets out to do.

I am left with one question. I realise that it cannot be answered at this stage, but I wonder whether the

Minister could write to me about it. We bandy around the word “regulator” a lot and I think that we all have slightly different versions of what it means. It would be helpful before we go to the later stages of discussing what the OfS is to have a clear definition. I am thinking in particular about the generic rules that apply to regulators; for instance, the amendment to the ERR Bill to require all regulators to have regard to growth—there were others of a similar class. As I understand it, the implication is that whatever the statute contains when this Bill becomes an Act will have to be read as if it also included an exhortation to ensure that all work was done to provide growth. There is nothing wrong with growth—we supported that—but it was aimed mainly at economic and not social regulators. There have been difficulties with applying it in the social work area, for instance, and other areas, so it would be useful and comforting if the Minister could write to us explaining exactly what the term regulator implies. That would give reassurance to some of us who have been worrying about this issue. The suggestion that we should have as the main functions of the Office for Students a set of pretty high-level statements and not a detailed list is fine, but I would like to see that list in relation to whatever else comes with the responsibility of being a regulator. I beg leave to withdraw the amendment.

Amendment 33 withdrawn.

Amendments 34 to 59 not moved.

House resumed.

Policing and Crime Bill

Returned from the Commons

The Bill was returned from the Commons with reasons and amendments.

House adjourned at 10.01 pm.

Volume 777
No. 89

Wednesday
11 January 2017

CONTENTS

Wednesday 11 January 2017
