



Baroness Barran

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Lord Storey
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9 November 2021

Dear Mike,

I am writing to you to follow up on your questions and express my gratitude for your thoughtful contributions to the second day of Report Stage of the Skills and Post-16 Education Bill on 21 October 2021. I would like to respond to the questions you asked about essay mills and responding to future breaches. I will place a copy of this letter in the House of Lords Library.

Responding to future breaches

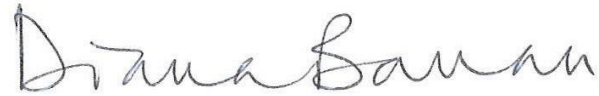
Officials are continuing to engage with regulators in Australia and Ireland to understand how they tackled these kinds of issues and to learn from their experience to make our legislation as effective as possible. As education providers and students are the first line of defence in tackling the problem of contract cheating, the Department for Education will work alongside the QAA, the Office for Students, Ofqual and other HE and post 16 sector bodies, including student representatives, to develop a collaborative approach to monitoring and evaluating the impact of legislation. We will continue to keep the situation under review, to ensure the programme of measures to tackle this complex problem continues to keep pace with and effectively address any subsequent changes in cheating service provider behaviour.

Likely benchmark for fines

I would like to clarify the answer given by Baroness Chisholm in the House in regards to this. Those found guilty of this offence can be fined if convicted; the appropriate fine will be determined by the courts in accordance with Sentencing Council guidelines and the powers of the magistrates to issue fines are uncapped by the legislation. The court would need to refer to the Sentencing Council guidelines to make a decision as to the level of fine to be imposed in each individual case. The fine must reflect the seriousness of the offence and the means of the defendant. Since 12 March 2015 the magistrate's court hold the power to issue 'uncapped' fines. Therefore, we cannot provide a specific or ballpark fine for this offence because the fine needs to be in accordance with Sentencing Council guidelines and it is at the discretion of the magistrates' powers to issue 'uncapped fines'

I hope you find this information helpful and I would like to thank you once again for your contributions to the Bill's debates.

Yours sincerely

A handwritten signature in black ink, reading "Diana Barran". The signature is written in a cursive, flowing style.

**BARONESS BARRAN
PARLIAMENTARY UNDER-SECRETARY OF STATE**