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3 November 2015**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 3 November 2015

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Mr Speaker: On the front page of today's Order Paper, it is noted that on 3 November 1915, Lieutenant The Hon. William Lionel Charles Walrond, Rail Transport Officer in the Army Service Corps, Member for the Tiverton Division of Devon, died in Scotland of consumption contracted while on service in France. We remember him today.

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Prison Governors

1. **Andrew Rosindell** (Romford) (Con): What his policy is on the level of autonomy provided to prison governors; and if he will make a statement. [901957]

The Lord Chancellor and Secretary of State for Justice (Michael Gove): I believe that prisons need a new and unremitting emphasis on rehabilitation and redemption. The best way to secure that is to give greater freedoms to prison governors. I would like to give governors more flexibility in managing their budgets and overseeing work and education in custody. With greater freedom must come sharper accountability, so that governors are held to account for their prison's performance.

Andrew Rosindell: Does the Secretary of State agree that a central cause of criminal behaviour and violence within prisons is an inherent sense of disenfranchisement from society? What steps will he take in implementing his reforms to encourage prison governors to instil a sense of British pride, national belonging and responsibility to the wider nation?

Michael Gove: My hon. Friend makes a characteristically acute point. It is vital that prison governors are given the right tools, particularly the capacity to play a greater role in deciding what curriculum prisoners follow, to ensure that prisoners, like any school student, have the chance, through the provision of great education, to appreciate the history of liberties that is so important to our country and our criminal justice system.

Mr David Hanson (Delyn) (Lab): I am pleased that the Justice Secretary has said that accountability remains important. Will he consider how we can strengthen

prison boards through more community involvement to give local direction to local decisions, while retaining accountability to the director general of the Prison Service and to Ministers?

Michael Gove: The right hon. Gentleman makes a very good point. It is not only independent monitoring boards that are vital; a strong inspectorate is vital too. He is absolutely right that accountability to the local community matters. Only when prisons are rooted in their communities and forge the sorts of links that ensure that offenders go on to work and contribute to their communities on release can we make sure that prisons fulfil their task of rehabilitation effectively.

Philip Davies (Shipley) (Con): Prison governors already have a great role to play in deciding whether somebody should be released on parole, yet nothing is ever fed back to the governors, or anybody else for that matter, to determine whether their judgment was good or flawed. How can we give prison governors more discretion in decisions over whether prisoners should be released when we have no idea whether those prisoners go on to reoffend?

Michael Gove: My hon. Friend will be aware that there is a vacancy for the chair of the Parole Board. I would encourage him to—[*Interruption.*] I encourage others to apply for that post who can ensure that we have a much more rigorous and evidence-led approach to reviewing the grant of parole.

John Pugh (Southport) (LD): Given the rising trend of suicide in prisons, what advice is being given to governors to allay this serious problem?

Michael Gove: This is a very serious problem and the hon. Gentleman is right to raise it. The work that Lord Harris of Haringey has done on self-inflicted deaths in prison has provided a series of recommendations that we are considering as part of our prison reform programme. More broadly, we are aware that the increased use of psychoactive substances in prison is leading to increased levels of self-harm and harm to others. The Psychoactive Substances Bill, which is being taken forward by my right hon. Friend the Minister for Policing, Crime and Criminal Justice, will play a considerable part in ensuring that our prisons are safer places.

Jenny Chapman (Darlington) (Lab): Having listened carefully to the last reply, I should say that psychoactive substances are not the only factor. We broadly support the Secretary of State's aim to increase governor autonomy. I have long believed that governors are the best at finding new ways to reduce reoffending. The big problem that he has—he cannot just blame it on psychoactive substances—is that prisons are becoming very dangerous. So far this year, there have been 95 suicides and seven murders in our prisons. Is it not time that he took a fundamentally new approach? Have not the last six years been a wasted opportunity, dogged by petty interference from the centre? We look forward to him changing that.

Michael Gove: The hon. Lady is right to raise that point. One of the ministerial team's biggest concerns is the incidence of violence and disorder in many prisons.

As she acknowledges, giving prison governors a greater degree of autonomy is critical to changing things, as is a proper understanding of the mix of offenders in our prisons. As the balance of traffic through the courts has changed, a number of offenders who have violent pasts pose particular risks in prison, and we must ensure that prison officers are provided with the tools that they need to keep themselves and others safe. Those will sometimes be technical tools such as body-worn cameras, which are supported by my ministerial colleagues, but sometimes it is about ensuring that people have the support and training that they need to do their job well.

Human Rights Act

2. Callum McCaig (Aberdeen South) (SNP): When he plans to launch his consultation on plans to repeal the Human Rights Act 1998. [901958]

The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab): May I start by expressing my shock and sadness at the tragic death of Bailey Gwynne last Wednesday at Cults academy in the hon. Gentleman's constituency? Our thoughts are with his family and friends.

We will bring forward proposals for a British Bill of Rights to replace the Human Rights Act later this autumn. Preparations are going well, and we look forward to consulting widely, including with the devolved Administrations.

Callum McCaig: I thank the Minister for his condolences after the tragic events in my constituency. The thoughts of everyone in the Chamber are with the families affected.

As the Minister will know, human rights are not reserved under schedule 5 of the Scotland Act 1998, so the Human Rights Act cannot be repealed and replaced with a Bill of Rights without the legislative consent of the Scottish Parliament—the First Minister of Scotland has said it is inconceivable that that would pass through Holyrood. With that in mind, why are the Government wasting money pursuing something that they cannot do?

Mr Raab: I thank the hon. Gentleman for his question but I am afraid that is not quite right. Revising the Human Rights Act can be done only by the UK Government. The implementation of human rights in a wide range of areas is already devolved to Scotland, and I urge the hon. Gentleman to focus his efforts in that area.

Robert Neill (Bromley and Chislehurst) (Con): Given the constitutional importance of this issue, will my hon. Friend confirm that the consultation will result in a draft Bill that will be subject to full pre-legislative scrutiny in this House?

Mr Raab: I thank the Chair of the Justice Committee. We will be engaging in full consultation, but I hope my hon. Friend will not mind if I do not trail the precise terms of that at this moment.

Wayne David (Caerphilly) (Lab): As we have heard, the Human Rights Act is fundamental to devolution in Scotland and there are different legal views about how changes might be introduced. The Act is also fundamental

to Wales, and it is the cornerstone of the Good Friday agreement in Northern Ireland. Do the Government recognise that abandoning the Human Rights Act may have consequences that they had initially not thought of?

Mr Raab: We have engaged in consultation and taken a pause at this stage precisely to ensure that we work through all the different points. The hon. Gentleman mentions Scotland, and he will know that in 2014 and 2015 YouGov polling showed consistent Scottish support for a Bill of Rights to replace the Human Rights Act. On that specific question, in 2011 YouGov found that 61% of Scots wanted the UK Supreme Court and this Parliament to have the last word in this country and across Britain, rather than the European Court of Human Rights.

Suella Fernandes (Fareham) (Con): The article 8 right to family and private life under the Human Rights Act has been stretched to the extent that it is laughable, pitiful, and often costly and unjust. Will the Minister reassure the House that the abuse of that right will be dealt with in the consultation, to reinject proportion and to strike the right balance for fairness?

Mr Raab: A whole range of issues will be covered in the consultation and there will be plenty of opportunity to receive and listen to views, especially on article 8. That provision has clearly created problems concerning the deportation of foreign national offenders, and I would have thought that people across the House and the United Kingdom would support our consultation on that.

Coroners: Out-of-Hours Service

3. Mike Freer (Finchley and Golders Green) (Con): If he will take steps to ensure that coroners provide an out-of-hours service for faith communities. [901959]

The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage): The Government are committed to ensuring that bereaved people are at the heart of the coroner system, and we are working with coroners, local authorities and the police to develop a pan-London out-of-hours service. On 15 October we launched a post-implementation review of the coroner reforms of 2013, including views on the availability of out-of-hours services.

Mike Freer: I am grateful to my hon. Friend for that answer, but may I press her specifically on Orthodox Jews and Orthodox Muslims, who require a speedy service and a speedy burial? Will she commit to giving strict guidance to coroners that they should turn around such decisions so that those burials can take place very quickly?

Caroline Dinenage: Coroners understand and should be sensitive to the fact that some faiths have religious and cultural wishes for burials after death. They should always try to take those wishes into account. In May 2014, the Chief Coroner issued guidance to coroners on their legal duties to deal with urgent matters out of hours. As I have mentioned, we are working with key partners to develop an out-of-hours service in London.

Dr Tania Mathias (Twickenham) (Con): There are serious concerns about the coroners service that affect faith communities in west London in-hours, let alone out of hours. Will the Minister see what her Department can do to address those concerns?

Caroline Dineneage: We have been working on that. The Secretary of State and I have met representatives from the Jewish and Muslim communities and are very sympathetic to their concerns. We are working with key stakeholders to develop an out-of-hours service across London.

Ex-offenders

4. **Seema Kennedy** (South Ribble) (Con): What plans he has to encourage more businesses to employ ex-offenders. [901960]

10. **Stephen Hammond** (Wimbledon) (Con): What plans he has to encourage more businesses to employ ex-offenders. [901967]

The Parliamentary Under-Secretary of State for Justice (Andrew Selous): Providing prisoners with employment is an important factor in preventing reoffending. In the Employers Forum for Reducing Reoffending, we have around 200 employers who are positive about employing ex-offenders. Working closely with the Department for Work and Pensions, we are developing plans to increase the involvement of businesses locally and nationally, and community rehabilitation companies should play an important role in making those links with businesses locally to help ex-offenders to get jobs.

Seema Kennedy: My constituent Renee Blow, who volunteered with offenders for 15 years, emphasises that education is the most important part of rehabilitation. Does the Minister agree that making poorly educated offenders literate and numerate makes them more employable?

Andrew Selous: My hon. Friend is absolutely right. I thank and commend her constituent for volunteering in her local prison for 15 years. Her point is absolutely correct: we need good numeracy and literacy, and a good level of qualifications that employers respect and value.

Stephen Hammond: Timpson has an extensive scheme to hire and train ex-offenders. The store in Wimbledon has benefited from that scheme and has found that ex-offenders are extremely hard-working and deserving of a second chance. Given the success of that scheme, does my hon. Friend agree that others might look at it, and particularly at the emphasis on training?

Andrew Selous: I could not agree more with my hon. Friend. He is absolutely right that the example set by James Timpson for his business is outstanding. He does not do it just out of altruism; he does it because it makes very good business sense, and because he gets dedicated and loyal employees from the scheme.

Gavin Robinson (Belfast East) (DUP): Does the Minister agree that the attainment and availability of affordable insurance—whether public liability, employers liability,

content or driving insurance—for ex-offenders is an inhibitor for employers who would otherwise wish to employ ex-offenders and set them on the right path? Will the Ministry of Justice commit to working on extending the availability of affordable insurance for employers?

Andrew Selous: I will certainly look into that. I had heard that insurance was a problem in employing ex-offenders in certain categories, but, prompted by the hon. Gentleman's question, I will look into it further and write to him.

Bill Esterson (Sefton Central) (Lab): Businesses can employ ex-offenders only if those ex-offenders have the skills that businesses need. Will the Minister therefore ensure that the shortage of staff in prisons—the shortage appears to be making it more difficult for prisoners to take part in education—is addressed as quickly as possible, which must happen if the scheme is to be successful?

Andrew Selous: There was a net increase of 420 prison officers last year, and we continue to recruit hard, but the hon. Gentleman makes the valid point that we need good quality qualifications. We will carry on with that work. Dame Sally Coates's review will help us in that regard.

18. [901976] **Michael Tomlinson** (Mid Dorset and North Poole) (Con): With reoffending rates as high as 59% for those sentenced to a year's imprisonment or less, and with the clear link between not reoffending and securing employment, what steps can the Minister take to encourage more employers in Dorset and elsewhere to take on ex-offenders as apprentices?

Andrew Selous: I would strongly suggest that employers in Dorset and elsewhere join the Employers Forum for Reducing Re-offending, where they will be able to talk to other businesses that have already gone down this road and found it profitable and successful for their businesses. We need many more employers to respond to this call to arms and to join Timpson and Halfords and the many other businesses that have gone down this route.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): I am sure that we all agree that education is the key to ex-offenders becoming employable. Given that 25% of our young people in young offenders institutions have special educational needs, will the Minister confirm that all teachers in those institutions will be qualified and able to identify and support children with special educational needs?

Andrew Selous: The hon. Lady will be aware that Charlie Taylor is undertaking a review of the youth justice system, and I can assure her that he has education at the heart of that review. It will report in the spring of next year.

Dame Angela Watkinson (Hornchurch and Upminster) (Con): Will the Minister explain what consultations take place with potential employers to ensure that the courses and training in prisons are relevant to the skills that employers want? Also, when a prisoner who is in the middle of such a course has to attend court and is

then taken to a different prison, could arrangements be made to ensure that they can complete the course in their new prison?

Andrew Selous: My hon. Friend makes two extremely good points. First, we have to ensure that the training and qualifications that prisoners get are of high quality and are valued by employers. We are committed to involving employers in the reviews that we undertake. Secondly, we are looking to reconfigure the prison estate so that we move prisoners around less, but I absolutely get her point about continuity and allowing prisoners to complete the courses they have started.

Mr Philip Hollobone (Kettering) (Con): Would my hon. Friend consider establishing a Queen's award for prisoner rehabilitation, so that good employers such as Timpson and Halfords can be suitably recognised?

Andrew Selous: That is an excellent idea, and I will give it serious consideration.

Dangerous Driving: Sentencing

5. **Greg Mulholland (Leeds North West) (LD):** What assessment he has made of the effectiveness of sentencing policy for dangerous driving offences. [901961]

The Minister for Policing, Crime and Criminal Justice (Mike Penning): The number of road traffic fatalities has fallen dramatically over the past 10 years, but one death is still too many. I pay tribute to the hon. Gentleman, and to the family of James Still in his constituency. I know that they have been campaigning on this issue for a long time. We have toughened up sentencing and we are continuing to look at this area.

Greg Mulholland: I thank the Minister for his answer, and for the real interest that he has shown in this issue. As he knows, we have presented a manifesto for better justice for victims of criminal driving, on behalf of a cross-party group of MPs and other organisations. Could we have a formal, point-by-point response to that from the Department? Will he also meet us again to discuss those points, so that we can get better justice for those people and their families?

Mike Penning: We will respond point by point as we develop the review of sentencing in this area, and of course, as the Minister with responsibility for victims, I will meet the hon. Gentleman. The Under-Secretary of State for Justice, my hon. Friend the Member for South West Bedfordshire (Andrew Selous), will perhaps also be available to meet the hon. Gentleman's constituents and the team, as we respond.

Andrew Bridgen (North West Leicestershire) (Con): What assessment has the Minister made of the trends in the length of sentences handed down to those found guilty of causing death by dangerous or careless driving?

Mike Penning: We have extended the sentence from two to 10 years for driving without a licence or while suspended, and we continue to look at the sentences.

At the end of the day, however, we must convince people to drive sensibly so that the highways are safer for all of us. The figures are dramatically down, but we are continuing to look at the sentencing regime.

Kit Malthouse (North West Hampshire) (Con): One of the most effective disposals for repeat dangerous driving offences involving alcohol is compulsory sobriety. Following the highly successful pilot in Croydon and the Minister's very welcome licensing of that disposal across the rest of the country, will he join me in encouraging police and crime commissioners to set up facilities to allow for compulsory sobriety, so that magistrates can make use of them, particularly when dealing with repeat drink-driving offences?

Mike Penning: I am aware of the scheme, and I discussed it with the Prime Minister only recently. I believe that one of the sobriety bracelets that are being used in Croydon is on the Prime Minister's desk as we speak. I am encouraging PCCs around the country to push this measure forward, as it has been very successful. I congratulate those in my hon. Friend's constituency on pushing it forward.

Mr David Burrowes (Enfield, Southgate) (Con): In 1998, Livia Galli-Atkinson was killed in Enfield by a dangerous driver. I know the Minister has in the past attended the Livia award, which was set up in her memory. This year's award will take place this evening. The award commends service by police in relation to justice for victims, and highlights the fact that year by year too many drivers repeatedly flout the law, driving while disqualified and failing to stop. What action can follow on from the review?

Mike Penning: This area has been reviewed continually by previous Governments and by this Government. There is a maximum penalty of 14 years' imprisonment. It is for judges to ensure they understand what sentences should be for each offence, but we keep a very open mind and continue to look at the review as we go forward.

Litigants in Person

6. **Ian C. Lucas (Wrexham) (Lab):** What assessment he has made of trends in the number of litigants in person since the Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into effect. [901962]

12. **Susan Elan Jones (Clwyd South) (Lab):** What assessment he has made of trends in the number of litigants in person since the Legal Aid, Sentencing and Punishment of Offenders Act 2012 came into effect. [901969]

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): It has long been the case that some people represent themselves in courts. The proportion of individuals with legal representation has remained broadly stable in recent years, except in private family law cases where we have seen an increase in cases in which neither party has had representation. This year, we are investing in a new strategy designed to provide more support to litigants in person. Judges, magistrates and legal advisers are well equipped to support litigants in person through the court process.

Ian C. Lucas: It seems the Minister, in the company of the head of the Courts Service, is alone in thinking there is no crisis because of the increase in the number of litigants in person in our legal system. If the Minister really wants to know what is going on, will he commission an anonymous survey of district judges and court clerks to find out the truth of the crisis in our court system that is happening as we speak?

Mr Vara: I remind the hon. Gentleman that we have had to take very tough decisions, which his colleagues would have continued had they been in government. The Government have invested £2 million to ensure greater support for litigants in person.

Susan Elan Jones: The Secretary of State and other Ministers will be aware of the concerns raised by the Justice Committee, the National Audit Office and others regarding litigants self-representing. Will the Department bring forward, from 2017, the planned review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012? It is sorely needed.

Mr Vara: We have said before that the LASPO Act will be reviewed within three to five years of its implementation. Let us be absolutely clear: we still have, notwithstanding the reductions, one of the largest budgets for legal aid expenditure in the world.

Mr Jonathan Djanogly (Huntingdon) (Con): There are longstanding and very important issues relating to litigants in person that go back much further than the LASPO Act. What actions are the Government taking to simplify and demystify the court process, and to take away the complicated legalities that make it so difficult for litigants in person?

Mr Vara: I pay tribute to my hon. Friend, who was a very distinguished Minister in the Ministry of Justice not so long ago. He is absolutely right. The concept of litigants in person is not new: it has applied for many years, indeed decades. To demystify the court process, we have put better processes in place—online guidance, guidance from court officers and judicial training—to ensure as much support from the judiciary and other legal advisers as possible.

John Howell (Henley) (Con): With the growth in litigants in person there has been a growth in McKenzie friends. There are two types: those who provide backgrounds to unfamiliar settings and those who act effectively as lawyers and charge for their services. What is the Minister going to do about the latter?

Mr Vara: The concept of McKenzie friends is relatively new. [HON. MEMBERS: “No, it’s not.”] I said relatively new. We are keeping an eye on advice and what fees, if any, are being charged.

Karl Turner (Kingston upon Hull East) (Lab): In the first quarter of the year, at least one party was not represented in 76% of private family cases, while the Master of the Rolls has warned that civil courts are experiencing significant impacts from the rise in the number of litigants in person. Part 1 of LASPO has been an unmitigated disaster. Will the Justice Secretary now bring forward the much-needed review of LASPO to mitigate the shambles of his predecessors?

Mr Vara: The hon. Gentleman refers to family courts. Being relatively new to his post, he might wish to reflect on the comments made by his colleagues, particularly the hon. Member for Hammersmith (Andy Slaughter), as reported in the *Law Society Gazette* on 24 September:

“Slaughter conceded that the Labour party would have been forced to make cuts to family law funding and promote mediation as a cheaper option. He added that a Labour government would seek to promote and improve mediation services on offer.”

The article also said—[*Interruption.*] It is understandable that Opposition Members do not want to hear the truth, but I am quoting one of their own colleagues—[*Interruption.*]

Mr Speaker: Order. I want to hear about this article. Let us hear it.

Mr Vara: I am sure that other Members, along with you, are keen to hear it, Mr Speaker.

The article quoted the hon. Gentleman as saying:

“‘We’re not going to get in a Tardis and go back to before,’ he said. ‘We are in a world where resources are tight and it would not be right to pretend otherwise.’”

Prison Estate

7. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What plans he has to improve the prison estate; and if he will make a statement. [901963]

The Parliamentary Under-Secretary of State for Justice (Andrew Selous): Our current prison estate is overcrowded and out of date. We will close ageing and ineffective Victorian prisons and replace them with buildings fit for today’s demands. We will invest the money raised in a high-quality, modern prison estate, with facilities for training and rehabilitation, and where the dark corners that facilitate bullying, drug taking and violence can increasingly be designed out.

Stephen Metcalfe: I am sure my hon. Friend agrees that the prison estate sometimes acts as a barrier to delivering rehabilitation services, such as education and work, and I know he will work tirelessly to improve the situation.

Andrew Selous: I am grateful for my hon. Friend’s support. The prison we are building in north Wales, for example, has a large industrial workshop complex that will enable us to create the positive rehabilitative environment we all want.

Rachael Maskell (York Central) (Lab/Co-op): Given that the reoffending rate is nearly 50%, but that at Askham Grange open women’s prison just outside York it is 6%—the lowest in the country—and it has the best outcomes on all measures, why do the Government want to close that prison?

Andrew Selous: I heard from the hon. Lady in last week’s Westminster Hall debate how highly Askham Grange was performing, and I pay tribute to all its hard-working staff, who are doing extremely well. We have to look at the prison estate as a whole to make sure it is fit for purpose across the country, and all these

decisions will be considered, but we will continue to focus on improving education and work opportunities for all prisoners.

Mr Stewart Jackson (Peterborough) (Con): The Minister will know how successful the social investment bond at Doncaster and Peterborough prisons has been in tackling recidivism. Indeed, he, the Secretary of State and his predecessors visited the prisons. Will he recapitulate his commitment to social investment bonds as a means of tackling reoffending across the penal estate?

Andrew Selous: I thank my hon. Friend for his question, and of course we recently provided additional capacity at Peterborough prison in the form of a new house block. We have studied carefully what happened at Doncaster and Peterborough and will learn lessons from it. The Government are keen that the use of social impact bonds continues across government.

Mr Peter Bone (Wellingborough) (Con) *rose—*

Mr Speaker: Oh, very well. I call Mr Bone.

Mr Bone: What a prisons Minister we have! He is going to get rid of the Victorian prisons and open modern ones, and it just so happens that Wellingborough has a mothballed modern prison, so it is terrific news he is going to reopen it and get rid of the Victorian prison. I thank him on behalf of my constituents, and will he confirm he is going to do it?

Andrew Selous: I say to my extremely persistent hon. Friend that should there be any new news on Wellingborough I will make sure that he is the first to hear.

European Convention on Human Rights

8. **Ms Tasmina Ahmed-Sheikh** (Ochil and South Perthshire) (SNP): Whether he plans to hold a consultation on UK membership of the European convention on human rights. [901964]

The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab): As I have made clear to the House before, although we cannot rule out leaving the ECHR for all eternity, our current plans for human rights reform do not involve leaving it.

Ms Ahmed-Sheikh: The Minister will be aware that the ECHR is, of course, enshrined in the Scotland Act 2012, so the UK cannot withdraw from it without fundamentally undermining the devolution settlement. Why is the Minister considering doing that?

Mr Raab: As I made clear, our current plans do not involve our pulling out of the convention, although we cannot rule it out for all eternity. The Human Rights Act 1998 already has an uneven application of rights to the devolved Administrations because of the devolved settlement. In Scotland, for example, the hourly rousing of detainees in police cells is unrelated to risk; in England and Wales, we do not have that, as it is focused on those who are vulnerable. I encourage the hon. Lady to focus her fire on addressing devolved issues such as that rather than pretending that there is some imminent threat to human rights from Westminster.

Michael Fabricant (Lichfield) (Con): May I remind my hon. Friend that it was the English Parliament that brought in the Bill of Rights in 1688 and the British Parliament that brought in the Human Rights Act only 310 years later in 1998? Like so much legislation at that time, there were unintended consequences. Will the Minister therefore not listen to Opposition Members and get on with it?

Mr Raab: My hon. Friend expresses himself in his usual tenacious and powerful way. It is true that the Conservatives have a long tradition of upholding freedom under the rule of law. We want to protect and strengthen that tradition, but we also want to avoid human rights being abused. We want this place to have the last word on where the bar is set for human rights, and we want the Supreme Court to be the ultimate body deciding on and interpreting them.

Joanna Cherry (Edinburgh South West) (SNP): I thank the Minister for confirming that there are no plans to withdraw from the ECHR at this stage, but I note that he earlier confirmed that there will be a consultation on repealing the Human Rights Act and replacing it with the Bill of Rights. As he knows, the Human Rights Act applies across the whole of the United Kingdom, including Scotland. How does he propose to engage the people who live in Scotland, their Government at Holyrood and their elected representatives in this Chamber in his consultation on repealing the Human Rights Act?

Mr Raab: Fully, expansively and at great length.

Joanna Cherry: Last week, despite objections from SNP Members in a debate on the Floor of the House, Conservative MPs joined forces with Labour MPs to ensure that no MPs representing a Scottish constituency would be on the Joint Committee on Human Rights, which scrutinises the compatibility of UK-wide Bills with human rights. In the light of that decision, how does the Minister expect us to have confidence that Scottish Members of Parliament will be fully involved in scrutiny of the implications of the Government's consultations on repealing the Human Rights Act?

Mr Raab: I give the hon. and learned Lady my personal undertaking to talk to her and any other colleagues, as she wishes, when the time comes for publication.

David T. C. Davies (Monmouth) (Con): Does the Minister agree that any successor to the Human Rights Act should ensure that no compensation is paid in future to foreign nationals who move into foreign war zones and are then imprisoned by foreign countries? The British taxpayer should not be responsible for what takes place.

Mr Raab: My hon. Friend, too, tenaciously raises these issues of extraterritorial jurisdiction and remedies for cases where people have behaved in an unsavoury or nefarious way. We will have full opportunity to look at all those issues in detail during the consultation.

Court and Tribunal Estate

9. **Matthew Pennycook** (Greenwich and Woolwich) (Lab): What plans he has to reform the court and tribunal estate; and if he will make a statement. [901965]

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): The Courts and Tribunals Service reform programme is once-in-a-generation opportunity to create a modern, user-focused and efficient service. As part of that programme, I announced on 16 July proposals for reform of the court and tribunal estate. The consultation closed on 8 October, and I shall carefully consider all responses before taking forward any decisions.

Matthew Pennycook: Two courts in my constituency, Greenwich magistrates court and Woolwich county court, face closure under the Government's proposals to reform the HMCTS estate. Although I do not dispute that there can be a case for the closure of under-used or inadequate facilities in some cases, I am extremely concerned that these proposals will further restrict access to justice for my constituents, particularly older people and those on low incomes who may face far longer journey times. Will the Minister guarantee today that in constituencies such as mine that face court closures, a local HMCTS presence will be retained?

Mr Vara: First, may I thank the hon. Gentleman for his contribution to the consultation, which I read very carefully? He acknowledges in his submission that there are alternative methods, such as the use of alternative premises on a part-time basis. Access to justice does not mean physical presence in terms of attending a court. Modern technology such as video conferencing, teleconferencing and a variety of other methods is used in a variety of other sectors, so there is no reason why we should not be looking at that in terms of the court structure.

Richard Fuller (Bedford) (Con): Given that the consultation has now closed, will my hon. Friend commit to publishing a detailed financial analysis of the cost savings in each court area identified, and publish any errors in fact that have been highlighted in the consultation documents?

Mr Vara: I am grateful to my hon. Friend for his contribution. He has been very diligent in all that he speaks for in his constituency. We will, of course, abide by all the rules that Governments have traditionally followed in publishing information as and when necessary.

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): I am sure I do not need to remind the Minister that the Welsh Language Act 1993 requires his Department to consider the impact of new policies on the Welsh language. Will he commit to undertake and publish a Welsh language impact assessment before deciding on the future of courts in Wales?

Mr Vara: I announced the consultation on 16 July and it has now closed. If the hon. Lady wishes to provide me with further information, I assure her that it will still be taken into account.

Criminal Courts Charge

11. **Tulip Siddiq (Hampstead and Kilburn) (Lab):** What plans he has to review the level of the criminal courts charge. [901968]

The Lord Chancellor and Secretary of State for Justice (Michael Gove): It is right that we find better ways to pay the costs of running our criminal courts, and the introduction of this charge has made it possible to recover some of the costs from offenders, which reduces the burden on taxpayers. The Government are, of course, keeping the operation of the criminal courts charge under review.

Tulip Siddiq: The Secretary of State will be aware of disturbing case studies highlighted by campaigners such as the Howard League showing that this charge is putting pressure on people to plead guilty in order to avoid legal costs, thereby restricting access to a free trial. I am pleased to hear that he is reviewing the charge, but will he admit that signing off such an absurd policy should not have happened in the first place?

Michael Gove: I am grateful to the hon. Lady for raising this issue, because I know that concerns have been expressed across the House and, indeed, by members of the magistracy and the judiciary, as well as by pressure groups such as the Howard League. That is why we are reviewing the operation of the charge. It is important to stress, however, that our justice system already creates a number of incentives for those who enter early guilty pleas, in order to ensure that the wheels of justice can run more smoothly, but I will continue to listen to the points that the hon. Lady and others make.

Craig Mackinlay (South Thanet) (Con): Has my right hon. Friend had the opportunity to review collection rates of the criminal court charge, a system that is wholly despised by the lay magistracy? The concerns go beyond inherent unfairness; there are worries that bailiffs will chase debts that will simply be written off and never collected.

Michael Gove: My hon. Friend makes a characteristically pungent point. He is right to say that we have listened to a number of representations from representatives of the magistracy, but we have to balance those concerns against other judgments as well.

Andy Slaughter (Hammersmith) (Lab): May I help the Secretary of State on the issue of collection? Earlier this year, the courts Minister told me that the minimum net sum that would be raised by the criminal courts charge in this Parliament would be £265 million. Last night, the Chair of the Justice Committee told the BBC that, as well as distorting the criminal justice system for most defendants and sentences, it may well run at a loss. The Secretary of State does not need to review the charge; it is worthless as well as dangerous. Should he not just scrap it now?

Michael Gove: I believe in evidence-led policy and it is important that we should look at not just the evidence from the magistracy, but, as the hon. Gentleman points out, the collection rate. The criminal courts charge is generating revenue, which helps ensure that the taxpayer is not the first port of call for supporting the way in which our courts operate, but it is important that we balance all the criteria in making a judgment on the review of the charge. [Interruption.]

Mr Speaker: Order. The hon. Member for Kingston upon Hull East (Karl Turner) is yapping incessantly, like an overenthusiastic puppy dog. He has practised in Her Majesty's courts and I cannot believe that he comported himself in that manner when he was there. He must calm himself, even if momentarily.

Legal Aid

13. **Debbie Abrahams** (Oldham East and Saddleworth) (Lab): What assessment he has made of the effect of changes to civil legal aid on access to justice; and if he will make a statement. [901970]

14. **Judith Cummins** (Bradford South) (Lab): What assessment he has made of the effect of changes to civil legal aid on access to justice; and if he will make a statement. [901971]

The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage): Civil legal aid reform has delivered important and necessary savings while protecting access to justice. Legal aid remains available for the most serious cases, including cases in which life or liberty is at stake, there is a risk of serious physical harm, or children may be removed from their families.

Debbie Abrahams: The Government rejected the Work and Pensions Committee's recommendation that an independent body should be set up to investigate the deaths of social security claimants, saying that their relatives could seek redress through the courts. Given that the same Government have cut access to legal advice or representation on social security by 80%, how exactly are they meant to do that?

Caroline Dinenage: The hon. Lady will understand that I cannot go into details of such cases for reasons of confidentiality, but I will say that there are no easy choices when we are dealing with the deficit that we inherited from the Labour party. However, we recognise that legal aid is a vital element of any fair justice system, and ours is still one of the most generous legal aid systems in the world, on which we spend more than £1.6 billion a year.

Judith Cummins: The Minister talks about the scandal of our two-nation justice system, but under this Government many hundreds of thousands of ordinary people no longer have access to legal advice or representation. Other than asking lawyers to do more work for free, what does the Minister plan to do about that?

Caroline Dinenage: As I have said, we are already spending more than £1.6 billion a year on legal aid, and ours is still one of the most generous systems in the world. We have committed ourselves to a review of the reforms within three to five years of their implementation, and we have acted swiftly to address issues as they have come to light. For example, we have invested an extra £2 million in assistance for litigants in person.

Open Resettlement Establishments

16. **Caroline Flint** (Don Valley) (Lab): If he will review the criteria used to determine whether prisoners with a history of violence are placed in open resettlement establishments. [901974]

The Minister for Policing, Crime and Criminal Justice (Mike Penning): When we are considering whether any prisoner should be transferred to open conditions, our overriding concern should be the protection of the public. Transfer to open conditions is not automatic, and should always be subject to risk assessment.

Caroline Flint: I am one of 14 Members of Parliament—including you, Mr Speaker—whose constituencies contain open prisons. Some 61 murderers have gone on the run from those prisons in the past five years. The opening of a new open prison unit in Don Valley, which has been given the welcoming name of Hatfield Lakes, has prompted concern about the kind of prisoners who are transferred to such establishments. The governor of an open prison often has little prior knowledge about a transfer, and may even have no say when it comes to the suitability of prisoners who are coming into their care. Will the Minister meet me, and other interested Members, to discuss the criteria for putting people in open establishments?

Mike Penning: I pay tribute to the right hon. Lady, who has campaigned extensively on this issue over the years, but I must say to her that the problem did not suddenly arise five years ago. There were absconders before that, which is a fact that she forgot to mention. However, I am sure that the Prisons Minister will be more than happy to meet her.

Topical Questions

T1. [901947] **Susan Elan Jones** (Clwyd South) (Lab): If he will make a statement on his departmental responsibilities.

The Lord Chancellor and Secretary of State for Justice (Michael Gove): As this is national pro bono week, may I take this opportunity to congratulate and applaud the solicitors and barristers who do so much to represent individuals for free? In particular, may I draw attention to the fact that Baroness Lawrence is paying tribute this week to the lawyers who acted for her pro bono in securing justice for her son Stephen? They have proved that the law is not just a profession, but a vocation for justice.

Susan Elan Jones: Many of us were very pleased when, 546 days ago, the Government announced a full review of driving offences and penalties, but we were rather less pleased that it was 546 days ago, and we still have not seen the results of the review. May we please have a date on which we will be able to receive them?

Michael Gove: The hon. Lady makes an important point, but it is vital that we look at sentencing in the round to make sure that we make balanced judgments. One of the problems we have sometimes had in the past is that new offences have been created and new sentencing frameworks have been laid down that have led to confusion rather than clarity, and we want to ensure we have swift and certain justice.

T2. [901948] **Wendy Morton** (Aldridge-Brownhills) (Con): What safeguards and guidelines are in place for the probation service regarding the category of residents at approved premises or bail hostels that are located within residential areas and within one mile of a school?

The Parliamentary Under-Secretary of State for Justice (Andrew Selous): I am well aware of the concerns of my hon. Friend and her constituents about this issue. The fact is, however, that the rate of reoffending among residents in bail hostels is lower than in other types of accommodation, and of course they do allow us to have a proper risk assessment and supervision. If my hon. Friend's local authority can identify another site with guaranteed planning permission, however, we will certainly look at it.

Andy Slaughter (Hammersmith) (Lab): It looks likely that by the end of today 90 solicitor firms and 70 of the 85 bidding areas across the country will have started proceedings against the Legal Aid Agency over the award of criminal legal aid contracts. Given that we know, thanks to a whistleblower, that the tendering process was run by junior temporary staff with "very limited" legal training, does the Secretary of State agree with the Criminal Law Solicitors Association chair that if the Government

"were trying to handle it badly",

they

"couldn't have done a better job",

and what chance does he think he has of winning those cases?

Michael Gove: It is rare that I ever disagree with the CLSA, but on this occasion I have to differ. The individual referred to as a whistleblower is merely one voice. The voices I have heard from many others, including those who have received their contracts, is that this was a well-run process in the tradition that the LAA has upheld for many years now.

Andy Slaughter: Turning from the chaos in the courts to the chaos in our prisons, the Secretary of State will agree with me that prison officers are doing an exceptional job in the most difficult of circumstances. Yesterday I met officers here who told me that, as one put it, as a result of the cuts in funding imposed so far,

"prison officer numbers have been cut to levels where prisoners are taking over the prisons."

When we see that serious assaults on staff have risen by 42% in the last year, is he not right?

Michael Gove: I find myself distressingly often these days agreeing with the hon. Gentleman that our prison officers do a fantastic job. I value the meetings I have with them and the feedback they give me. We have recruited 420 new prison officers in the last 12 months. Of course we keep safety and security in our establishments under review, but as I explained earlier we are taking steps on the use of technology and also on the increased powers that governors will have which I hope will make our prison estate safer and more secure for everyone.

T4. [901950] **Alberto Costa** (South Leicestershire) (Con): In evidence to the Justice Committee in July, the Secretary of State confirmed that his Department would be undertaking a review of the Legal Services Act 2007. Can he please confirm today if a date has been set for that review, and if not when the date of the review will be set?

The Parliamentary Under-Secretary of State for Justice (Mr Shailesh Vara): I am grateful to my hon. Friend for that question and he is right that my right hon. Friend the Lord Chancellor and Secretary of State for Justice did say to the Justice Committee that there would be a review of the regulation of the legal services sector as well as the 2007 Act. Clearly this is something we need to give consideration to. It will happen within this Parliament and the House will be informed in due course of the exact scope and timeframe.

T3. [901949] **Mr Douglas Carswell** (Clacton) (UKIP): Yesterday the Prime Minister announced changes to Government policy regarding the use of special guardianship orders. What assurances can the Minister give that this will not inhibit the ability of loving grandparents to assume legal responsibility for their grandchildren?

Michael Gove: I am grateful to the hon. Gentleman for that question. I know he has been campaigning very effectively on increased transparency in the family courts. One of the points the Prime Minister sought to make yesterday is that sometimes special guardianship or other kinship choices will be absolutely right, but there have been cases where special guardianship orders have been granted to grandparents and others who have had limited, and in some cases no, contact beforehand with the child placed in their care, so we do need to keep the system under review.

T6. [901952] **Nicola Blackwood** (Oxford West and Abingdon) (Con): Does the Minister agree that specialist courts for crimes with high reoffending rates like drugs and sexual offences can offer a number of benefits if implemented correctly, not only by reducing those reoffending rates but also by more sensitive handling of vulnerable witnesses, which can lead to better evidence and fewer cases collapsing?

Mr Vara: My hon. Friend is absolutely right to say that specialist courts can lead to a reduction in reoffending. Indeed, my right hon. Friend the Lord Chancellor recently visited the United States, where there is evidence that reoffending does diminish with specialist courts. We will be taking on board whatever we can learn to put into practice in the UK.

T5. [901951] **Dr Philippa Whitford** (Central Ayrshire) (SNP): In the new ministerial code, published on 15 October, Ministers are obliged to comply with "the law", but the phrase

"including international law and treaty obligations and to uphold the administration of justice"

has been removed. The former Attorney-General did not like that phrase very much, so does the Minister feel this changes the obligation to comply with international law?

The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab): I thank the hon. Lady for her question. There has been no change in obligations on Ministers. The code reflects the duty to obey the law. We have long had a dualist approach to international law, and it is also important that that is upheld.

T7. [901953] **Neil Carmichael** (Stroud) (Con): Rehabilitation is likely to be on a smoother path if prisoners have access to good education in custody. What steps is the Department taking, in conjunction with the Department for Business, Innovation and Skills, to ensure that maths and English are promoted within prisons?

Michael Gove: My hon. Friend makes a good point. I am inclined to take a leaf out of the Education Secretary's book here. In a speech she is making today, she is making the point that we need to reform our testing system to know how well children are performing when they enter school and when they leave primary school. In our prison estate, we should have tighter monitoring of the educational attainment of prisoners when they arrive in custody and when they leave. I am delighted that we are ad idem.

T9. [901955] **Anne McLaughlin** (Glasgow North East) (SNP): Legal aid was withdrawn from refugees who safely reached these shores and needed to be reunited with their families because this was deemed to be a straightforward process. The British Red Cross report entitled "Not So Straightforward" indicates that that is not the case. Has the Secretary of State read the report? Will the Government reintroduce legal aid or will they simplify the process so that legal aid is not required and the process in fact straightforward?

Mr Vara: I am grateful to the hon. Lady for raising the issue of legal aid again. As I said earlier, we have committed to having a review of the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. That will be carried out within three to five years of its implementation, but we do keep a watching eye on matters as they evolve.

T8. [901954] **Stephen Hammond** (Wimbledon) (Con): The Prisoners Education Trust does much to prepare prisoners for release, but to ensure that they get the skills they need for release, does the Minister think it would be sensible to encourage prison governors to be more entrepreneurial and start up more businesses inside prisons?

Andrew Selous: My hon. Friend and the PET make extremely good points. I know that the Secretary of State was very impressed with the prison entrepreneurship programme he saw in America recently, and last week I was in a prison talking to Sue Ryder staff who were very keen to help prisoners set up their own bicycle repair businesses. My hon. Friend is absolutely right to say that we need to go further.

Meg Hillier (Hackney South and Shoreditch) (Lab/Co-op): A constituent of mine is seeking an appeal against an immigration refusal but has been waiting six months. Another has a family member who was given leave to appeal this June and has a date for a tribunal hearing next May. What is the Secretary of State doing to reduce these unreasonable waits?

Mr Vara: As a consequence of the Immigration Act 2014, we anticipate the number of appeals going down. We are keeping an eye on the numbers and at the moment we do not see a particular concern, but if there is one, we will make sure that there are more sittings.

T10. [901956] **Chris Skidmore** (Kingswood) (Con): The Secretary of State has spoken about achieving swift and certain justice for the families of the victims of dangerous driving. Along with the families of Ross and Clare Simons, who were tragically killed in an incident in my constituency in January 2013, I have been campaigning for the maximum sentence to be raised from 14 years to life imprisonment. Will the Secretary of State meet my constituents and a delegation of interested MPs to discuss this issue?

Michael Gove: My hon. Friend has been a particularly assiduous campaigner in respect of this heartbreaking case, and of course I would be delighted to meet him and other colleagues who want to make sure that the law can be changed appropriately.

Cat Smith (Lancaster and Fleetwood) (Lab): The Minister will be aware of the case of Tara Hudson, the transgender woman who was placed in a men's prison and then moved to a women's prison on Friday. Can he explain why it has taken so long to get Tara moved? Will he clarify the guidelines for sentencing procedures for transgender prisoners?

Andrew Selous: I cannot comment on the details of Ms Hudson's case, but I can assure the House that she is being held in an appropriate environment and is receiving the care that she needs for legal reasons. The National Offender Management Service incorporates equality and diversity in everything that it does and treats offenders with decency and respect. The guidelines allow some room for discretion in such cases, and senior prison management review the circumstances in the light of medical and other expert opinion to ensure that we get these issues right. More generally, prisoners who are in transition to their acquired gender are entitled to live in that gender.

Mark Menzies (Fylde) (Con): Jobs, Friends and Houses is an award-winning initiative on the Fylde coast, which provides ex-offenders with real opportunities to work in the building trade. Will the Secretary of State join me in congratulating it on its excellent work and seek to support it and other such endeavours in the future?

Michael Gove: I am grateful to my hon. Friend for bringing that fantastic campaign to the attention of the House. In three simple phrases, he and the organisation sum up what ex-offenders need: work, strong relationships and a place to live.

John Cryer (Leyton and Wanstead) (Lab): Earlier, the Secretary of State mentioned the recruitment of prison officers. I think that the figure of 420 was used, but that is against a background of a 25% cut in prison officers in the previous Parliament. What is the current shortfall?

Andrew Selous: There is quite good news in this area. We appointed 2,230 prison officers between 30 June 2014 and 30 June 2015. That is a net increase of 420 additional prison officers. We have 600 candidates on the waiting list for when vacancies arise, and prison officer vacancies are at a low of 2.1% compared with 5.2% last December.

Michelle Donelan (Chippenham) (Con): The Minister will be aware that the future of Chippenham's courthouse is currently with the HM Courts and Tribunals Service consultation and that Swindon courthouse is in desperate need of renovation. While that work is carried out, Chippenham is perfectly placed to provide the ideal location. May I urge him to consider that key fact when the future of Chippenham's courthouse is determined following the consultation?

Mr Vara: I assure my hon. Friend that no decisions have been taken with regard to the consultation and that I will be considering very carefully what she has just said as well as all the other submissions that will be made.

Toby Perkins (Chesterfield) (Lab): The needs of female offenders are different from those of male offenders in the Probation Service. That has been established across three Prison Reform Trust reports. When the call for evidence of Her Majesty's Inspectorate of Probation finally reports, will the Government finally allocate the resources required to ensure that we reduce reoffending among women prisoners?

The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage): The transforming rehabilitation changes have been about trying to stop reoffending. The fact that they are now kicking in for people who have been in prison for less than a year, which covers more than 70% of the female prison estate, is key. Transforming rehabilitation is about what works, but I am keeping up a constant dialogue with the community rehabilitation companies to ensure that what works includes a very special provision for women offenders.

Alex Chalk (Cheltenham) (Con): Whether or not the criminal courts charge survives in the long term, will the Secretary of State give the most careful and timely consideration in the short term to giving discretion to judges and magistrates as to whether it should be imposed so that they can do justice in the instant case?

Michael Gove: As I acknowledged earlier, the criminal courts charge is a cause of concern across the House, but it is also important that we maintain a balance between the funding of our courts coming from the taxpayer and that coming from those who use our courts. My hon. Friend makes a valuable submission on which I shall reflect.

Ian Lavery (Wansbeck) (Lab): HMP Northumberland, like many other prisons, is awash with the legal high, spice. It is creating a really dangerous environment for prison officers and offenders alike. What action is the Minister taking to tackle that very dangerous situation?

The Minister for Policing, Crime and Criminal Justice (Mike Penning): As the House is aware, we have just come out of the Committee stage on the new psychoactive substances Bill. I amended the provisions in Committee with the support of Her Majesty's Opposition and the Scottish National party to make it a criminal offence to have spice, or any other NPS, in prison. That was at the request of the governors and the officers' union.

Several hon. Members *rose*—

Mr Speaker: Order. I am sorry to disappoint remaining colleagues but we must now move on.

Speaker's Statement

12.34 pm

Mr Speaker: Just before we come to the urgent question, I must advise the House that I have received a report from the Tellers in the Aye Lobby for Division No. 104 on the Housing and Planning Bill yesterday at 9.59 pm. They have informed me that the number of those voting aye was erroneously reported—

The Minister of State, Department for International Development (Mr Desmond Swayne): Shocking!

Mr Speaker: The right hon. Gentleman is easily shocked.

As I was saying before I was interrupted in such a gentlemanly fashion, the tellers have informed me that the number of those voting Aye was erroneously reported as 228 instead of 218. The Ayes were 218 and the Noes were 305. The House is now better informed.

Humanitarian Aid: Refugees in Greece and the Balkans

12.35 pm

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab) (*Urgent Question*): To ask the Secretary of State for International Development to make a statement on humanitarian aid for refugees in Greece and the Balkans.

The Secretary of State for International Development (Justine Greening): I am grateful to the right hon. Lady and to you, Mr Speaker, for giving the House the chance to discuss this important matter today. As the House will be aware, more refugees made the perilous journey across the Mediterranean into Europe last month than in the whole of 2014. Indeed, in October 218,000 people crossed the Mediterranean, bringing the total for the year so far to more than 750,000. Greece and the Balkan states have borne the majority of that burden and although the response is being led by the Governments of those countries, the UK has led the way in supporting them and has provided essential humanitarian assistance across Greece and the west Balkans. That was part of the EU Ministers meeting that I attended last Monday, where we also discussed the issue of migration.

In September, anticipating the impact of the colder winter months, we released £11.5 million of life-saving aid for refugees in Europe, in the Balkans and in Turkey. This past weekend, I announced a further £5 million to provide sleeping bags, hygiene kits, nappies, food and clean water for people in need in Greece, Serbia, Macedonia, Slovenia and Croatia. In total, the UK has committed nearly £25 million to support refugees arriving in Europe as well as those on the journey in north Africa. We continue to respond to the requests that have been made. I recently approved a UK contribution to the EU civil protection mechanism, which deals with requests for in-kind assistance from other European countries. Of course, that is alongside the support that my Department has given in the Syria region over the past four years.

A total of £1.1 billion makes us the second largest donor country and that support has enabled the vast majority of Syrians affected by the crisis and displaced to stay in the region rather than feeling that they need to make the journey to Europe. Only a tiny fraction of the total number of displaced Syrians have therefore sought asylum in Europe and without the UK's humanitarian response, that number would have been far higher. Of course, we continue closely to monitor the situation across Europe and we will consider further support as needs emerge.

Yvette Cooper: I thank the Secretary of State for the work that her Department is doing in the region and in Greece and the Balkans, but she will know that across Europe we are simply not doing enough. Too many people are dying and too many children are suffering on Europe's soil and off Europe's shores.

I stood on the north shore in Lesbos and watched the flimsy dinghies pull in. We heard that smugglers are giving discounts when the weather is worse, so more people are arriving, and although valiant work is being done by residents and volunteers on the island, there is simply not enough basic support to help. There are not enough rescue boats in the area, and HMC Protector

and HMC Seeker have been sent home. One family was in the water for five hours, with a baby pulled out by fishermen who then managed to resuscitate him. There are not enough boats, but there also is not enough shelter or support. There are not enough blankets or enough basic sanitation—toilets and taps. An aid worker told me that they are worried about cholera in Europe. There are not enough doctors, ambulances or even morgues to help.

Yesterday, someone from Save the Children said:

“I was stopped in my tracks by a child shivering...her hands and lips...blue...Minutes later, we found three young men unconscious with hypothermia...forced to sleep for three days in a field”—

to queue for papers—

“there are not toilets for those waiting in those queues—so faeces is mixing into the flowing streams”

of drinking water. This is in Europe, so we are all failing.

May I ask the Secretary of State to do three things? First, will she go to Lesbos and to the Balkans herself to see what is happening, particularly in the Moria camp, which is just appalling and should shame us all? Secondly, will she call for more direct immediate humanitarian aid, both from Britain and from Europe more widely, before more people die? Thirdly, will she ensure that the British boats can return to the Mediterranean to assist with search and rescue so that people do not drown? Winter is drawing in and this is on our conscience. All of us need to make sure that there is action now.

Justine Greening: The right hon. Lady raises some very important points, which I and my Department have spent many years working on directly. She is right to set out the desperation that leads so many of those people to try and make what can, in some cases, be a fatal journey from the Syrian region to Europe. I can announce to the House that having been in touch with Frontex to offer further support, the UK will as of Thursday deploy a new ship to help provide search and rescue facilities in the Mediterranean. That offer has been accepted so VOS Grace will be part of that effort, which is good news. It is worth reflecting that the support from the UK by means of Border Force cutters and Royal Navy ships has saved over 8,000 lives to date.

The right hon. Lady is right about the need to press European partners to do more. We can be proud of the work that we as a country have done to help people affected by the crisis in Syria and latterly as they have arrived in Europe. That is not just the work I spoke about in relation to saving lives in the Mediterranean; we have provided asylum for thousands of people and, as I have just set out, we are actively helping key agencies on the ground, such as the United Nations High Commissioner for Refugees, the Red Cross and the International Organisation for Migration. The right hon. Lady is right to highlight the fact that more needs to be done. That was precisely the point I made in Luxembourg last Monday at an EU Ministers meeting. Britain cannot do this work on our own. We can be proud of the work that we are doing—no country in Europe has done more—but we need other European states to join the effort, and I very much welcome the right hon. Lady’s highlighting of the issue through her own efforts.

Mr Christopher Chope (Christchurch) (Con): I thank my right hon. Friend for all the work that she is doing. Some 10 days ago I was in Kos as a member of a small delegation from the Council of Europe Parliamentary Assembly. We could see with our own eyes how many of those hapless people have been cruelly misled into thinking that there is a place for them in Europe. My right hon. Friend refers to Syrians, but a large number of the people we saw were from Afghanistan, Pakistan and Bangladesh. Why can we not do something to ensure that these people are processed, if that is the right expression, on the Turkish mainland, without the need for them to risk their lives crossing the Aegean?

Justine Greening: Much of the discussion in Europe has turned to how we can work more effectively with Turkey. It is worth pointing out that Turkey has around half the refugees who have left Syria to date—about 2 million refugees. My hon. Friend is right to highlight that. We are working with Turkey. We have worked with it to help it in its humanitarian support. Some of the work that I have just described that we are doing in Europe more broadly relates to registration and helping countries in Europe to process the refugees arriving on their shores.

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab): The Secretary of State will be aware that it is not enough to say that people have been cruelly misled. Some 570,000 migrants have crossed the Greek border this year, and because of the onset of winter and Russian bombardment we are seeing a spike in the number of arrivals. The mayor says there is no room on Lesbos to bury any more refugees. We note that £20 million has been allocated, the Secretary of State has announced a further £5 million emergency fund and we will be deploying a new ship, but what action will the British Government, working with EU partners, take to tackle the increasing activity of people smugglers? The Government have promised to resettle 4,000 refugees this year and 20,000 over the next five years. Can we have a progress check on this? Are there any plans to increase the numbers? Does the Secretary of State recognise that while the Government are to be commended for the money that has been spent on the camps in Syria, we are seeing a crisis unfolding in Greece and the Balkans that shames the European family of nations?

Justine Greening: The hon. Lady raises important issues. The point I made at the EU Ministers meeting last week is that this is an issue of European credibility. We have been in New York signing off on new global goals, we have a world humanitarian summit coming up next May and the UK has been at the leading edge of providing support to people affected by this crisis. It is important that when people arrive on Europe’s shore they are effectively taken care of. I have set out some of the work that the UK is doing, but it is vital that other EU member states play their role alongside our efforts.

In relation to people-smuggling, some of the work that our ships in the Mediterranean have done is not just to save lives but to catch some of the potential people smugglers. The deployment of VOS Grace later this week will enable all that work to continue. The hon. Lady is right to highlight that this is an important part of how we tackle the refugee crisis. It is not just about providing support to people; it is also about tackling the

[Justine Greening]

criminality that is at the heart of the situation. Many of these people have been conned into giving away their life savings and any remaining assets they have to be told that they can possibly make a new life for themselves in Europe, but by going on a boat that may never get them to where they want to get to. It is important that we tackle the criminality. That is why it is important that the vulnerable persons relocation scheme works as it does. We are enabling people to relocate without having to put their lives in the hands of a people smuggler in the first place. That is a safer, more secure route, but crucially it also enables us to target the people who are the most vulnerable in the camps and in host communities who have been affected by this crisis and who would probably never have the means or the capacity even to begin such a journey in the first place.

We have said that during this Parliament we will relocate and support up to 20,000 people to come to the UK. I can assure the hon. Lady that we are on track with our initial resettlement of 1,000 people by Christmas.

Bob Stewart (Beckenham) (Con): Following the question by my hon. Friend the Member for Christchurch (Mr Chope), what percentage of these people does my right hon. Friend think are fleeing for their lives and what percentage are fleeing to get a better lifestyle?

Justine Greening: One of the challenges that Europe has had over recent months is understanding in detail the drivers behind the refugee flows. Of course, the two things that my hon. Friend set out are not mutually exclusive. Some Syrians are not only fleeing what they believe to be a very unstable region but are very well educated and want to get on with their lives and have a better life for themselves in Europe. The key drivers are instability and the search for opportunities. That is why all the work that DFID is doing, whether in humanitarian arenas such as the Syria region or in the doubling up of work that we have done over the past two years on economic development—creating jobs and livelihoods in Africa, for example—is so important. If people do not feel they have a life and a future where they are, in today's modern world they will set off and find a better life and a better future somewhere else.

Patrick Grady (Glasgow North) (SNP): We welcome the announcement of additional support, especially as winter approaches, but I was interested in the list of provisions being made available by the UK Government. I did not hear mention of tents. Sleeping bags have been mentioned, but it would be interesting to know whether people are going to be supported so that they do not have to sleep out in the open in winter. Of course, the best thing to do is to move people into secure and safe accommodation. It would therefore be helpful to know what support and advice the Government are giving to reception centres in arrival countries as regards moving people into safer accommodation, and whether this ultimately has to include a proportion of people coming here to the United Kingdom. Should not the UK take a fair proportion of the total number of refugees coming into the EU?

Justine Greening: The support we provide is very much driven by the needs set out to us by the agencies and non-governmental organisations with which we work.

I can confirm to the hon. Gentleman that we have provided tents—for example, in Croatia—and we are playing our role in helping to make sure that when people arrive at reception centres, they are dealt with and processed properly.

As the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) set out, there is a real issue of scale, and Britain cannot solve that on its own. It is worth emphasising to the House that each of the countries where refugees are arriving is leading the response in that country, so it is up to UN agencies and NGOs to work as part of a national response by each country. As I have set out, Britain is also supporting those countries in order to have an adequate response. As the House has heard, there are real challenges, given the scale of the numbers and the flow of refugees who are arriving on European shores.

The hon. Gentleman talked about the UK taking its fair proportion. The reality is that we can be proud of the work the UK is doing to support refugees affected by the Syrian crisis—whether it is the work we are doing in the Mediterranean to save lives, the thousands of people who have been given asylum already, the approach we now have of relocating people from the camps safely and securely, or the kind of support closer to home that I have set out today. No country in Europe is doing more than the UK, and the House should be proud of that.

Jeremy Lefroy (Stafford) (Con): May I thank the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) for asking this urgent question? I entirely agree with the points she made. May I also thank my right hon. Friend the Secretary of State for all the work that she and my hon. Friend the Under-Secretary of State for Refugees are doing? May I, however, urge the Government to engage directly with the Governments of countries which now have refugees? As winter comes, we cannot allow bureaucracy or any other impediment to get in the way of making direct contact to offer our support to the Governments of Greece and the other Balkan countries to ensure that no lives are lost needlessly.

Justine Greening: I can assure my hon. Friend that we are doing just that. The problem he sets out is one we commonly face when we are trying to help any refugees, wherever they are. We only have to look at some of the challenges in Lebanon, where many of the refugees are in so-called informal tented settlements. That means that it has been far harder for us to put in place water and sanitation and to get education to the children in some of those camps than it otherwise would have been compared with the work in Jordan, which, broadly speaking, has been more Government-driven from the word go. We are now facing the issue closer to home on our own shores in Europe. I assure my hon. Friend that we are working with those Governments, while also urging our other European partners to step up to the plate, too.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): One of the factors driving more refugees to Europe is the level of support from the United Nations High Commissioner for Refugees and the World Food Programme in neighbouring countries. What can be done to ensure that there is the right level of resource to enable families who wish to stay in neighbouring countries

to do so? I understand that the UNHCR does not have the kind of authority in Greece and the western Balkans that it enjoys in countries such as Jordan. What can be done to enhance the authority of the UNHCR on the ground in Europe?

Justine Greening: On the hon. Gentleman's first point, the reality is that, even now, the UN flash appeal for Syria is just over 40% funded. As he sets out, the inevitable consequence is that it is actually hard for the World Food Programme to meet all the immediate needs of the refugees in the region, let alone to look ahead to providing some of the education that children need or some of the work on livelihoods that might, for young men, be an alternative to their setting off on the journey towards Europe. He is absolutely right to flag that up as a direct issue. On his second point, I will write to him.

Tom Pursglove (Corby) (Con): We have seen great generosity across the country in relation to the refugee crisis. In my constituency a few weeks ago, I attended a church service in Irthlingborough, where local people had brought an inordinate amount of goods to help the cause. What steps can the Government take to make sure that those items go to where they are most needed and will have the biggest impact?

Justine Greening: My hon. Friend highlights the huge generosity of the UK public in responding to the refugee crisis closer to home. I know that many NGOs are helping to get those very kind offers through to people on the ground. I recommend that he looks at the part of the Government website that sets out the key places where people can offer support if they so wish, and signposts how people can get more involved practically.

Tim Farron (Westmorland and Lonsdale) (LD): I pay tribute to the right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) who has quite rightly asked this question today. Like her, I recently visited Lesbos, where I found very similar things to those that she observed. Some 94% of those presenting on the isle of Lesbos are independently attested to be refugees fleeing war and persecution. It is not that there is anything wicked about being an economic migrant, but those people were clearly running away from war, fear of death and instability for them and their children. It is shameful that we as a country are not taking a single one of the people in those camps at the moment.

Last week, I asked the Prime Minister about this, but he dismissed my call for the UK Government to accept 3,000 unaccompanied refugee children in Europe. He inaccurately claimed that there were worries that some of the children would be taken from relatives. The UNHCR has since confirmed that these would be children with no identifiable family, so I repeat: will the Government now work with Save the Children to take in 3,000 unaccompanied children who may otherwise face abuse, trafficking and exploitation?

Justine Greening: I have set out very clearly the approach that the UK has taken to helping people who are affected by this crisis. Our approach of taking people directly from the camps is safer and more secure. I have also set out how we have already provided asylum

for several thousand people who have arrived in the UK, after making the journey because of the Syrian crisis.

The hon. Gentleman asks about unaccompanied children. If we look at Jordan, for example, about 80% of the children who originally arrived there unaccompanied were subsequently reunited with their broader family. The point that the Prime Minister quite rightly made is that it is very easy in this House to talk emotively about numbers and children. The reality is that we must be extremely careful to ensure that we do not make decisions on their behalf that fundamentally take them further away from the family with whom they would wish to be reunited. The hon. Gentleman has made his point very well, and I have responded to him.

Mr Peter Bone (Wellingborough) (Con): Obviously, there is not agreement in the European Union on how to deal with these problems. Has the excellent Secretary of State thought of talking to the Council of Europe, which covers many more countries, about an overall solution?

Justine Greening: We are having a range of discussions to see how the situation can be better managed in Europe. This is not just about the challenge we face in the Syria region. Frankly, that challenge is to have the kind of support at the scale needed, but which is currently not being delivered. I have seen for myself from discussions among EU Ministers from countries in the Schengen region that there is very little agreement. What we need, in effect, is a co-ordinated approach within the Schengen region, but as far as I could see at the time—this was certainly the case last Monday—there was no political prospect of achieving that.

Although such discussions need to go on, the UK is right to provide additional support on the ground. However, we clearly all need to keep in mind the key objective, which is to help Syrian refugees in the region. People are leaving the region because food rations from the World Food Programme are starting to be cut, and because they are worried about how their children will have an education when so few Syrian children can be in school, in spite of the best efforts of countries such as the UK. We were instrumental in setting up the No Lost Generation initiative, through which many children are in school, and we are working with the World Bank to look at how to have better livelihood programmes. There is no doubt that the answer involves, first, some political resolution—ultimately—in Syria, and secondly, some political resolution in Europe, too.

Ann Clwyd (Cynon Valley) (Lab): The Secretary of State is usually very sympathetic, but I do not like the way she has dismissed the claims of children, particularly unaccompanied children who have been separated from their relatives. Has she had any discussions with EU Ministers about what happened in Italy last year, when of the 13,026 children who arrived unaccompanied, 3,707 disappeared? What assessment has been made of where those children are? I support the request from Save the Children that 3,000 unaccompanied children be given refuge in the United Kingdom. It is not much to ask, surely.

Justine Greening: The right hon. Lady makes an important point very clearly. The UK has helped the International Organisation for Migration to do better

[*Justine Greening*]

evidence gathering to find out what is happening on the ground. Part of the challenge is that people, including children, often turn up without any papers. Some people are even concerned about registering with the authorities in the countries that they reach because they are worried that they will not be able to continue their journey. This is a complicated situation, but I assure her that we are playing a key role in getting support to refugees who arrive here in Europe, including children.

Mr Philip Hollobone (Kettering) (Con): I commend my right hon. Friend for the magnificent and effective way in which she is fulfilling the responsibilities of her office. The fact that the UK is second only to the United States in the amount of aid it is giving to the region is testimony to her efforts. Is it not the case that were all other EU countries to contribute towards aid in the region in proportion to what the UK is doing, the problem presenting itself on the Turkey/Greece border would not be nearly at its present scale?

Justine Greening: My hon. Friend is absolutely right. Of course, the cost that many European countries now face to support refugees who felt that they had no choice but to set off on a life-or-death journey is immense. That money would have been spent far more effectively, produced far greater value for money and enabled support to get to many more people had it been put directly into the UN effort on the ground, working with generous countries such as Lebanon, Jordan and Turkey, which have taken so many refugees. If we had worked with those countries more effectively, many of the refugees—I have met many of them in my visits to the region over the past few years—would have done what they had wanted to do, which was to stay there in the hope that, in time, they could rebuild their lives and go back to Syria.

Keith Vaz (Leicester East) (Lab): The Secretary of State is right to be robust on criminality, but the only organisation that can deal with it on a pan-European basis is Europol. Why are we not giving more resources to Europol to deal with this problem? In the spirit of openness and transparency, will she tell the House today how many Syrian refugees have arrived in the UK following the Prime Minister's pledge? That is a very simple question that has not been answered. It would be good to reveal that information to the House.

Justine Greening: We have been clear that we will not give a running commentary on how many refugees have been resettled here, not least because they need to receive support and treatment and to get on with their new lives here without the glare of the media upon them. I will ensure that Home Office Ministers write to the right hon. Gentleman with further details on his point about Europol.

Mary Creagh (Wakefield) (Lab): We have heard about the problems of the 3,000 unaccompanied minors and the Minister's warm words on the generalities. May I press her on the specifics of the case of Mr Nawaf Ali, who fled Saddam Hussein's murderous regime in Iraq 14 years ago and whose two daughters, aged 14 and 15, are currently unaccompanied and seeking asylum in Germany? Will she and the Under-Secretary of State for Refugees meet me to cut through the bureaucratic

claptrap that I have had from the Home Office on this case, so that these children can be reunited with their parents in Wakefield?

Justine Greening: The hon. Lady has raised that case with me, but it is not one with which I am familiar. I am happy to look at the details and, if necessary, to meet her. As she said, many of the refugees are going to Germany, where there is an existing Syrian diaspora. That is perhaps why the flows there have been larger than those to the UK, even though we have provided asylum to many of the Syrians who have arrived. I will look at that case and, if necessary, meet her.

Mike Gapes (Ilford South) (Lab/Co-op): We have been talking today about the symptoms of the crisis, but the cause, as the Secretary of State knows full well, is that 11 million Syrian people have had to flee their homes, 7 million of whom are internally displaced and 4 million of whom are refugees. What are the Government doing to stop the barrel bombing and brutality of the Assad regime? Some 250,000 people have died and many more will die as a result of Russian air strikes and Assad's barrel bombing. What are we doing about safe havens, humanitarian corridors and the protection of the population inside Syria?

Justine Greening: The hon. Gentleman has raised one of the most important elements of the response to the Syrian crisis. It is incredibly important that we can get to people inside Syria. Many of our cross-border supplies are going into the country from Turkey. It took us over two years to get a UN Security Council resolution even to do that effectively. The action by the Russians is taking us further away from reaching a long-term political settlement in Syria. As the Government have set out, we believe that more action needs to be taken against ISIL, which is also perpetrating huge atrocities against the Syrian people.

Ms Karen Buck (Westminster North) (Lab): The Greek economy is in crisis, yet the Greek islands are at the front of the European response to the crisis. Does the Secretary of State agree that the Greek people have shown extraordinary resilience in the face of that pressure? I have seen for myself half a dozen volunteers feeding 1,000 people in Greek feeding stations. The pressure on public services means that the Greeks are simply unable to process people who are waiting for transit papers on islands such as Kos and Lesbos. Will she work with our European partners to ensure that people who are desperate for travel papers do not have to wait for days in worsening weather in order that they can move on? Feeding and housing people is one thing; making sure that they can get the papers they need is another.

Justine Greening: The hon. Lady is right that this is not just about giving people the bare essentials to be able to survive day-to-day. We are providing support for the kind of registration facilities that she has talked about. It is right to mention the broader issue of so-called host communities and their generosity. I have met communities in Lebanon and Jordan that have seen their local populations literally double in a matter of 12 or 24 months. That puts huge strain on the existing populations. That is why, as well as working directly with refugees, we are working with the communities that they suddenly arrive in. You may not be aware, Mr Speaker,

that the refugees outside Syria are overwhelmingly living not in camps like Zaatari in Jordan, but in host communities. That accounts for 80% of them or more. That is why so much of the work that we have done has been to help local government and municipalities cope with those pressures.

Shabana Mahmood (Birmingham, Ladywood) (Lab): I was on Lesbos three weeks ago volunteering at Moria camp and on the shore at Sikaminia, where the boats from Turkey come in. The conditions are appalling and the scale of the human suffering and tragedy is soul destroying. Every time we saw a boat, all we could do was hope and pray for a safe landing. There was a shocking lack of presence on the ground of official authorities and the larger international charities that one would expect to see when faced with such a crisis. Instead, the work was left to smaller organisations and volunteer groups, which are utterly overwhelmed. Will the Secretary of State consider visiting Lesbos and working with the Greek authorities directly to provide British co-ordination assistance and infrastructure, particularly at Moria camp and Sikaminia, because if the rest of Europe will not step up to the plate, she should bypass it and go to Greece directly?

Justine Greening: I have been the first person to get on a plane. I have spent a lot of time in the region seeing for myself the issues affecting refugees, and I have no doubt that the European situation is no different. Such visits are important, and when I visited Lebanon we decided to introduce the No Lost Generation initiative to get children into school, because it was clear that there was so little facility. As the hon. Lady says, there are organisational challenges on the ground. Such initiatives are country-led—that is how they work—and in spite of efforts by countries such as the UK, and UN agencies, more work must be done to enable countries to cope with the flow of people arriving. Alongside such initiatives, the work that VOS Grace will be doing really matters, and we also need to disrupt criminality—the work of people smugglers is leading to the flows of people that countries such as Greece are finding it hard to cope with.

Stephen Gethins (North East Fife) (SNP): As has been said, the weight of refugees often falls on those countries that are least able to cope. Has the Secretary of State considered increasing the number of refugees that the UK is willing to take in?

Justine Greening: We have set out our position on the vulnerable persons relocation scheme, which I think is responsible, but the hon. Gentleman is right to highlight the issue of where refugees are. More than 85% of displaced people in the world—there are a record number at nearly 60 million—are in developing countries and the places least able to cope, rather than developed countries such as those closer to home in Europe. That is why the weight of our response has—quite rightly—been in the region, helping countries in Africa such as Ethiopia, which has 700,000 refugees. We do not see those refugees in the paper, but that country still needs assistance to cope with them.

Jenny Chapman (Darlington) (Lab): Will the Minister consider further the response that she gave to my right hon. Friend the Member for Leicester East (Keith Vaz)?

Transparency is important because the Prime Minister made a pledge about a specific number of refugees, and it is important for public confidence that we know how many people have arrived. Will the Minister think again about her reluctance to let the public know?

Justine Greening: The Minister responsible for the overall relocation scheme is in the Chamber—[*Interruption.*] I apologise. He was in the Chamber earlier, and I have no doubt that he will be watching these questions. We have been clear that we will update the House, but we will not be giving a day-to-day running commentary.

Diana Johnson (Kingston upon Hull North) (Lab): I also want to ask about the vulnerable persons relocation scheme, and I am disappointed that the Minister has left the Chamber. I was at a meeting on Friday in Hull, and I was told that four local authorities in Yorkshire are keen to take in Syrian refugees under the scheme and had reached a funding agreement with the Home Office. A few days later, however, they received a letter stating that the funding had been reduced by two thirds, which means that those local authorities are not in a position to take in the Syrian refugees who we all want to bring to this country. Will the Minister write to me and explain why the Home Office did that, and say what effect that will have on the 1,000 refugees who we are expecting here by Christmas?

Justine Greening: I will follow up that issue with the Home Office and ask Ministers to respond to the hon. Lady with more details.

Tom Brake (Carshalton and Wallington) (LD): Turkey is playing a critical role and has taken in 2 million refugees, compared with the 20,000 that the UK will take in over the next five years. Has the Secretary of State had time to assess the impact of the AKP victory, and does she think that it will lead to changes in Turkey's attitude to the camps in that country? What might be the knock-on consequences for Greece and the Balkans?

Justine Greening: The continued mandate of the Turkish Government means that there is some stability in terms of the partners we have been working with. It remains to be seen whether there will be policy changes for how Turkey chooses to deal with what is now a huge number of refugees in its midst.

The hon. Member for Ilford South (Mike Gapes) asked a question on safe zones, which I did not answer at the time. Although safe zones may seem appealing, getting them in place effectively with UN backing, and enabling them to be delivered safely for people on the ground, is key. We never want to put people in the position that they faced in Srebrenica, for example, where they thought they were in a safe zone, but which proved fatally not to be the case. There is anecdotal evidence of refugees being worried that if safe zones are set up, they may be forced back over the border into Syria, and that is possibly one reason why some refugees are leaving the camps and making the journey to Europe. I assure the House that we are considering all possible means to ensure that we protect vulnerable refugees, but we also have a responsibility not to create a situation that could put people in even more danger.

Parliamentary Assembly of the Council of Europe

1.16 pm

Mr Christopher Chope (Christchurch) (Con) (*Urgent Question*): To ask the Leader of the House of Commons if he will make a statement about the rationale that was applied in determining which members of the UK delegation should be reappointed to the Parliamentary Assembly of the Council of Europe.

The Deputy Leader of the House of Commons (Dr Thérèse Coffey): I pay tribute to my hon. Friend for his work in the Council of Europe over the past 10 years. He will know that decisions about appointments to the delegation are a matter for different political parties, and places are allocated in proportion to representation in Parliament. Normally, decisions are taken through the usual channels and approved by the leaders of the parties represented on the delegation. I appreciate my hon. Friend's disappointment at the changes to the delegation for this Parliament, but I am sure that he will take advantage of the extra time that he has to spend in the Chamber by making more of his customarily pithy and perceptive contributions to debates.

Mr Chope: It is most reassuring to have confirmation from my hon. Friend that the issue of reappointment was not based on merit.

May I ask my hon. Friend what consultation has been carried out with political parties, as specified on page 174 of "Erskine May"? Why will she not confirm that the real reason why three independently minded former Ministers are being purged is because we voted in favour of a free and fair EU referendum with a strict 28-day purdah period, as recommended by the Council of Europe's Venice Commission and our Electoral Commission? Does she accept that that decision is being interpreted in Strasbourg as direct interference by Government in the work of the Parliamentary Assembly?

The Leader of the House said on Thursday that he was aware of the House's desire to express its opinion on the membership of the new delegation, and he said that

"no doubt the House will give the matter careful consideration".—
[*Official Report*, 29 October 2015; Vol. 601, c. 511.]

How is that to be facilitated? Will the Deputy Leader of the House ensure that the House can express its opinion before you, Mr Speaker, transmit the list to the Parliamentary Assembly? As the Assembly cannot consider the list until 27 November, does she agree that there is plenty of time to do that?

Does the Deputy Leader of the House recall the speech made by our Prime Minister on 26 May 2009 entitled "Fixing Broken Politics"? In it he said that

"MPs should be more independent"

and that Select Committee members

"should be elected by backbenchers, not appointed by Whips".

He called for Parliament to be a

"real engine of accountability...not just the creature of the Executive".

Why do those fine words not apply to Conservative members of the Parliamentary Assembly?

Dr Coffey: Six months into this role, I am afraid that I have not digested all of "Erskine May". I do not know what page 174 refers to, but since my hon. Friend has pointed it out to me, I will make it my urgent duty to consult it straight after this urgent question.

I recognise that my hon. Friend is disappointed. He was appointed by the leader of the Conservative party on the last two occasions, and new people have now been added to the delegation. The written ministerial statement was laid at 11.33 am today, and hon. Members can see the list. If it is of interest to the House, I could read it out, but I am sure that our time would be better served by moving on to important legislation, and that piece of paper is available in the Vote Office.

Chris Bryant (Rhondda) (Lab): Far be it from me to intrude on private grief in the Conservative party, but we in the Labour party have elections for these posts. I recommend democracy to the Conservatives.

This smacks of a vindictive attitude by the Government towards some of their Back Benchers. I have never agreed with the hon. Member for Christchurch (Mr Chope) on a single thing in the history of his or my time in the House, and I am not entirely sure that I agree that he is always pithy—nor am I. He is, however, an extremely assiduous parliamentarian, as are the hon. Member for Gainsborough (Sir Edward Leigh) and the right hon. Member for Chesham and Amersham (Mrs Gillan), who have also been removed. To be honest, the only rationale that I can detect at work in the appointments is that anyone who has ever disagreed with the Prime Minister is for the chop.

It seems that the Deputy Leader of the House does not understand the rules that govern the Parliamentary Assembly of the Council of Europe. The whole point of the Assembly is that its members are not Government representatives but parliamentary representatives. Indeed, the statute of the Council of Europe is very clear. Article 25a states:

"The Consultative Assembly shall consist of Representatives of each Member, elected by its Parliament from among the members thereof, or appointed from among the members of that Parliament, in such a manner as it shall decide".

The key point is that delegates to the Assembly are either elected, which has not happened in this case, or appointed in such manner as the Parliament decides, not in such manner as the Prime Minister decides.

Does the Deputy Leader of the House realise that the way in which the Government have proceeded could mean that the Assembly ends up questioning the British delegation for the first time ever? Does she accept that the Government have taken so long since the general election that the six-month grace period will have elapsed, and that the UK Parliament will have no delegation from this Saturday until it is agreed by the Assembly? That is happening at a time when the Assembly has important business to deal with, not least human rights issues in Turkey and Russia's ongoing suspension and boycott, all because the Prime Minister has stamped his little foot.

Dr Coffey: The hon. Gentleman says that he rarely agrees with my hon. Friend the Member for Christchurch (Mr Chope). This is a rare occasion when I disagree with my hon. Friend.

I am sure the shadow Leader of the House recognises that this is the same process that has happened in the past five years. He will be aware that decisions are taken through the usual channels and approved by party leaders. I am not aware that his party leader has objected to the way in which the delegation was proposed.

Mr Peter Bone (Wellingborough) (Con): I have a letter from the Ukrainian delegation to the Council of Europe to the Prime Minister on behalf of Georgia, Moldova, Poland and the Baltic states. It states:

“In international politics, it all too often comes down to personal trust and leadership shown in difficult circumstances. Mr Christopher Chope is such a man who has earned our trust and whose leadership deserves our highest esteem.”

The most important bit is this:

“It would be utterly regrettable if because of his absence during the coming crucial months the Russian Delegation would manage to have its credentials restored”.

I do not understand why the Leader of the House has not come to the Chamber. I suggest that the Deputy Leader of the House reconsiders the position and delays the submission of the names. The current situation is utterly undemocratic and utterly wrong. I am afraid to say that the Prime Minister should be ashamed of himself.

Dr Coffey: My hon. Friend is right to pay tribute to our hon. Friend the Member for Christchurch (Mr Chope) for his work on the Council of Europe, but I put to him again the fact that, as happened five years ago, there are new people on the Council of Europe. As a consequence, I do not believe that changes in the new delegation are unreasonable.

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): The urgent question asked by the hon. Member for Christchurch (Mr Chope) highlights the rationale that is applied in determining the make-up of such delegations and, further, of Committees and other groups. I advise the House that the Scottish National party is, characteristically, at one in relation to our members of the delegation. Such delegations and groupings should reflect the current make-up of the Parliament. To that end, I take this opportunity to express once more the disappointment of SNP Members that we are excluded from participating in the Joint Committee on Human Rights.

In respect of the Parliamentary Assembly of the Council of Europe, and any other such assemblies, Committees or groups, will the Deputy Leader of the House give assurances and take due cognisance of the hugely important role that Opposition parties, regardless of size, play in the House? We are all democratically elected Members of Parliament and have a part to play, which should be recognised, and appropriately and fairly reflected, in all that we do.

Dr Coffey: The hon. Lady has been put forward as a new member of the Parliamentary Assembly, as has another SNP Member. All I will say on the matter of the Joint Committee on Human Rights is that there was a unanimous recommendation from the Committee of Selection, at which the SNP was represented. The House eventually voted on that recommendation.

Mr David Davis (Haltemprice and Howden) (Con): Mr Speaker, I would have thought that, after the ridiculous and mean-spirited attempt to get rid of you at the end of the last Parliament, the Government would have learned a lesson about taking punishment attitudes to appointments.

The PACE is not simply a representation for the Government in Europe; it is a representation for the House. The Assembly will become progressively more important as Europe becomes more unstable, and as matters such as the European convention on human rights become important to this Parliament. Will the Deputy Leader of the House therefore return to the House at a future date with a procedure for ratifying the proposal, so that the whole House can decide who represents it?

Dr Coffey: The convention has been that representation is split up by political party as represented in the House. Different political parties take different approaches on how they put forward their nominations. The Conservative party puts the decision in the hands of the leader of the party.

I should add for my right hon. Friend that there was no attempt by the Government on the last day of the last Parliament to remove you, Mr Speaker. It matters that that is very firmly put on the record.

Mike Gapes (Ilford South) (Lab/Co-op): I am not a member of the delegation to the Council of Europe, but I am a member of the NATO Parliamentary Assembly. I am pleased to say that I have the confidence of my colleagues and was re-elected to serve on that delegation.

Is it not time that the Conservative party recognised that we are in the 21st century? It should put confidence and trust in its Back-Bench MPs so that individual Members of Parliament decide who represents the party in international bodies, rather than have a top-down, Leninist leadership-led structure.

Dr Coffey: I do not want to lecture Labour Members on their element of democracy, but the Conservative party has led the way in bringing democracy into the open. We were the first party to have a primary back in 2003, but the Labour party regularly runs away from primaries.

Mr Philip Hollobone (Kettering) (Con): Are there not two fundamental problems? The first is the way in which the Conservative party chooses its members of the delegation, and the second is that the Prime Minister decides on the delegation, not the House. Cannot the problem be solved by allowing the House to vote in a whole-House election on who should represent us on the Assembly? You, Mr Speaker, not the Prime Minister, should submit the list to the Parliamentary Assembly of the Council of Europe in your name only. I remind the Deputy Leader of the House that, although she is a member of the Government, she is also, as part of her duties, here to represent Members of the House to the Government—she is not always here to represent the Government to the House.

Dr Coffey: I take those duties very seriously. I am sure that the wise words that have been expressed today will be listened to. Nevertheless, the convention on appointments that has been followed on multiple occasions

[*Dr Thérèse Coffey*]

has been followed in this case. There is nothing to suggest that there is anything disorderly about it. My understanding is that you, Mr Speaker, will present the names on behalf of Parliament to the Parliamentary Assembly.

Jim Shannon (Strangford) (DUP): I thank the hon. Member for Christchurch (Mr Chope) for bringing this matter to the House and allowing us all to make a contribution.

I agree that the groups should not only be made up of parliamentary representatives but be picked by the House. I share the concern expressed by the hon. Member for Ochil and South Perthshire (Ms Ahmed-Sheikh) about the Scottish National party's exclusion from the Joint Committee on Human Rights. I would like my party to be involved in that Committee, too. Will the Deputy Leader of the House tell us what steps are being taken to ensure that the House itself will decide who the representatives will be, and that Members will make that decision rather than just one person?

Dr Coffey: I cannot give the hon. Gentleman any assurances about changes in procedure, because there have been no such changes in the past five years. He should be aware, however, that the right hon. Member for Lagan Valley (Mr Donaldson) has been appointed as a member of the Parliamentary Assembly. There are 27 Members of Parliament on the list, 10 of whom come from the 2015 intake. This is just about changing with the new set of MPs coming into the House.

Geoffrey Clifton-Brown (The Cotswolds) (Con): I should like to pay considerable tribute to my hon. Friend the Member for Christchurch (Mr Chope). I represent the party in a sister organisation in Europe, the Alliance of European Conservatives and Reformists. My hon. Friend and I were involved in a lot of consultation during the last Parliament over the suspension of the Russians, and he did a terrific job in the Council of Europe. Many people regard it as a jolly, but if they study the work that he has done on that delegation, they will realise what a serious organisation it is. It needs people with

knowledge, wisdom and determination, and those are the people this House should be appointing to the delegation.

Dr Coffey: I agree with my hon. Friend that the Council of Europe is a very serious organisation and that the work undertaken there is of the utmost importance. Yet again, I reaffirm my appreciation of the work of my hon. Friend the Member for Christchurch over the past 10 years. It is simply that a decision has been made to bring new people into the delegation.

Tom Brake (Carshalton and Wallington) (LD): I congratulate the Deputy Leader of the House on her first statement. Would she welcome other urgent questions that facilitate the washing of dirty Conservative linen in public? If so, I am sure that we on the Liberal Democrat Benches would be willing to help her.

Dr Coffey: I thank the right hon. Gentleman for his question. He was my predecessor in this role, so he will be aware of standing at this Dispatch Box. I do not think that this is a case of washing dirty linen. An orderly question has been asked, and although the answer might not be the one he wanted to hear, I believe that it has explained why the delegation is as it is.

Mark Pritchard (The Wrekin) (Con): I recognise the huge contribution that my hon. Friend the Member for Christchurch (Mr Chope) has made to the Council of Europe, particularly on the important issue of migration. I encourage him not to be downhearted, however, because there are still independent-minded Conservative Members of Parliament on the list of delegates. There are, for example, Members who campaigned and voted for a European Union referendum. The shadow Leader of the House, the hon. Member for Rhondda (Chris Bryant), was wrong to suggest that the list is full of Conservative sycophants.

Dr Coffey: My hon. Friend has also joined the parliamentary delegation, representing the Conservative party. I am sure that he will be a robust voice in Strasbourg and that he will raise important issues on which all members of the Conservative party are united.

Points of Order

1.33 pm

Mr Philip Hollobone (Kettering) (Con): On a point of order, Mr Speaker. During the replies from the Deputy Leader of the House to the urgent question, it was made clear that your signature would be required on the list of names before it could go to the Parliamentary Assembly of the Council of Europe. Please could you advise the House on whether it is in your power to test the opinion of the House on the suitability of the names on the list?

Mr Speaker: The short answer to that is no. I am grateful to the hon. Gentleman for his point of order. He is correct to say that it falls to me to send to Strasbourg the list of those appointed to the Parliamentary Assembly UK delegation, together with important accompanying documentation. Rule 6 of the Assembly requires those credentials to be transmitted, if possible, at least a week before the opening of the session. I will of course consider the point that the hon. Gentleman has raised. Indeed, as he has already made it, I have essentially done so. That said, let me be clear that I interpret my duty as being to forward the names, not to offer a critique of them.

Tom Brake (Carshalton and Wallington) (LD): On a point of order, Mr Speaker. It has been drawn to my attention that Steve O'Connell, the London Assembly member for Croydon and Sutton, has been sending emails to my constituents in which he states that the hon. Member for Sutton and Cheam (Paul Scully), who is in his place, is happy to take up cases to do with rail services on behalf of my constituents. I seek your guidance on this, Mr Speaker. I will give the hon. Gentleman the benefit of the doubt on this, as he is a new Member and I want to have a good working relationship with him, but could you remind me whether there is a convention relating to these matters, of which it might be useful to remind the House?

Mr Speaker: I apologise to the right hon. Gentleman if I did not hear him correctly, but I assume, given that he is an experienced Member of the House, that he notified the hon. Member for Sutton and Cheam (Paul Scully) of his intention to raise this point of order.

Tom Brake: Yes, I did.

Mr Speaker: I am grateful to the right hon. Gentleman. I also thank him for giving me notice of the point of order. I confirm that it is a well established convention that, unless otherwise agreed between the Members concerned, the interests of electors should be represented only by the constituency Member. It is not possible or appropriate for me to ensure that that convention is enforced, however. It is best to leave it to the good sense of Members to work out any problems between them. I know both Members involved, and I have every confidence that they can be relied upon to do just that.

Sir Simon Burns (Chelmsford) (Con): On a point of order, Mr Speaker. Given your customary helpfulness, may I please seek your guidance? You have rightly said in the past that the criteria for granting an urgent question should be that it is newsworthy and that people are talking about the issue in the Dog and Duck. As you will appreciate—

Mr Speaker: Order. I am grateful to the right hon. Gentleman for his attempt. Let me just say that the responsibility for determining whether a matter warrants an exchange on the Floor of this House in the form of an urgent question lies with the Chair. I discharge that responsibility assiduously. The right hon. Gentleman is an experienced Member of the House and he knows full well that those decisions are not subject to questioning by Members. He has had a go, but I am afraid that he made a bit of a mess of it.

Mr Peter Bone (Wellingborough) (Con): On a point of order, Mr Speaker. Following the point of order raised by my hon. Friend the Member for Kettering (Mr Hollobone), you rightly said that you had to submit the names to the Council of Europe. However, you do not necessarily have to submit them immediately, given that the Council of Europe cannot act until the end of this month. It would be possible to have a debate on the matter in this House on a substantive motion that had not been laid by the Government. Would you perhaps consider laying such a motion, to enable such a debate to occur?

Mr Speaker: The safest and most sensible response for me to make to the hon. Gentleman's serious point of order is that I will reflect on it. Rather than giving him an instantaneous reaction, it would be better for me to reflect on it. He has raised a point that has not been raised in recent times, and it warrants consideration and possibly, on my part, consultation. I thank him for what he has said.

Planning (Listed Buildings and Conservation Areas) Act 1990 (Amendment)

Motion for leave to bring in a Bill (Standing Order No. 23)

1.38 pm

Bill Wiggin (North Herefordshire) (Con): I beg to move,

That leave be given to bring in a Bill to amend the Planning (Listed Buildings and Conservation Areas) Act 1990 (the “1990 Act”) to establish additional factors, including environmental performance, health and safety and maintenance costs, as matters to be taken into account by the Secretary of State in considering whether to include, retain or release a building, or part thereof, in or from a list compiled or approved under the 1990 Act due to its architectural or historic interest; to make provision about excluding parts of buildings and structures within their curtilage from such lists; and for connected purposes.

I moved into a farm that is a grade II listed building. Although a public footpath runs between my house and the cowshed, I believe I would require listed building consent to put solar panels on the cowshed roof as it lies within what is called the curtilage, even though the cowshed is not mentioned in the listing for the farm. It is a corrugated metal building of no historic or architectural interest and it smells strongly of manure.

In the light of that experience, I believe that the curtilage requirement is a piece of red tape that needs to be removed: for the benefit of the planet; for the people who occupy listed buildings and do nothing about the environment to have their excuse of curtilage removed; to free up more roof space for solar panels; and to fulfil our desire to be the greenest Government ever. Yes, of course, we need to protect that which is historically valuable, but we need to protect the planet. By including just the elements of the buildings we wish to protect in the listing, we will not put at risk the history we love and want to cherish. I am looking to make changes only to grade II buildings, as grade I and grade II* protect buildings deemed to be “of exceptional interest” and of “particular importance”. I have confidence that Historic England has listed carefully all the important elements in those buildings.

In 2015, there were 376,099 listed buildings in England, 92% of which were grade II—346,011 buildings. In north Herefordshire, we have 4,150 listed buildings, of which 81 are grade I, 233 are grade II* and 3,668 grade II. Historic England’s website says:

“Any omission from the list description of a feature does not indicate that it is not of interest. Objects, structures and buildings affixed to a listed building or within its curtilage may also be protected by listing. These rules may mean that considerably more may be protected by the listing than is obvious from the list entry alone and there can often be considerable uncertainty as to what is covered.”

It is a criminal offence to carry out works that require listed building consent without first obtaining the required consent. Ignorance of a building’s listed status cannot be used as a defence. The maximum penalty for carrying out works without permission is two years’ imprisonment or an unlimited fine—all to stop a few solar panels and some insulation! I know that Historic England understands the need for change, because according to its website:

“As from 26th June 2013 some new list entries or list entries amended after that date may expressly exclude such curtilage buildings from protection.”

It is time to roll out that common sense to all grade II buildings.

Restrictions on listed status prevent environmentally friendly changes to buildings that are necessary to protect our planet. Older buildings can be enormously expensive to heat and have high maintenance costs. Their owners must face up to their environmental responsibility and save energy, and not just turn up the thermostat.

There are some social justice issues here, too. Many of the buildings do not belong to wealthy people who can afford more oil; even those who can are doing the wrong thing. It is far better to insulate and save fossil fuel.

We must make it easier for owners to make energy saving changes, while protecting the sections of their historic homes that are valuable. They would then be able to spend more on looking after the buildings, which would become more affordable to live in, thus opening the market wider to members of society. It is therefore a question of balance: opening up the opportunities for grade II owners to do more for the environment, while saving the features of importance to Historic England.

If I may use Buckingham Palace as an example, although it is grade I, the listing goes into detail about many fine features both externally and internally. In reference to the roof, it says, “Slate and leaded roofs”. As the roof is mentioned in the listing it should be protected and solar panels would therefore require listed building consent. However, many other grade II listed buildings where the entry does not go into anywhere near as much detail should have only that which is listed protected, just the same as Buckingham Palace. Not every listed building is large or expensive; some homes just happen to be within the curtilage of a listed building. This curtilage “catch all” is a lazy and bureaucratic device that is out of date. One of the most important points is that it adds cost and workload to already overstretched council planning departments, particularly at a time when they are under enormous pressure—costs and constraints that in turn detract from protecting the valuable—as well as enforcement action, which is time consuming and risky.

My right hon. Friend the Chancellor of the Exchequer often talks about mending the roof when the sun is shining. He never says we need to ask the council for listed building consent to be allowed to do so. However, we need to do more than simply mend the roof. We need to use it for solar panels, we need to insulate the roof and we need to be free to do so without having to ask permission. It is time to change the curtilage requirement. We need to be precise in what we want to preserve. We need to stand up for all that is good about our history and go forward protecting all that is good about our planet.

Question put and agreed to.

Ordered,

That Bill Wiggin, Mr David Burrowes, Mr Richard Bacon, Dame Angela Watkinson, Zac Goldsmith, Mr Stewart Jackson, Robert Neill, Sir Gerald Howarth, Mr Mark Prisk and Boris Johnson present the Bill.

Bill Wiggin accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 11 March 2016, and to be printed (Bill 89).

European Union (Approvals) Bill [Lords]*Second Reading*

1.45 pm

The Minister for Employment (Priti Patel): I beg to move, That the Bill be now read a Second time.

The purpose of the Bill is to approve two draft decisions of the Council of the European Union. For the UK to agree the draft decisions at Council, Parliament must first give its approval, as the decisions rely on article 352 of the treaty on the functioning of the European Union. Article 352 allows the Union to take action to attain one of the objectives set out in the treaties but for which there is no specific power given. However, the European Parliament must give its approval, and unanimous support must be given by all other member states.

Section 8 of the European Union Act 2011 provides that a Minister may vote in favour of an article 352 decision only where a draft decision is approved by an Act of Parliament. I am setting out the draft Council decisions and will provide Members with the opportunity to debate and decide whether to approve the measures.

The first decision will enable the former Yugoslav Republic of Macedonia to be granted observer status in the European Union Agency for Fundamental Rights. The agency is the EU body with the objective of providing assistance and advice on fundamental rights issues to the EU institutions and to member states when implementing Union law. It carries out the same role for EU accession states with observer status. This measure does not extend the competence of the agency.

The proposal has been in existence since 2010 and it cleared the UK parliamentary scrutiny process in place at that time. The Greek presidency lifted its block on the decision in April 2014 and the decision re-emerged last year with all other member states ready to vote in favour of the decision. However, the UK had to enter the scrutiny reserve for the decision pending approval by an Act of Parliament due to the requirements of the EU Act.

The former Yugoslav Republic of Macedonia has been an EU candidate country since 2005, but in recent years there has been serious backsliding on the reforms. A political crisis has been unfolding in the country in the past year, which has raised concerns about the rule of law and adherence to democratic principles. A European Commission report issued in June set out a series of recommendations needed to return the country to the path to EU accession. This included reforms related to freedom of expression and the rule of law. Observer status at the agency could allow the country to have access to advice and assistance on fundamental rights issues to help to tackle its reform challenges, and provide assistance and help to the country on human rights issues.

The second measure gives effect to a decision by the Council enabling the EU tripartite social summit to continue to operate. The summit is a meeting of representatives of European social partner organisations, the Commission and the Council, and it meets on the eve of the European Council in the spring and autumn for high-level discussions between the three parties on aspects of the European agenda for growth and jobs. The summit was established by a Council decision in 2003, but, under the Lisbon treaty,

agreed in 2007, the legal basis for the summit—article 202 of the treaty of Rome—was repealed. The decision in the Bill re-establishes the legal basis of the summit.

The decision takes account of formal changes in the EU institutions since the last decision and name changes among the employer organisations. The Government can support the continuation of the summit because discussion of the need for jobs and growth can support the labour market reforms needed in other member states. In the intervening decade, during the existence of the summit, no apparent risk to the UK has emerged. The final agreed text of the summit measure has been published by the Council and has received consent from the European Parliament.

John Redwood (Wokingham) (Con): Are there any financial consequences from these decisions?

Priti Patel: I can assure my right hon. Friend that neither decision has any financial implications for the UK.

Finally, I do not consider that any of the Bill's provisions engage the rights set out in the European convention on human rights, so no issues arise about the Bill's compatibility with those rights. It is intended that the Bill will come into force on the day of Royal Assent. I look forward to hearing the views of the House.

1.51 pm

Nick Thomas-Symonds (Torfaen) (Lab): I am grateful to the Minister for coming to the House to set out the provisions in the Bill, but people will find it surprising that such a relatively uncontroversial measure is being introduced through primary legislation, when tax credit cuts affecting 3.3 million working families were introduced through secondary legislation. The situation is actually worse than that. We have time today on the Floor of the House to debate the Bill, but we ran out of time on the Welfare Reform and Work Bill, meaning that we did not reach the last group of 33 amendments, which included issues as important as cuts to social housing rents and changes to support for the mortgage interest scheme. Perhaps the greatest irony of all, however, is that the Government could not find more time to discuss the abolition of child poverty targets—the issue of child poverty in Britain no less—while the Bill actually facilitates similar European-wide targets on poverty.

Turning to the substantial measures in the Bill, I do, of course, welcome the former Yugoslav Republic of Macedonia being an observer of the work of the European Union Agency for Fundamental Rights. The agency's work fighting racism, intolerance and xenophobia is crucial, and it is a positive step that the former Yugoslav Republic of Macedonia is to be an observer.

I was delighted to hear the Minister talk positively about the tripartite social summit. It was almost as if she had discovered her inner pro-European. How wonderful it was to hear her praising that body. The Bill continues the summit and gives it a more specific remit around achieving the targets laid out in the Europe 2020 agenda. I welcome that because it is an important forum in which EU partners can discuss social and employment issues. Of course, part of the Europe 2020 agenda is recognising that the EU has a co-ordinating role to play in combating poverty by identifying best practice and

[Nick Thomas-Symonds]

national learning. The target has been set of reducing the number of people threatened by poverty and social exclusion by at least 20 million by 2020.

Will the Minister clarify what role the UK will play in the 2020 agenda? How do the Government propose to report on poverty, including child poverty, in an internationally comparable way, when they have decided to abolish their own domestic child poverty targets? Given the international context, which she set out, and the recent tax credit cuts, the abolition of the child poverty target is a remarkable anomaly. To put it simply: why are the Government scrapping poverty targets at home and then promoting them abroad? That is precisely what they are facilitating. [Interruption.] There is no point Ministers shaking their heads. That is exactly what the Europe 2020 agenda is all about.

Owen Smith (Pontypridd) (Lab): It is what the Bill is about.

Nick Thomas-Symonds: Absolutely. It is great to witness this pro-European moment. Even the right hon. Member for Wokingham (John Redwood) has come in for it. How great it is to see!

John Redwood: Given that the main purpose of the Bill is to endorse new procedures for discussing unemployment and the lack of growth on the continent, does Labour now think that getting countries out of the euro could help them price themselves back into work and get rid of the dreadful unemployment that now lies like a pall over much of the south of our continent?

Nick Thomas-Symonds: It is perhaps an indication of the paucity of my teenage years that I can remember watching the television in the mid-1990s and seeing the right hon. Gentleman ploughing his Eurosceptic furrow very finely, as he always does. In answer to his question, it is of course a matter for the countries themselves. I would not seek to dictate to them.

Kelvin Hopkins (Luton North) (Lab): I agree with some of what my hon. Friend is saying, but, on the subject of countries digging themselves out of their problems, Greece was given a bail-out, but on strict conditions, including restrictions on public sector workers taking industrial action, and other such things. This is not a country making its own decisions, but a country that has had conditions imposed upon it by the EU.

Nick Thomas-Symonds: I am grateful to my hon. Friend for his intervention. I am sure that across the House we have particular views about the conditions imposed. I have views, and I know that he does too.

On employment rights, I invited the Minister to praise the work on paid leave and equal treatment for part-time workers, as well as the EU's work on fair pay for agency workers. I hope the House approves the changes to the tripartite social summit, but I also hope we can take this as an indication that the Government will not sign away the employment rights gained over many years for working people in this country through the European Union, and that decency at work will be a fundamental part of the Prime Minister's renegotiation in the next few months.

1.58 pm

Chris Heaton-Harris (Daventry) (Con): I hope not to detain the House for long, but I wish to make a couple of points.

First, in answer to the hon. Member for Torfaen (Nick Thomas-Symonds), we are having this debate because we foresaw, during the passage of the European Union Act 2011, issues that might or might not be controversial but that would be worthy of proper scrutiny on the Floor of the House. We rarely divided on that Bill on the Floor of the House because we wanted to ensure proper scrutiny of things being done in our name at the EU level. In today's Bill we see the provisions of the 2011 Act coming through. On the comparison with tax credits, I understand where he is coming from, but it could be argued that previous changes to tax credits have been introduced under statutory instruments. However, we foresaw this coming, so we amended the European Union Act, as it was then, to make sure that we could scrutinise these sorts of matters on the Floor of the House. These two examples are not the world's most exciting, but we will see more and more such measures coming forward, and we will have more and more time to talk about them.

I have visited Macedonia and I am a fan of the country. Having been a Member of the European Parliament, I have seen how a neighbouring country has done everything it can to stop the Macedonian accession to the European Union, and I have seen what Macedonia itself has achieved, taking massive strides forward towards EU membership. I am pleased that Macedonia has been able to become an observer in the European Union Agency for Fundamental Rights.

My only concern relating to the Bill and Macedonian entry is that the EU Agency for Fundamental Rights has come out of the European Monitoring Centre on Racism and Xenophobia, which had unbelievably difficult financial and administrative problems in the past. I would like to check with the Minister every now and again to ensure that the past problems of that organisation—which were responsible, among other things, for its name change—have been completely turned around so that the agency does what it is meant to do, without duplicating other problems.

Bob Stewart (Beckenham) (Con): Will my hon. Friend define "observer" for me? Does it mean the EU observes Macedonia or Macedonia observes the EU in respect of human rights, for example? I would like to know exactly what "observer" means.

Chris Heaton-Harris: It is a bit of both. The agency has the following main tasks:

"to collect, analyse and disseminate...objective, reliable and comparative information"

related to the situation of fundamental rights in the EU;

"to formulate and publish conclusions and opinions on specific thematic topics...on its own initiative or at the request of the European Parliament, the Council or the Commission";

and it is also about

"the promotion of dialogue with civil society...to raise public awareness of fundamental rights".

A debate is going on in this country about where those rights should lie, what sort of legislation should exist in relation to them and who should police them. Macedonia

has had that debate in its own Parliament, has applied to join this agency and is willing to pay appropriations to it. I do not see why we should step in its way. As I have said, there have been problems with the agency in the past, but it serves an important function in that member states' voting rights could be suspended, based on the findings of any of its reports. The agency has teeth in no uncertain terms, and it has a decent operating budget of over €20 million a year. Macedonia has made its own choice, and it is right for it to go down that route if it chooses to do so.

I want to speak briefly about the draft decision on a tripartite social summit for growth and employment. There is a new Council decision, following Lisbon, that allows the number of meetings to be increased from one to two a year, and allows the President of the European Council to attend. The European Commission is allowed to host and facilitate meetings, so there should not be too much of a cost to it. My questions are more about the direction of travel of this organisation, its duplication, its purpose in being and whether we can raise questions about what it does.

This is not the European Economic and Social Committee, whose abolition I have called for in the past because of the huge costs for members belonging to one of the three groups of employers, employees and various other interests. The employers group comprises businessmen, people from certain business lobbies; the workers group comprises members from 80 trade unions mostly affiliated to the European Trade Union Confederation; while the third group is made up of lobbies from civil society. Most of those groups are paid for by the European Commission to lobby it in different ways to get the Commission to do more. Many European countries have a national version. However, the organisation I am talking about is not that. It is a separate beast.

One important question is who are the EU's social partners? A list of social partners organisations consulted under article 154 of the treaty of the functioning of the European Union includes Business Europe. Business Europe is quite an interesting organisation. Unsurprisingly, it has a particular view on the referendum we might be having here. It gets a small sum of money, nearly €457,000, as payment under a grant received for a project running over a couple of years, of which the total budgeted cost was €1.2 million. The members of Business Europe include our CBI—it is one of the ways in which the UK CBI receives some money from the European Union. It includes other organisations such as the European Trade Union Confederation, which I mentioned previously and which received €4 million from European institutions, spending over €1 million lobbying the EU.

Kelvin Hopkins: Given the sums that the hon. Gentleman mentions, is it not possible that these organisations will be more kindly disposed towards the EU—simply because they have received such substantial sums?

Chris Heaton-Harris: I would like to think that they would not be. If I were a leading light in the CBI or the ETUC, I would want to make sure of being in a position whereby I would not be accused of being biased in one way or the other. Receiving money from the European Commission that is then spent lobbying the EU to do things—whether it be business organisations

lobbying for liberalisation or trade union organisations lobbying for workers' rights or whatever—seems almost like manufacturing a market in this area.

Kelvin Hopkins: Just recently, there has been something of a controversy about the BBC receiving some millions of pounds from the European Union for educational purposes—no doubt educating us all about the wonders of the EU. Does the hon. Gentleman not think that if organisations that are supposed to be independent and impartial take large sums of money from the EU, it might have some influence on them?

Chris Heaton-Harris: Again, I would like to think not. I follow what the hon. Gentleman and my hon. Friends have been doing on the European Scrutiny Committee. There has been a long and ongoing dialogue with the BBC, as I know because I was a member of the Committee over the last five years running up to the mandate of this Parliament. I hesitate to look in the direction of my Scottish National party colleagues, because I have a feeling they might have a view on partiality and the BBC when it comes to certain matters.

Alex Salmond (Gordon) (SNP): Listening to the hon. Gentleman, I am wondering whether the BBC finds it more difficult when an organisation such as the European Commission gives it money or more difficult in respect of human rights when money is taken away, as is being done by the UK Government?

Madam Deputy Speaker (Natascha Engel): Order. In talking about the BBC, we are straying quite far from debating a narrow Bill.

Chris Heaton-Harris: Forgive me, Madam Deputy Speaker, as I did rather provoke reaction from my SNP colleagues, because I wanted to prove the point that when questions are raised about the partiality of an organisation, either through its funding or its actions, it could devalue that organisation's input into something important, such as a European referendum.

Let me return to the point about who our EU social partners are in this dialogue that we are facilitating through the Bill. As I have said, in 2014 the European Trade Union Confederation received €4 million from EU institutions and spent more than €1 million of that money lobbying those same EU institutions on legislation. In 2013 the CEEP—the European Centre of Employers and Enterprises providing Public Services—spent €120,000 lobbying the European Union and received €155,000 from the EU's directorate-general for employment.

I question the added value of the dialogue at the tripartite social summit for growth and employment. Like many things in the European Union, its title is motherhood and apple pie. Who could possibly be against a tripartite social summit for growth and employment? However, if it delivers very little and if the only people who attend it and talk to the European Commission are actually paid by the Commission to do so, that will be a significant issue because the conversation will simply go round in ever-decreasing circles.

The EU social partners have agreed to a number of things in the recent past, and they wish to discuss important matters. They have agreed to

“negotiate an autonomous framework agreement on active ageing and an inter-generational approach”.

[Chris Heaton-Harris]

That is obviously something we need to discuss at a national level, not to mention the European level. They have also agreed to

“step up efforts to improve the implementation of their autonomous framework agreements, with a specific focus on the 8-10 Member States where the implementation has been identified as insufficient”.

This group is going to lobby for more European regulation and harsher implementation of directives.

The social partners’ work programme also notes that they have agreed to

“highlight the importance of more public and private investments”—

I imagine that Labour Members would like to have a conversation about that, especially given their new leadership—

“in order to reach an optimal growth, to boost job creation and to revive EU industrial base”.

The joint working programme also wants to “prepare joint conclusions” on things that we would all wish to see, including

“promoting better reconciliation of work, private and family life and gender equality to reduce the gender pay gap”.

I cannot believe that any Member of this House would not want to achieve that. However, given that the European Commission pays indirectly for this group of people to turn up once every six months to talk about these things, and given that they have already done so for quite some time without any concrete achievements—in fact, some of those ideals may have gone into reverse during that time—perhaps we should question the validity of supporting such a social summit for growth and employment.

Another of the work programme objectives—this did not become controversial until quite recently—is to

“contribute to the efforts of the EU institutions to develop a mobility package, to address loopholes and enforcement issues on worker mobility and to promote mobility of apprenticeships.”

This country is currently having a debate about mobility and, indeed, the freedom of movement of workers and others. It is interesting that we are promoting such a debate—our European partners are also having a big debate on the very same issue—while at the same time funding a summit of the worthy and the good to discuss the same thing.

Kelvin Hopkins: The great constitutionalist, Walter Bagehot, said that there are two parts to the constitution: the decorative and the effective. Does the hon. Gentleman agree that the body under discussion is one of the more decorative rather than effective parts of the EU constitution?

Chris Heaton-Harris: I probably do, yes. I hate to beat around the bush: I do not think it is worth funding this organisation. It is duplication for duplication’s sake. Given the number of other direct opportunities available to the bodies that will attend the summit to influence the thinking of the European Commission, member states and others, I really do question the value of the group. Obviously, that is why I am on my feet asking the Minister why it is, when we have an opportunity to prevent duplication and to prevent some of the European budget from being spent, we do not actually take it.

I want to ask a number of questions along those lines. Article 152 of the treaty on the functioning of the European Union states that the EU will set up the social dialogue while respecting the autonomy of the organisations, but can those organisations and bodies that attend the summit truly be autonomous when they are funded by the EU? Will they not be a taxpayer-funded echo chamber?

What authority has the EU had until now if the former decision on hosting summits was based on an old article treaty? Article 152 states that the EU should respect the “diversity of national systems”. Given that our national system does not include such summits, can the Government guarantee that the outcome of the meetings will not have an effect on the European Commission’s work programme—in other words, the very programme to which the summit wants to provide input? Is there an estimate of how much the six-monthly meetings will cost, and will the UK choose to host them when it takes over the presidency of the EU in 2017?

The Commission’s directorate-general for employment, social affairs and inclusion has regular dialogue with all the parties that will attend the summit, and there are other EU bodies that do exactly the same thing. When voting on such matters, this place has been almost unanimously in favour of cutting the duplication of European spending. We need to make sure that this country’s massive contribution to the European Commission and Europe is spent more wisely. Given that I have some form in this area—I was a Member of the European Parliament for 10 years and raised many budgetary questions about the issues under discussion—I question the value of approving the Bill.

2.17 pm

Stephen Gethins (North East Fife) (SNP): It is interesting that this Bill underlines some of the positive work of the European Union. I am sure that Members across the House will welcome that, particularly at a time when we are debating our future in that Union.

First, may I associate myself with some of the excellent comments the hon. Member for Torfaen (Nick Thomas-Symonds) made about child poverty? He also made an excellent point about the way in which tax credits were debated last week.

This debate is about the draft decision on the Republic of Macedonia becoming an observer in the work of the European Union Agency for Fundamental Rights, as well as the decision on the tripartite social summit for growth and employment. I am sure that Members across the House will agree that the European Union’s expansion in 2004 was one of its great triumphs. It was a triumph both for Europe and, through our contribution to it, for the United Kingdom, and it has been good for us ever since.

Although they are not there yet and a great deal is yet to be done, I look forward to Macedonia and the other countries of the western Balkans joining the European Union, and hope that the decision on observer status is a step along the way. We have a great deal of work to do, but plugging the gap between Greece and Croatia will be welcome.

Giving Macedonia observer status may give it the help it currently needs. The right hon. Member for Normanton, Pontefract and Castleford (Yvette Cooper) spoke earlier today about refugees, and I and others

have pointed out that those countries that are least able to deal with the influx and weight of refugees to Europe are those that are taking the greatest strain, not least Macedonia. It is clear from the current refugee crisis that some front-line states can be helped in that regard. It would, of course, be a great help if the United Kingdom could take its fair share of refugees. That does not seem to be forthcoming, but access to the work of some of the EU agencies could also help. It would be interesting to hear from Ministers what assistance the UK is giving the European Union Agency for Fundamental Rights, with particular reference to the refugee crisis faced by the western Balkan countries.

Secondly, I want to say a little about the tripartite summit. I am sure Members on both sides of the House will agree that, given the positive impact that the European Union has had on social issues for many years—my hon. Friend the Member for Ochil and South Perthshire (Ms Ahmed-Sheikh) is likely to comment on that point—the summit will play an important role in emphasising the social dimension of growth and employment between states, and the impact of EU policies on workers as well as executives. An approach that includes trade unionists, businesses and many others can only be a good thing, and in that respect the European Union has led the way in the past.

Finally, let me make a broader point. I think that the Bill shows us how the European Union brings added value to our daily lives. It helps to promote fundamental rights, and today's debate is especially pertinent in the light of the refugee crisis. I also think that the Bill underlines the need for us to remain part of the European Union, and—this was touched on by the hon. Member for Daventry (Chris Heaton-Harris)—the ability of the UK Parliament to scrutinise European Union legislation. I often think that politicians, here and elsewhere in the EU, can be a bit lazy sometimes in hiding behind decisions that the EU has made. We must bear in mind the role that the UK Parliament ought to play, and I should welcome an increased scrutiny role for the devolved Administrations as well.

John Redwood *rose—*

Stephen Gethins: I will give way to the right hon. Gentleman, if he wishes to take up my point about parliamentary scrutiny.

John Redwood: What does the hon. Gentleman think would happen if we said no?

Stephen Gethins: We shall have to see whether the people say yes or no, but I think that the scrutiny—

John Redwood: What would happen if our Parliament suddenly decided to vote this down? Is the hon. Gentleman seriously suggesting that that is a possibility?

Stephen Gethins: I can only speak for Members on the SNP Benches, who will not be voting no. I know that the right hon. Gentleman cannot speak for those on his side of the House—in fact, the leaders of both sides of the House can barely speak for those on their own Benches at the moment—but at least we are unified on our Benches. We will not be voting against the Bill today.

As I was saying, we can be lazy when it comes to European Union decisions. We must adopt a more honest approach: we must become more critical, and when we have backed EU decisions, we must be more open about it.

2.23 pm

John Redwood (Wokingham) (Con): We have just been given a wonderful illustration of why our democracy does not work in relation to any European subject. The hon. Member for North East Fife (Stephen Gethins) pretended not to have understood my question, but what would happen if the United Kingdom Parliament suddenly voted against a solemn decision of the European Union? Because the hon. Gentleman is not prepared to countenance that idea, he simply says “I do not want to”, but many of our constituents would like us to stand up to the European Union and start to change it, and one of the reasons why they would like us to change it is the very topic of this debate.

We are being invited to agree to a change in the arrangements whereby we debate and consult, and try to grapple with the huge problem of mass unemployment and austerity which is so visible in the south of our continent, and which was largely brought about by the euro scheme. Today, all that we hear is the usual nonsense: “Because one or two things that the European Union does are fine, we will not grapple with the real issues.” Where are the voices against European austerity on the Opposition Benches?

Stephen Gethins: The right hon. Gentleman is right to raise that point, but does he agree that the devolved Administrations should also be given greater powers of scrutiny as part of this process?

John Redwood: That is a debate for another day. We are not here to debate the relative powers of the different parts of the United Kingdom. At present, the member of the European Union is the United Kingdom, and we are in the United Kingdom's Parliament. It is part of my case that we have precious few powers left to make major changes in relation to things that really matter on the continent. I want to explore, briefly, what we can do to engage with the problems of mass unemployment and the huge migrations of people who are unhappy with their lot in other European Union countries, and what we can do about the austerity policies that are so deep and vicious in parts of the European Union, having been visited on countries such as Greece, Spain and Portugal by the European Union and the euro itself.

Mr Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): I hope that the right hon. Gentleman will forgive me for taking him back to the beginning of his speech, when he said that he would like this Parliament to vote down something from the European Union, or at least try to do so. Had he anything in specific in mind, or was he just looking for a genuine fight with the European Union? I ask that question, quite openly, for the purpose of illustration.

John Redwood: The illustration that I was using was that there are now large areas in which this Parliament is not allowed to vote against something that the European Union is doing—because it has been pre-agreed, because

[John Redwood]

we have been out-voted, because it is a consequence of a treaty that some previous Government signed years ago, or because it is the result of a decision by the European Court of Justice. Do Opposition Members not see that we are losing our democracy? We are losing our right to disagree with European decisions in this place, and we are losing our right to assert our wish to do things differently. I do not want to choose any one particular thing, but I could name at least 100 things which come from the European Union that I wish were better and different, because I think that they get in the way of prosperity, better wages and a better lifestyle for my constituents and others in my country.

That, however, is not the point. The question that we are debating today is whether, by means of the minor set of improvements contained in the Bill, we can have any impact on the hugely important issues of the breakdown of employment, the denial of opportunity to half the young people in large swathes of the south of our continent, and the effect that the euro scheme is having on people's prosperity and life prospects. I find it extraordinary that an Opposition who are—sometimes rightly—full of passion on behalf of anyone in Britain who does not have enough income, cannot bring themselves to say a single word for the tens of millions of people on our continent who are being very badly affected by this dreadful scheme. They should think about all those young people who are out of work. How would they like to represent constituencies in which young people knew that they had had only a one in two chance of getting a job?

Alex Salmond: Was not the right hon. Gentleman's political heroine the late Lady Thatcher, who pursued majority voting—which, by definition, means accepting some decisions with which one did not agree—in order to complete the European single market?

John Redwood: She did indeed, but she was not my heroine. I have great admiration for the late former Prime Minister, and I gave her a great deal of advice. Part of my advice was that she should not surrender those powers under the Single European Act, for the very reason that the right hon. Gentleman has correctly identified. Unfortunately, although she accepted a lot of my advice, she did not accept my advice on two very important matters: majority voting in the European Union, and the poll tax or community charge. However, I do not think we have time to explore the question of what would have been better outcomes in the case of those two issues.

I just hope that our Ministers, if they insist on whitewashing this through, as no doubt they will—no doubt they will have the votes to do so—will also ensure that this body does something useful for a change. As my hon. Friend the Member for Daventry (Chris Heaton-Harris) has already demonstrated, it is obvious that although they can range very widely, and can lobby and discuss a number of fundamental issues that matter to people throughout the European Union but especially in the euro area, they have been unsuccessful to date. Clearly this “social committee” has not been a voice against austerity policies in Greece, Portugal or Spain that has had any resonance. Clearly it has not been a voice for more employment. Clearly it has not been

a voice for dealing with the problem that a great many southern countries are locked in a currency union with Germany at the wrong exchange rate, which has put them into poverty and unemployment.

Mr MacNeil: The right hon. Gentleman is making a fantastic speech as a Greek nationalist against the evils of a Union Parliament that is holding all the powers to itself, and, indeed, against anti-austerity. I do not want to castigate or to pigeonhole him, but we are seeing great progress in the debate. If the European Union is achieving one thing, perhaps it is achieving that.

John Redwood: If the hon. Gentleman was interested in my views and had read any of them, he would know I have consistently over the years wanted more work, better paid work, people to own shares, people to own homes. I believe in prosperity, not austerity, as I regularly try to remind him. I want that for our continent, but we are not going to get it for our continent under the system we have today, but I am beginning to stray a little wide of the detail of this Bill.

In summary, I urge our Ministers to make sure of two things: first, that there genuinely is no extra cost to British taxpayers because so far this body has achieved nothing and is part of the problem, not of the answer; secondly, that, if they can, they start putting on the agenda of Europe the scandal of unemployment, the scourge of austerity, and the dreadful mess the euro is making of the economies to the south, because they are our friends and potential market, but I do not want them to be our country.

2.30 pm

Ms Tasmina Ahmed-Sheikh (Ochil and South Perthshire) (SNP): The SNP will support this Bill today for the reasons most eloquently set out earlier by my hon. Friend the Member for North East Fife (Stephen Gethins). We will support it in practice as these are sensible and straightforward matters, but we also support the principles behind the legislation.

First, we support the work of the EU and the important role it plays through the EU Agency for Fundamental Rights in protecting our rights as European citizens. I particularly look forward to the opportunity of going through the Lobby today alongside many Government Members, united in our full and unambiguous support for the work the European institutions are doing in this vital area. It would be remiss of me not to comment on the fact that it is a little ironic, however, that as other countries are knocking on the door of the EU, looking to benefit from the work it does on our behalf, this Government are committed to providing the means for the UK to leave the most successful union of states in the world today.

Secondly, the SNP wholeheartedly supports the work to improve dialogue between European institutions and employers and workers' representatives through the tripartite social summit for growth and employment. Working in partnership with trade unions and employers is fundamental to improving our economic foundations and driving economic growth. If only the Government took this advice when drafting the current Dickensian Trade Union Bill before us. I agree with President Juncker who recently stated that he desires a recovery based on social fairness. This summit will play a key role in delivering this and that is why it will have our support today.

2.32 pm

Alex Salmond (Gordon) (SNP): Thank you, Madam Deputy Speaker, for squeezing me into this vastly over-subscribed debate. That brings me to one of only two points I wish to make. The purpose of the Bill is to fulfil the requirement in section 8 of the European Union Act 2011 that EU legislative proposals made on the basis of the catch-all article 352 of the treaty on the functioning of the European Union be approved by an Act of Parliament before the UK Government can support them in the Council of the European Union. That is presumably why the debate is so vastly oversubscribed.

Despite the clear lack of interest in the debate, as evidenced by the relatively sparse attendance in the Chamber, the usual channels have chosen not to timetable the Bill. We could speak until 7 o'clock. I could do so—I really could—and be perfectly in order, and the right hon. Member for Wokingham (John Redwood) could have spoken for far longer if he had chosen to do so. Yet we have this open-ended timing today—there is no regulation that says a Second Reading has to take even a half-day—whereas next Monday Scottish Members are expected to cram in Government amendments to the Scotland Bill and its Third Reading. The contrast between the two timetables indicates the Government's total lack of respect for the need to prioritise the House's business in accordance with Members' interest in contributing. I hope that the Government will take that on board.

John Redwood: Does it not also illustrate that the official Opposition never have anything to say about the EU and never want to say anything about it? However, should they not have a view on it?

Alex Salmond: The fact that the Bill is so full of motherhood, apple pie and things that even the right hon. Gentleman finds difficulty in disagreeing with, as we heard in his speech, illustrates that even the serried ranks of Euroscepticism could scarce forbear to cheer this particular piece of legislation.

Nick Thomas-Symonds *rose*—

Alex Salmond: I give way to one of the few Labour Members who are here.

Nick Thomas-Symonds: The right hon. Member for Wokingham (John Redwood) raised the issue of the official Opposition's view on the EU. I am sure he heard that at the conclusion of my speech I praised the work the EU has done in improving workers' rights. I would say that without the EU we would not have the workers' rights in the UK that we have today.

Alex Salmond: My estimation of the official Opposition is that they are currently unified in their disunity and have, indeed, raised disunity to an art form, the latest example being over the Trident missile system on the River Clyde. I must congratulate the official Opposition on how they relish that aspect of disunity. There is an outbreak of debate and discussion in the Labour party that certainly was never allowed during the Blair years. We should relish the freedom of speech the Opposition now have, even if we note that there are very few Labour Members here to exercise that freedom in the current debate.

Graham Stringer (Blackley and Broughton) (Lab): The right hon. Gentleman is always amusing, but before he started scoring party political points he was making a significant constitutional point about the power of this House over our own schedules and timetables. Does he agree we should return the control of our own agenda to the House and take it off the Government?

Alex Salmond: As somebody who has been in government, I have to say that views on such matters can undergo a transition. There was debate earlier about representation in the Council of Europe, on which I would think Members throughout the House would be wise to insist on greater control and discretion. I think the Government would benefit from that; they may not realise it initially, but I think they would. That might be a good illustration of what the hon. Gentleman says, and there are a number of mechanisms by which it could be done. Also, I do not think he should underrate party politics; most of us have been engaged in it at one time or another.

The second point I want to make concerns the explanatory notes that accompany the Bill. With regard to the European convention on human rights, it is stated:

"Priti Patel has made the following statement under section 19(1)(a) of the Human Rights Act 1998:

In my view the provisions of the European Union (Approvals) Bill [HL] are compatible with the Convention rights."

One reason why the Bill is relatively non-controversial is that we recognise and welcome the progress that Macedonia is making under the observation of the European Union Agency for Fundamental Rights, located in Vienna. In welcoming that development, it occurs to me that that is another illustration of how foolhardy it would be for the Government to proceed with their plans to withdraw from the European convention in some form or other. We would find ourselves in an invidious position not just when debating issues such as this but in making representations on a range of issues. As First Minister of Scotland I did not just have to sign certificates saying that legislation was in accordance with the European convention; every act of a Scottish Minister has to conform to the European convention on human rights. Of course there are occasions when that can be inconvenient or even frustrating, but, significantly, my experience has told me that that is actually a very good and useful check on the actions of Government.

Earlier today we witnessed a most astonishing display of arrogance from a Minister at the Dispatch Box. In Justice questions, a Minister was asked specifically about withdrawal from the European convention and waved the question aside on the basis that it is up to the House and the Government to decide whether or not to be in the convention, and for the devolved authorities to administer it once that decision is made. I think the Government will find that that sort of attitude comes back to apply some severe retribution to them. The Government might be noted for that sort of insouciance and arrogance, but it does them no credit or good whatever. The devolved authorities, not just in Scotland but in Northern Ireland and Wales, are not in accordance with the Government's view on the European convention, and the idea of watering down our commitment to it in some form is going to be totally unacceptable to the devolved nations. I suggest to the Government that they should think again.

[Alex Salmond]

My last point is that given the lack of interest and participation in this debate in the House, the very reasonable proposition put forward by my colleagues that the Scottish Parliament should be given more scrutiny power over European Council or European Parliament decisions is an excellent one. If people do not have the appetite to scrutinise those decisions in this Chamber, why not send the legislation to Parliaments and Assemblies where that appetite and desire exists?

Mr MacNeil rose—

Alex Salmond: I give way to the Chair of the Select Committee on Energy and Climate Change.

Mr MacNeil: It should be noted for the record that as my right hon. Friend said that, there were nods from some Tory Members, which should be taken as encouragement for Scotland to take that scrutiny forward.

Alex Salmond: Not only that, but my hon. Friend is an excellent example of how someone can pursue duties as a Select Committee Chair and contribute massively to debates on the Floor of this Chamber. If we all followed his example, the House and Parliament would be a better place today. With that, I shall bring my remarks to a close, unless anybody wants to tempt me with another 30 interventions.

2.40 pm

Priti Patel: I thank all Members for their contributions to the debate.

The Bill will approve two draft Council decisions, the first of which, as has been discussed, relates to the participation of the former Yugoslav Republic of Macedonia as an observer in the work of the European Union Agency for Fundamental Rights. The former Yugoslav Republic of Macedonia's objective is to become a member of the European Union, but it needs to implement key reform priorities, as set out by the Commission. The Government want to encourage it on the path of reform, and granting observer status in the agency is consistent with that approach. The decision will allow the agency to collect, analyse and disseminate data on the human rights situation in the country. It will also allow the former Yugoslav Republic of Macedonia to participate in the agency's activities. The former Yugoslav Republic of Macedonia should be supported to increase its human rights awareness and the promotion of fundamental rights within the country.

The second measure relates to the tripartite social summit. The summit has met for a number of years, and the draft decision will re-establish the legal basis for it. Just to be clear, it does not confer any new rights or competence on the EU. I want to restate that there are no financial implications, as my right hon. Friend the Member for Wokingham (John Redwood) highlighted.

Bob Stewart: But there must be financial implications, because EU civil servants will be working and someone will probably be appointed to supervise this activity. That is a financial implication.

Priti Patel: There are no new financial implications, as I said clearly in my opening remarks. On that basis, I commend the Bill to the House.

Question put and agreed to.

Bill accordingly read a Second time.

EUROPEAN UNION (APPROVALS) BILL [LORDS] (PROGRAMME)

Motion made, and Question put forthwith (Standing Order No. 83A(7)),

That the following provisions shall apply to the European Union (Approvals) Bill [Lords]:

Committal

(1) The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and up to and including Third Reading

(2) Proceedings in Committee, any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion two hours after the commencement of proceedings in Committee of the whole House.

(3) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion three hours after the commencement of proceedings in Committee of the whole House.

Programming committee

(4) Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

(5) Any other proceedings on the Bill (including any proceedings on consideration of any message from the Lords) may be programmed.—(Guy Opperman.)

Question agreed to.

NATIONAL INSURANCE CONTRIBUTIONS (RATE CEILINGS) BILL (PROGRAMME) (NO. 2)

Ordered,

That the following provisions shall apply to the National Insurance Contributions (Rate Ceilings) Bill in place of paragraphs 4 and 5 of the Order of 15 September 2015:

(1) Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion, at today's sitting, two hours after the commencement of proceedings on the motion for this order.

(2) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion, at today's sitting, three hours after the commencement of proceedings on the motion for this order.—(Guy Opperman.)

National Insurance Contributions (Rate Ceilings) Bill

*Bill, not amended in the Public Bill Committee, considered.
Third Reading*

2.44 pm

The Financial Secretary to the Treasury (Mr David Gauke): I beg to move, That the Bill be now read the Third time.

We have now reached the final stage of this House's deliberations on this Bill, which implements our manifesto commitment not to increase national insurance contributions—NICs—for employers and employees. On Second Reading, hon. Members were reminded of the Government's strong record of significantly reducing the burden of NICs on employers. At Budget 2011, my right hon. Friend the Chancellor of the Exchequer announced a £21 a week above-inflation increase to the employer NICs threshold. In 2014, we introduced the employment allowance to support businesses and charities across the UK by reducing their employer NICs bills by up to £2,000 every year, and this has already benefited more than 1 million employers. The Government are now going further; hon. Members will recall that the Chancellor announced at the summer Budget that this would be increased to £3,000 from next April. From April 2015, the vast majority of employers employing under-21s were lifted out of employer NICs. This NICs exemption will be extended to cover apprentices who are under 25, supporting employers to provide young people with valuable workplace skills. The Bill enacts the Government's commitment to provide certainty on NICs rates for the duration of this Parliament. Hon. Members will be aware that the commitment contained in the manifesto was not to increase the main rates of income tax, VAT or NICs. The Finance Bill contained measures to deliver that commitment for income tax and VAT, and this Bill delivers on that commitment for NICs.

Let me now deal with the detail of the Bill. First, it provides that the rate of class 1 NICs paid by employees and employers must not exceed existing rates. Secondly, it has been the convention that the level of the upper earnings limit for NICs is aligned with the level of the higher rate threshold for income tax. This Bill formally limits increases to the UEL so that its annual equivalent amount cannot exceed the level of the HRT for income tax. Both the restriction on NICs rates rises and changes to the UEL come into force on Royal Assent of this Bill, and apply until the start of the tax year following the date of the first parliamentary general election to take place after Royal Assent.

This Bill provides certainty for employers and employees: that the NICs rates that affect millions of employees and employers across the UK will not rise for the duration of this Parliament; and that the UEL will not exceed the HRT for income tax.

John Redwood (Wokingham) (Con): My hon. Friend will agree with me that more jobs would be a very good thing and that better-paid jobs for people are a very good thing. He is saying that there will not be any increases but he is presumably not ruling out cutting taxes on jobs, because the less we tax, the more jobs we might have.

Mr Gauke: To be very clear, this is a cap, not a freeze. I am grateful to my right hon. Friend for allowing me to make that point.

I thank the hon. Members who have participated in our debates on this Bill, both on the Floor of the House on Second Reading and in Committee. The Bill has not detained the House for any great length of time, but I am grateful for those contributions. The Bill demonstrates the Government's commitment to provide certainty on tax rates for the duration of this Parliament, and I commend it to the House.

2.48 pm

Rebecca Long Bailey (Salford and Eccles) (Lab): As we have heard, this Bill enacts the Conservatives' manifesto pledge not to increase NICs in this Parliament. It is part of their wider pledge to cap income tax, VAT and national insurance contributions. The Bill contains only three substantive clauses and, as we have heard, no amendments have been tabled for consideration today. Clause 1 creates a "tax lock" for employee NICs, capping the rates of employee class 1 NICs to 12% and setting the additional percentage to 2% for the duration of this Parliament. Clause 2 freezes the rate of employer NICs by setting the maximum secondary percentage payable by employers at 13.8%. By doing so, it also fixes the class 1A and 1B contributions. Clause 3 links the upper earnings limit to the higher rate income tax threshold by setting out that it shall not exceed the weekly equivalent of the proposed higher rate threshold for that tax year. In practice, that means that employees stop paying class 1 national insurance contributions at the 12% rate when their income reaches the higher rate income tax threshold. Thereafter, the rate of national contribution is 2%.

As the Minister is aware, my Labour colleagues are not opposed to the principle of maintaining the rates of national insurance contributions. Indeed, it was Labour that, on 25 March, first committed to halt any increase, and I am pleased that the Conservatives heeded our wise advice. It is just one of our many pre-election pledges that the Chancellor has chosen to implement.

However, without wishing to repeat what has already been said by my colleagues in previous debates, I question the need to implement legislation that forces the Government to keep their own election pledges—surely they should do that anyway. The Chancellor also seemed to share my sentiments back in 2009 when he stated:

"No other Chancellor in the long history of the office has felt the need to pass a law in order to convince people that he has the political will to implement his own Budget."

Indeed, he went on to suggest that only two conclusions could be drawn from such an occurrence:

"Either the Chancellor has lost confidence in himself to stick to his resolution, and is, so to speak, asking the police to help him, or he fears that everyone else has lost confidence in his ability to keep his word". —[*Official Report*, 26 November 2009; Vol. 501, c. 708.]

John Redwood: I thought that the previous Labour Government enacted legislation to bring down the budget deficit, because they could not trust themselves with the money, and they were perhaps wise about that.

Rebecca Long Bailey: The right hon. Gentleman makes an important point, but I am citing what the current Chancellor has stated.

[Rebecca Long Bailey]

I question which of the scenarios the Government feel is applicable. The Government have argued during the passage of this Bill that legislation is required to ensure that the market has confidence in their keeping their election promises. It leads to the question why the Chancellor thinks that the electorate and businesses will not simply trust his word. In addition, the Government promised before the 2010 election that they would not raise VAT, but then proceeded to do quite the opposite. Indeed, in the previous Parliament, the Chancellor raised taxes 24 times despite waxing lyrical about creating a low tax, high pay economy. The director of the Institute for Fiscal Studies said of the most recent Budget:

“The figures are quite clear though - this was a tax-raising Budget.”

Perhaps the Chancellor has lost confidence in himself. That is not surprising given that he has missed all of his deficit reduction targets for the past five years.

I fear that legislating in this manner is only a political gimmick to convince the market and the electorate that the Government are not increasing taxes when, in fact, tax policy measures in the Budget are expected to raise £5.1 billion by 2018, rising to £6.5 billion by 2021.

Putting that issue to one side, I must once again stress my concern that the Government are severely limiting their options should the economy take a turn for the worst. This summer, the Bank for International Settlements stated simply that this is

“a world in which debt levels are too high, productivity growth too weak and financial risks too threatening.”

The feeble recovery that we have seen thus far is built on private debt, which leaves us with a ticking time bomb. The IFS predicts that house prices will rocket across the whole of the UK, most drastically in London, leading to levels of household debt exceeding those of 2008 at the time of the credit crunch.

The warning signs are there and I harbour grave concerns that the Government are simply not paying attention. My sentiments are shared by many commentators, including the director of the IFS, who said that it would be

“extreme to tie your hands for such a long period of time with the main rates of the three largest taxes.”

Particularly worrying is the fact that the Chancellor’s spending plans are predicated on

“a forecasted rise in revenue yield from NICs.”

That fact was highlighted by the hon. Member for Dundee East (Stewart Hosie). However, should the yield be less than forecast, due to an economic downturn, what will the Chancellor do? He cannot, according to his own legislation, raise VAT, income tax or national insurance contributions. Would further cuts be imposed on public expenditure at precisely the time economic stimulus would be needed?

In Committee, the Minister assured us that, in such a circumstance, the measures before us today would not endanger the fund or be an excuse to undermine the NHS. However, he did enter the caveat that such an assurance was predicated on the Government making “difficult choices” on public spending and

“identifying savings in the welfare budget”.—[*Official Report, National Insurance Contributions (Rate Ceilings) Bill Public Bill Committee*, 27 October 2015; c. 18.]

I fear that what he meant was that far from legislating on their election promises on the Government’s tax credit work penalty, they have ripped them up within months of taking office.

In conclusion, we will not oppose this Bill as before the general election we also committed to capping national insurance contributions. However, it is not an effective use of precious parliamentary time and resources, and I do hope that the Minister will bear that in mind for the future.

2.54 pm

Stewart Hosie (Dundee East) (SNP): If the European Union Bill was undersubscribed, this is even more so. Is it such an important Bill, or will we discover that it is not really necessary at all?

The Bill is designed to prevent any increase in the current rates of class 1, class 1A and class 1B national insurance contributions paid by employees and employers for the duration of this Parliament. The Minister said that it would also provide that each of the annual upper earnings limits could not exceed the higher rate threshold—the sum of the personal allowance and the income tax basic rate limit.

As I said on Second Reading—I am happy to put it on the record again today—there is absolutely nothing wrong with any Government providing certainty in the tax code for the duration of their term in office, but let us be clear that we do not need legislation to do that. Legislation is simply a gimmick.

I also said on Second Reading that these proposals should not have come as a surprise because, as the Minister has just said, they were included in the Conservative election manifesto. In many ways, this small three clause Bill is utterly pointless. The real failing with it is that it represents a wasted opportunity.

In July, the Financial Secretary to the Treasury commissioned the Office for Tax Simplification to review the interplay between income tax and NICs. He said:

“I would like the Office of Tax Simplification to look at what the impacts, costs and benefits of closer alignment would be and to set out what the necessary steps would be to achieve closer alignment.”

But this Bill does nothing to help deliver the perceived benefits of closer alignment, and does not offer any real progress towards tax simplification overall.

John Whiting, tax director of the OTS, gave evidence in Committee. He argued that, although the maintenance of rate levels represented a simplification of the system as it removed some uncertainty, it could represent a complication of the tax system overall if the Government were to make changes to other taxes to compensate for the tax lock. The measure also introduces an inherent inflexibility.

Jonathan Portes of the National Institute of Economic and Social Research has been quoted before. In particular his comment that the pledge not to increase the main taxes

“considerably reduces our flexibility if things turn out different from expected. This is why I have absolutely no doubt that Treasury and Bank of England officials were tearing their hair out at this.”

Yet I am not aware—and I have asked the question before—of what discussions, if any, the Minister or the Chancellor have had with the central bank about these proposals.

I also explained on Second Reading the complexity of the NICs regime. I will not go through that all again, but there is a complex series of employee, employer and self-employed NICs. There are class 1, class 2, and class 4 profit-related contributions, with primary and secondary thresholds, small profits thresholds and lower and upper profits limits. In all of those, the limits and thresholds are different and the rates paid above and below the various thresholds are different. Surely this Bill should have been the opportunity to iron out those inconsistencies in the NICs system. It is yet another wasted opportunity to make the whole system more straightforward.

I also said on Second Reading that individuals may be entitled to make voluntary class 3 contributions to avoid or fill gaps in their national insurance record to ensure that they qualify for basic retirement pension and bereavement benefits. But as yet there appears to be no answer to the question of whether more or fewer people will make additional voluntary contributions as a result of this so-called tax lock.

It is also the case—and this point was alluded to by the hon. Member for Salford and Eccles (Rebecca Long Bailey)—that most NICs receipts are paid into the national insurance fund, which is separate from all of the other revenue raised by taxation. The fund is used exclusively to pay for contributory benefits. If the revenue yield from NICs does not rise in the heroic way planned, can we expect to see cuts directed at the contributory benefits for which people have already paid? That is an important question given that the Minister was quizzed in Committee on the impact of the freeze on the national insurance fund.

It is doubly important given that the Centre for Policy Studies reported in 2014 that the surplus in the national insurance fund had fallen from £53 billion in 2009 to £29.1 billion in 2013. It warned that, as a result of persistent negative real earnings growth, fund exhaustion could transpire as early as 2016. That was echoed by the Treasury's own figures, which have shown that the fund was able to cover 71% of liabilities in 2009 but that that fell to 25% in 2014. Perhaps the Minister can confirm whether, as is being speculated, the fund might fall below 16.7% of its liabilities this year, which is the minimum recommended by the Government Actuary's Department. The measure might actually be storing up problems for the future and we still do not know for certain what behavioural change, if any, might be likely following these measures. We have also not yet heard any confirmation of the consequences for spending and other taxes that flow from this measure.

We know the level of discretionary consolidation tax rises and cuts being planned by the Minister and how they are meant to be paid for, but the entire spending plan is predicated on NICs bringing in £115 billion this year and £126 billion next year, rising to £152 billion in 2020-21. That is a forecast rise in revenue yield of 9.6%, 4.3% and 4.7% the year after that, so, even at this late stage, there is one question that the Minister must answer. Given the arbitrary freeze on NICs and other taxes, should the forecast yield be significantly less than expected will other taxes rise, and if so, which ones, or will the Chancellor take the axe to yet further spending,

perhaps pensions? Or will borrowing rise and will the deficit reduction forecast simply be abandoned, delivering the same failure as we saw in the previous Parliament?

We will not oppose the Bill, even though it is rather pointless, but finally, and most importantly, I said a moment ago that the majority of NICs receipts are paid into the national insurance fund, which is used exclusively to pay for contributory benefits, so may we have a cast-iron guarantee that this Bill is not the start of an attack on the contributory principle that applies to NICs in the UK?

3.1 pm

John Redwood: I welcomed the manifesto pledge and am very pleased that we know that for five years there will be no increases in the major tax rates. I listened carefully to the Labour response, and one of the worries expressed was what would happen if there were a cyclical downturn or if the economy hit a bad time because of a world recession or something similar. As I am sure the hon. Member for Salford and Eccles (Rebecca Long Bailey) knows, it is common policy between the major parties in this House that if that happens we will normally borrow more. If revenues fall because people have lost their jobs and are not earning so much, and if costs have gone up because more people are out of work, which we do not foresee and do not wish, it is quite sensible to borrow a bit more to help the economy through the difficulties. Fortunately, the official and external forecasts say that we can look forward to several years of continuing progress and growth, as we have had since 2009, so, we trust, the problem will not arise. I think that that answers her point.

Stewart Hosie: The right hon. Gentleman would be right in normal circumstances, but we now have the fiscal charter. Given that it has a rolling four-quarter on four-quarter comparison, if forecasts begin to fall the automatic stabilisers might not necessarily kick in in the way that he has described, which was traditionally the case.

John Redwood: I think that we would make a judgment at the time, but fortunately we do not have to make that judgment now. If we should get into that awful position, I am sure that there will be a lot of debate in this House. He and I might even share the same view, or we might have a difference of view. We would have to judge it on the figures and on the merits of the case.

On this side of the House, we regard having more people in jobs as a very good thing and want to promote better pay, particularly for those whose pay is very low and needs topping up with benefits. I buy into the Government's vision that we want more people in work and more people in better-paid work, with less benefit top-up needing to be paid. They should be better off as a result of these changes.

In the course of proceedings this afternoon on this Bill and on the European Union (Approvals) Bill, we have been told that not enough time has been allocated to debate tax credits. I recall that we have had three major debates on that subject quite recently, and three votes, and the House has come to the same view on each occasion. This is another such opportunity. I note that Opposition Members have not come to the Chamber, but it seems to me to fall quite within the remit of the

[John Redwood]

Bill, which is about how to tax work and what people keep as a result of work, to discuss tax credits as another part of the equation. I see the Bill as an important part of the Government's strategy of making work pay.

We regard work as a good thing, as I trust all parties do, and we do not really want to be taxing good things. Unfortunately, however, we live in a world where we need a lot of revenue, so we end up taxing good things as well as bad things. However, where we have the chance to shift the balance, surely it makes sense to tax the good things less, such as work and earnings, so that people can have more opportunity of finding a job and of keeping more from a better-paid job. We can then find less desirable things that we are more prepared to tax, as well as running sensible value-for-money government so that the overall demands are not too great.

The danger, if one went down the route of opposing the Bill, is that it might become all too easy to put an extra 1% or 2% on national insurance. One might say that people would not notice it, but it would have two immediate adverse effects. First, there would be fewer jobs as it is a direct tax on jobs and, secondly, employees would be worse off because of the effect on their contribution and we would have to find more money under our scheme for tax credits or other top-ups.

In conclusion, it is excellent that my party intends to keep its clear promises to keep these tax rates down, which I fully supported and campaigned on. We must see it as part of the wider debate, and today is another opportunity to debate national insurance in the context of tax credits. If we keep taxes down or reduce them more, there is more scope to deal with the tax credit problem.

3.6 pm

Mr Gauke: With the leave of the House, Madam Deputy Speaker, I want to respond to the points raised by right hon. and hon. Members in this short debate. Before I do so, may I reiterate the main purpose of the Bill? It introduces the final aspect of the five-year tax lock, which is further proof of the Government's commitment to provide certainty on tax rates for the duration of this Parliament and the commitment to low levels of taxation made in the Conservative manifesto for the general election in May, which resulted in a Conservative majority in that election. The commitment was that the rates of income tax, VAT and NICs would not increase. The Finance Bill introduced legislation to deliver that commitment for income tax and VAT, whereas this Bill delivers on the commitment for NICs. The benefits are that it provides certainty for employers and employees that for the duration of the Parliament NICs will not rise and the upper earnings limit will not exceed the higher rate threshold for income tax.

We have heard the argument that it is not necessary to legislate in this regard, but I remind the House that it was a Conservative manifesto commitment to legislate and we are fulfilling that commitment. Concerns were also raised that the measure might restrict flexibility for future Governments, and the comment made by my right hon. Friend the Member for Wokingham (John Redwood) about the circumstances that might apply in such cases was very good. I do not think that anybody would advocate in the teeth of a recession that we should

put these rates up. Fiscal credibility is very important, of course, and our determination in that regard will be demonstrated at the spending review on 25 November. It is important that we bring borrowing down, but we do not believe we should do that by putting up national insurance contribution rates, which is what the Bill prevents us from doing.

Future funding for contributory benefits, should NIC receipts prove insufficient, is a matter for the Chancellor and a decision to be made at the relevant fiscal event based on the latest projections available at the time and taking into account the NIC rate ceilings that we are introducing. The Government Actuary recommends a working balance of one sixth of benefit expenditure for the national insurance fund and there is provision to top up the national insurance fund from the Consolidated Fund to maintain the balance at that level. For the 2015-16 tax year a top-up of £9.6 billion has been provided for in legislation.

Let me point out, though, first, that this Government are committed to meeting our commitments in terms of the state pension and spending on the NHS. Secondly, the hon. Member for Dundee East (Stewart Hosie) raises concerns that the projections might not be accurate. These projections in relation to national insurance contribution rates are made by the Office for Budget Responsibility, an independent body. I can understand why the hon. Gentleman might have concerns in general about projections for tax revenues, given that he fought a referendum not that long ago assuming that the tax revenues from North sea oil would be very much more substantial than they have turned out to be. In those circumstances, I can understand his sensitivity to the fact that receipts might not be what had been anticipated. However, this is based upon an independent assessment and, in the round, is nothing like the fiscal risk that the Scottish National party was offering the Scottish people just over a year ago.

George Kerevan (East Lothian) (SNP): Has the Treasury Minister forgotten that the North sea oil revenues go to HM Treasury and that the recent fall in income from the North sea proves the point to the Treasury that its forecasts can be wrong?

Mr Gauke: The proposition of the independence movement was much more optimistic about receipts than the OBR at the time of the referendum. Most important of all, the United Kingdom is more easily able to absorb a volatile oil price than an independent Scotland would be—a point that I would have thought anyone looking at this fairly had to accept.

Stewart Hosie: I will not be tempted by the Minister, however generally he put it, other than to say that he was wrong and that the UK Government's barrel price for gas was higher than that used in Scotland. That is not the point. I completely understand the technical answer that the Minister has just given, but will he please answer the specific question: does this pose a threat to the contributory principle which applies to many of the benefits that people in the UK receive?

Mr Gauke: Let us be clear that the OBR's projections for oil prices—those are the ones that the Government use—were much, much more cautious than those of the independence movement. The black hole that would be

the finances of an independent Scotland, had the SNP succeeded in obtaining independence, would have been very considerable, and it is about time that those who campaigned for independence were straightforward with the British people and the Scottish people about what has happened.

The Bill makes no change to the structure of national insurance contributions that would undermine the contributory principle. I am happy to make that explicit to the hon. Gentleman. I hope that is helpful to the House, and I hope the House will support the Bill before us.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Access to Medical Treatments (Innovation) Bill (Money)

Queen's recommendation signified.

3.13 pm

The Parliamentary Under-Secretary of State for Life Sciences (George Freeman): I beg to move,

That, for the purposes of any Act resulting from the Access to Medical Treatments (Innovation) Bill, it is expedient to authorise the payment out of money provided by Parliament of any increase attributable to the Act in the sums payable under any other Act out of money so provided.

The House debated the Access to Medical Treatments (Innovation) Bill on Friday 16 October, when it received its Second Reading. I pay tribute to my hon. Friend the Member for Daventry (Chris Heaton-Harris) for the huge amount of work that he put in to get the Bill to a point where it can enjoy majority support in this House and the other place, and for his open approach to dealing with all the stakeholders with an interest in it.

I want to reiterate what I said on Second Reading. Although the Government support the intention behind the Bill to promote access to medical innovation—an intention which sits four-square within my ministerial responsibilities—the mechanisms of any Bill need to be considered on their merits. We are neither supporting nor opposing this Bill, but working with those with an interest in it and the sponsors to do what we can to help to get it to a place where it could contribute to the landscape for medical innovation that we are putting in place.

This money resolution is not a signal of Government support or otherwise for the Bill; it is merely a convention of the House once a Bill has received its Second Reading. We have brought forward this resolution to allow the Bill to progress to Committee stage, reflecting that convention, and the will of the House for further debate.

Dr Sarah Wollaston (Totnes) (Con): On a point of order, Madam Deputy Speaker. Is it in order for the Government to be neutral on a Bill if the payroll vote is whipped for that vote?

Madam Deputy Speaker (Natascha Engel): That is a matter for the Government, rather than for the Chair.

George Freeman: The debate on Second Reading raised a large number of issues, which clearly need to be addressed and I have no doubt will be addressed in Committee. We cannot second-guess where that Committee will get to or the shape of any Bill that might subsequently return to the Floor of the House.

The costs associated with this Bill, were it to be implemented in its current shape, arise from the establishment and maintenance of a database by the Health and Social Care Information Centre. Early discussions on costing with the HSCIC, which is leading on the construction of a number of databases and data streams crucial to the operation of the NHS, have provided an indicative costing of between £5 million and £15 million for developing the database of innovative medicines that the Bill anticipates.

Mr John Baron (Basildon and Billericay) (Con): My hon. Friend has implied broad Government support for the Bill. Can he provide any evidence to suggest that

[Mr John Baron]

litigation is preventing doctors from innovating in medical science and practice generally? That is the premise on which the Bill is based.

George Freeman: My hon. Friend makes a good point. That is the premise on which the Bill introduced by Lord Saatchi in the other place earlier in the year in the previous Parliament was predicated. My hon. Friend is right that it is a controversial proposition that fear of litigation for medical negligence is putting clinicians off innovating. The evidence that the Government received through the consultation was that some clinicians do feel that is a problem, but very few saw it as the principal problem or the principal obstacle. A number of clinicians made the point that several factors have acted in recent decades to slow down the rate of innovative prescribing and other procedures in surgery and elsewhere, not least increasing central control of procurement from NHS England, which puts in place very tight procurement guidelines, as well as a general sense of an increasingly litigious society, which is just one of a number of factors cited in an extensive range of barriers to innovation.

Dr Philippa Whitford (Central Ayrshire) (SNP): Does the Minister not recognise the concern of the Association of Medical Research Charities and many within the profession about what the Bill opens up? The position when I started 30-odd years ago was that doctors could do what they liked. We have spent decades protecting people, slimming down the ethics paperwork to run trials, and I do not see that the Bill is necessary. I think it is dangerous. The problem is that people think it is about access to new drugs. It is not. Any drug that is licensed we can prescribe. This says that doctors can try what they like. That is quite scary.

George Freeman: The hon. Lady makes a series of interesting points. Her criticisms would perhaps apply more to the Bill introduced by Lord Saatchi in the other House. Let me confirm that this Bill has nothing at all to do with clinical research. It is to do with clarifying the freedoms that she is right to say that clinicians enjoy today. Clinicians are free to prescribe any treatment for their patients that they feel is appropriate on the basis of the clinical evidence.

The specific problem that the Government recognise, whether or not this Bill is the appropriate mechanism to deal with it, is that in order for clinicians to feel confident in making an innovative prescription or adopting an innovative procedure, the biggest barrier is the lack of information on what innovative procedures are out there already being used by other clinicians. It was with that in mind that the registry was originally proposed in the Bill introduced by Lord Saatchi in the other place. It was originally intended as a registry of innovative practices that clinicians adopted under the procedures in the Bill, which merely clarify the existing protections already afforded by medical negligence law. It was felt that that registry would be a helpful innovation in itself.

The Government's view is that, as we build an infrastructure for the provision of information to clinicians to support off-label use of medicines and access to the latest information on innovative treatments, that registry

could provide a much more interesting function of providing to clinicians, at the click of a mouse, an up-to-date registry of innovative medicines that are available and off-label and other treatments that other clinicians are already using. I want to stress that this Bill, which has a very different structure from the original Bill introduced by Lord Saatchi, has nothing to do with research at all. It is purely to do with supporting innovative prescribing by clinicians by providing them with information on innovations that they might consider.

Dr Whitford: Does not this undermine our existing structures of clinical research? Those protect the patient through ethics and research being reviewed, whereas this allows a couple of doctors to say, "We're going to give you liquorice for your cancer", and that can get put on to a database. Many in the profession are anxious about this.

George Freeman: I want to make two things absolutely clear. First, this Bill, in law, would have no impact at all on clinical research. We in the Department have been very clear about that. If it in any way changed the basis on which clinical research is regulated, it would be a very serious matter, because we lead the world in terms of our ethical and regulatory controls on research, and it is vital that we do not affect that.

Secondly, it would be a matter of very serious concern if this Bill were to undermine patient or public trust and confidence in our NHS, our research medicine and our clinical trials infrastructure. I flagged up on Second Reading the fact that I do have some concerns. Some of those relate to the way in which this debate is conducted, although I am not making any comment about the hon. Lady's intervention. It is very important that we explain to people what this Bill does and does not do. If we mislead them, it is not surprising that we will get a lot of unnecessary fear. It is very important that we clarify that this has nothing to do with clinical research.

Dr Wollaston: Does the Minister accept, however, that the Association of Medical Research Charities, the Academy of Royal Medical Colleges, the British Medical Association, and an A to Z of other organisations involved with medical research are very clear that this does undermine participation in medical research? He should listen to those concerns and acknowledge that they are genuine.

George Freeman: Yes, indeed; I have listened. I acknowledged those concerns on Second Reading and said I was concerned about them. This is merely a debate about the Bill—there is no change in the law—and it is only this debate that is upsetting people at the moment. It is therefore very important that we carry it out in a way that makes it clear to them what this Bill does and does not achieve.

I am concerned that the passage of the Bill, the conduct of the debate, and any legislation that may survive the process of parliamentary scrutiny do not in any way undermine public or patient trust and confidence in clinical research or mainstream medicine. Were it to do so, I would be very concerned and the Government would be unable to support it. I have made it very clear to my hon. Friend the Member for Daventry that that

is the No. 1 consideration, and as this is his private Member's Bill, it is his task to get it to a point at which the Government would feel able to support it. Public trust and confidence in our NHS and in our clinical research infrastructure is crucial.

Mr Baron: May I add to the voice of my hon. Friend the Member for Totnes (Dr Wollaston) and suggest that not just the bodies she mentioned but many of the cancer bodies, charities and communities are very concerned about this Bill? Let me bring the Minister back to the issue of evidence. The pursuit of justice starts with evidence, and there is no evidence that litigation is deterring doctors from innovating. This Bill, in many respects, addresses a non-existent problem. If it is not necessary to legislate, it is necessary not to legislate.

George Freeman: As my hon. Friend knows, I have a lot of respect for his logic and his position, so let me be very clear again. As I tried to explain, I accept that if one were setting out a list of the biggest barriers to the uptake of innovation, fear of negligence would not be No. 1 on the list. However, it is equally true, as has been put to us during the consultation on this Bill, that it is a consideration. It is very important that the mechanism is proportionate to that obstacle. I think that that is the point he is really making, and I could not agree more. I signalled on Second Reading, and signal again now, that for the Government the most interesting part of this Bill is about access to information on innovative medicines and treatments for clinicians, who already have the freedom to innovate.

The second part of the Bill, as we understand it—we have taken substantial legal advice—does not in any way change the law on medical negligence; we would struggle if it did. Rather, it sets out a clear pathway for doctors seeking to enjoy the freedoms that are already in law to make it very clear what the procedure would be. People might say that these are fairly marginal improvements and ask whether they really merit the time of the House, but it is not for me to judge what is or is not an appropriate use of Parliament's time. However, I do understand that my hon. Friend the Member for Daventry is trying to tackle, through a small measure, something that we all have an interest in, which is increasing access to innovative medicine.

The focus on provision of information that is reflected in the Bill's new title and structure has the potential for an interesting mechanism. That is why we have looked at what the costs might be of putting such a database together. The figure that I have given is based on the understanding that further significant scoping work would be required were the Bill to become law, including consideration of the modification of existing coding systems to capture an innovation in medical notes, the data flow and the searching capability before the information centre—the HSCIC—was able to provide a robustly costed solution. Until proposed options and variables undergo additional policy refinement, it is not possible to offer a further estimate of supporting costs. The affordability of any specific proposal and future investment in technology more generally will also need to be considered in the light of the forthcoming spending review settlement, and the work of the National Information Board, which is putting in place a broader framework for the flow of information in the NHS.

Medical practitioners are already required to comply with the GMC and MBA guidance on record keeping, and the recording of an innovation for front-line staff is therefore based on existing practice. Thus no additional costs are foreseen for medical practitioners or their own organisation. Officials in the Department of Health are currently drafting an impact assessment to examine the estimated impact of the Bill and to understand better the likely costs and benefits of the proposals.

The database proposed by the Bill—should it survive parliamentary scrutiny—may ultimately improve the flow of information to clinicians on the range of innovative treatments that are already available. Those treatments might include off-label uses of medicines, about which the House is interested in connection with another Bill. In our view, the biggest barrier to the flow of information through the system is the lack of incentives or proper reward for innovation. That is to do with how we reward patterns of activity, rather than the promotion of health and healthcare. The lack of availability of data and information is one of the biggest barriers. Subject to whatever scrutiny and changes the Bill may undergo in Committee, we think that there is a potential prize worth winning, but I appreciate that the Committee will need to go through the Bill in some detail.

3.29 pm

Justin Madders (Ellesmere Port and Neston) (Lab): I will not detain the House for long, as my hon. Friend the shadow Health Secretary set out in detail our concerns about the Bill on Second Reading. I will say in summary that the Opposition believe the Bill to be at best unnecessary, and at worst a danger to patients.

The Bill is strongly opposed by a number of medical royal colleges, including the Royal College of Surgeons, the Royal College of Pathologists and the Royal College of Paediatrics and Child Health. There is strong opposition from several medical research charities, including Cancer Research UK, Alzheimer's Research UK and the British Heart Foundation. There is also strong opposition from bodies such as the Wellcome Trust, the Patients Association and Action against Medical Accidents.

Given the range and depth of concern, I do not understand how the Minister can be so comfortable in supporting the Bill, even though he contends that he is not supporting it. I ask him to reconsider the Government's position. We will see very shortly whether the point made by the hon. Member for Totnes (Dr Wollaston) is correct, and whether the Government are as neutral on the Bill as they state.

George Freeman: The hon. Gentleman will be familiar with the procedures of the House, but I just want to confirm that once the House has given a private Member's Bill a Second Reading, the convention is that the Government, even when they robustly oppose it, always table a money resolution so that the Committee need not concern itself with that matter. Doing so is not a signal of Government support; it is absolutely in line with the convention of the House with all private Members' Bills, whether we oppose or support them.

Justin Madders: I am grateful to the Minister for his clarification. As I say, we shall see very shortly whether that is the case.

[Justin Madders]

I understand that the part of the Bill to which the money resolution primarily relates will give the Secretary of State the power to set up a database. As the shadow Secretary of State set out on Second Reading, we consider that unnecessary because, under section 254 of the Health and Social Care Act 2012, the Secretary of State and NHS England have the power to direct the Health and Social Care Information Centre to establish and operate a system for the collection or analysis of information. I note that, in a recent letter to the shadow Health Secretary, the Minister said:

“Under section 254 of the Health and Social Care Act the Secretary of State has the power to direct the Health and Social Care Information Centre to establish and operate a system for the collection or analysis of information of a description specified in the direction.”

I understand the Minister’s argument is that he thinks it is appropriate to give the Secretary of State an express power, but I am not convinced by that and neither are many in the medical profession, including the Royal College of Surgeons.

We believe that the Bill attempts to address a problem, namely the fear of litigation, that simply does not exist and for which the profession have provided no evidence. There is a risk that it will undermine the methodical and reasoned approach to research that already exists. In the context of the £30 billion challenge that the NHS faces and the financial problems that are taxing us all, we note that the Bill may prove to be a step in the wrong direction. We will vote against the money resolution for the Bill, and we will no doubt see what the Government make of it when they have considered their research on the costs.

3.33 pm

Chris Heaton-Harris (Daventry) (Con): I thank the Government for introducing, as is the convention of this place, the money resolution on my private Member’s Bill.

Several colleagues have expressed their concerns about the Bill, as the Opposition spokesman has just done. I must say to them, and to the Association of Medical Research Charities and other bodies, that many of the briefings seem to relate to the previous iteration of the Saatchi Bill that went through three Readings in the other place and have not been changed for this Bill, even though this Bill is massively different from that brought forward by Lord Saatchi in the House of Lords.

The Bill has two elements. It proposes that a database of innovation be established for only registered medical practitioners to use when they innovate or depart from standard medical practice. As we have already heard, doctors and surgeons say that they regularly innovate.

Dr Phillip Lee (Bracknell) (Con): I would never question my hon. Friend’s intentions in this area, but the AMRC’s summary states:

“we do not see the need for this legislation and do not believe the Bill will achieve its aim of encouraging medical innovation.”

It goes on to say that

“this Bill...as it stands is unnecessary and may adversely impact on patients and medical research”.

That view is supported, among others, by Cancer Research UK, the British Heart Foundation and the Wellcome Trust. Does that not give him pause for thought before he proceeds with the Bill?

Chris Heaton-Harris: Yes, it does. I have talked to those organisations constantly from the conception of the idea of stealing these two ideas from the Saatchi Bill, and I will continue to talk to every organisation that wishes to talk to me about the Bill. If that was a bid to be on the Bill Committee to offer an alternative view and help me pick through the details of the legislation to ensure that it does what I intend it to do, I welcome my hon. Friend’s approach because a couple of people who would have added great value to the process and the Bill are not able to sit on the Committee.

I gave the example on Second Reading of a surgeon who had innovated and saved the life of his patient, but who was unable quickly to communicate that to his peers as there was no comprehensive means of doing so. The database has been called for by many of the medical colleges, as is acknowledged in the briefings that my hon. Friend will have read. The database is important in spreading the best innovations, because it will include not just the successes of any innovation, but its failures. That will allow best practice to spread quickly and for other registered medical practitioners to learn from any innovation. It will not be available for patients to access and will be held by the Health and Social Care Information Centre, as we have just heard, which is where the money resolution directs the money towards.

The database will not cover research and will not hamper recruitment to clinical trials. Nothing in the Bill will allow doctors to bypass any process or requirement that has been set by their trust in relation to undertaking innovative treatments in the NHS, including the requirement to ensure that commissioners will fund any treatment that is not provided by the NHS. As we all know, individual innovation is incredibly important, but it is not a suitable substitute for medical research, which usually tests the efficacy of treatments in a systematic way. I hope that successful innovations will lead to systematic research projects as the evidence builds around a particular specialty and that they will thereby encourage more clinical trials.

The second part of the Bill, which I fully acknowledge is much more controversial, will give registered medical practitioners a supplementary method of demonstrating that they have acted responsibly while innovating. It closely mirrors the existing legal test, the Bolam test, that is used when clinical negligence proceedings reach the court stage. It brings the test forward and enables doctors to use it to demonstrate that they have acted responsibly before they enter the courtroom. It does not change the common law.

Mr Baron: I fully respect the good intentions behind the Bill and those of my hon. Friend. I suggest to him that his last point perhaps misses the more fundamental point that it is the fear of litigation that may deter doctors and medical professionals generally from innovating, and thereby put patients at risk. Does he accept that that is at least a valid concern?

Chris Heaton-Harris: I am not convinced that that is the case because doctors and registered medical practitioners innovate daily across the national health service. Litigation

might be a consideration in the back of their minds, but they are all responsible doctors doing the best for their patients. I do not quite see my hon. Friend's point.

Doctors have to demonstrate that they have acted responsibly and that remains the case under my Bill. If they have not acted responsibly, they will be subject, as they are now, to the full force of medical negligence law and bodies such as the General Medical Council.

I would argue that my Bill provides extra safeguards to protect patients from medics who peddle treatments that are dangerous or misguided. First, any doctor must act responsibly and in the best interests of his or her patients. They must also be able to demonstrate that they have done so—as they do now—if it gets to a court of law. Secondly, when an innovation is listed on the database, its successes and failures have to be listed. If a rogue doctor's peers are able quickly to see the exact results of their innovation, would that doctor not be almost exposing themselves and their quackery to their peers?

My Bill has massively evolved from Lord Saatchi's Medical Innovation Bill from which many of the criticisms levelled against it come. I have been working with the Department of Health, and others, to ensure that the Bill achieves its central aim, and I know that I have a long road ahead should the Bill get through Committee and its other stages. I fully intend to work with everybody who wishes to make suggestions and help constructively so that we can get to a point where we have a database of innovation that can help spread best practice across our NHS.

3.40 pm

Dr Philippa Whitford (Central Ayrshire) (SNP): There are many ways for a surgeon to share their experience if they have carried out an operation in the heat of the moment to save someone's life. The "British Medical Journal" publishes things on a weekly basis and can share interesting cases. The danger of the Bill is that the database is being used as a fig leaf to make it sound like access to innovative treatments. The hon. Member for Daventry (Chris Heaton-Harris) said that a doctor would have to prove that something was safe, but the first person prescribing liquorice for cancer has no method of proving that it is safe. That is the basis of research.

Phase 1 trials involve a small group of patients who fully consent to undergo treatment and know what they are taking on, based on pre-clinical research. Phase 2 is larger, and phase 3 involves multiple hospitals. We have that process to avoid a couple of doctors in a canteen saying, "That's not a bad idea. I'll back you if you back me", and patients being given something dangerous. The Bill would not, of itself, undermine research in some way, but if patients and the public feel that they are guinea pigs for any old treatment that someone wants to have a bash at, that will undermine research.

It has taken decades to get to our current level of safety, checks and balances. That has been streamlined, and single ethical permissions are carried out once for the whole country, and then recognised in all health boards and areas. That has made things a lot easier, but it is crucial that patients who sign up to a treatment know that there has been a degree of rigour before they are given that drug.

If someone is bleeding to death in the middle of the night, of course a surgeon can innovate because every operation is slightly different, but we are talking about

access to medical treatment that will predominantly involve drugs that have not had sufficient pre-clinical work. That is of concern to research charities and the royal colleges—I am a member of the Royal College of Surgeons—because of patient safety. The absolute concern is not even the secondary impact on research; it is the impact on patient safety and people finding that they are being given something totally unproven.

Andy Slaughter (Hammersmith) (Lab): The hon. Lady is making a good point, and I agree with everything she says. As a lawyer rather than a doctor, I think the problem with the Bill is that—unintentionally, I am sure—it also undermines carefully constructed jurisprudence on clinical negligence, and it is dangerous for that reason.

Dr Whitford: Of course the Bill is well-intentioned, and its title will attract support from people who think that it means getting access to drugs to which we do not currently have access. It is not that any doctor can prescribe anything—we cannot. We can prescribe drugs that are licensed and recognised, and have a basic safety profile. In Westminster Hall we often debate access to expensive, innovative, brand new treatments, but that is not about our right as a doctor to prescribe them; it is about who will pay for them because some of those drugs are expensive. As the Minister has said, that would still be an issue. In what sense would a commissioning group have evidence to allow a doctor to prescribe a drug that has absolutely no basis, but that would have to be funded?

The Bill is basically a bit of a mess. What problem is it trying to answer? People think it means that they will get earlier access to new drugs, but drugs should be taken forward on the correct path to protect patients and doctors. Doctors need to know that what we are doing is right, and not some random thing that has been on a database after somebody tried something once and it seemed to work. We know that there are placebo and random effects.

Maria Caulfield (Lewes) (Con): I support everything the hon. Lady has just said. I was a research nurse in cancer care for more than 10 years. We observed good clinical practice standards, and the standards of the Medicines and Healthcare Products Regulatory Agency and the FDA, because mistakes happened. Those safeguards are in place for a reason. The No. 1 reason is to protect the patient.

Dr Whitford: I did my MD thesis in the late '80s on the use of monoclonals in breast cancer, which was then totally blue-sky thinking. What became Herceptin was found at that time. I remember speaking at a conference in America where people presented their research. At that time, they thought they had to put a toxin on the back of an antibody to make it work. They were using ricin, which was used in the Bulgarian umbrella murder, and—surprise, surprise—almost all their patients died. They got around that in America by going to Mexico and to prisons. It is not the case that everything a doctor thinks might work will be good for patients. We have developed a safe system over decades and we give it away at our peril.

3.46 pm

Dr Sarah Wollaston (Totnes) (Con): I rise to oppose the money resolution because this is bad legislation. It is unnecessary and could undermine essential protections for our patients. That is why an A to Z of medical royal colleges and research charities oppose the Bill, as does Action against Medical Accidents, the British Medical Association and so on—the list goes on. This is the time at which the House must bring the legislation to an end.

I am concerned at the selective misquoting of a number of bodies. Many of the medical royal colleges have objected to being selectively misquoted during debates on the Bill. I will quote from just one of the royal colleges; the president of the Royal College of Physicians, Jane Dacre, would like to put the college's views on the record. She says:

"The RCP does not support the progression of the Access to Medical Treatments Bill through Parliament. The primary objective of the Bill to create a parallel innovation process may result in unforeseen consequences that negatively impact on patient safety. The Bill may further undermine and overcomplicate the established existing process for conducting innovation, damaging the UK's innovation process. As the RCP has previously stated prior to previous readings of the Access to Medical Treatment Bill and the Medical Innovation Bill it is unclear how the legislation will improve upon the existing innovation process or address the real barriers to conducting innovation. The RCP does not support the Bill's progress through Parliament."

We should also be clear that the Minister does not need the legislation in order to introduce the processes that all hon. Members would support to facilitate communication between research bodies about genuine innovations. We need to simplify the processes by which patients understand which research trials are out there from which they could benefit. When I started in medicine 24 years ago, many of the children I treated for leukaemia were dying. Children today with the same conditions survive not as a result of a series of unconnected, anecdotal, have-a-go treatments, but because of the medical research that built the foundation for the treatments from which they now benefit.

Our patients and our constituents want to contribute to research that benefits future generations, but they cannot do so through an unconnected database of anecdotal treatments. A series of anecdotes does not constitute evidence. We need to be careful of that. I thank my hon. Friend the Member for Daventry (Chris Heaton-Harris). He has good intentions, but I simply do not agree with the Bill.

3.49 pm

Jim Shannon (Strangford) (DUP): I, too, have concerns about the Bill introduced by the hon. Member for Daventry (Chris Heaton-Harris). I agree in principle about the need for quick, easy and affordable access to effective treatments for patients, and new developments and initiatives that improve access to innovative treatments should be encouraged so long as they do not have a negative impact on patient safety. The hon. Member for Totnes (Dr Wollaston) made that point, as did other Members.

Questions and concerns have been raised by a number of prominent UK charities—the British Heart Foundation, Prostate Cancer UK and Alzheimer's Research UK, to name but a few. We must be careful not to confuse

intention with outcome. The main concern is the potential risk to medical research, and the Association of Medical Research Charities, which represents a large number of prominent and well respected medical charities, has expressed concern that

"the bill may inadvertently act to discourage patients from participating in robust research studies".

That is important, and we must be clear that we are concerned about introducing legislation that has perhaps not been fully thought out.

Further concerns include the vagueness of certain definitions in the Bill. For example, what exactly can be described as "accepted medical treatments"? Well respected UK charities in the sector have expressed concern about the vagueness of that definition, and it is just one of many concerns.

The Bill is loose and it is not definitive. It is also unclear. With great respect to the hon. Member for Daventry, we need to go back to the drawing board with this one. In addition to concerns about unintended consequences, there is the question of whether the Bill is really necessary. I reiterate my support for innovation as a principle—it should be encouraged and welcomed—but I want the House to note the comments that many hon. Members have made today and be mindful of the concerns that have been raised, because we do not want the Bill, however well intended, to have unintended negative consequences.

3.51 pm

Mr John Baron (Basildon and Billericay) (Con): I, too, wholly support the purpose of the Bill and the good intentions behind it, but I am opposed to the Bill itself. I declare an interest as chair of the all-party group on cancer.

Parliamentary scrutiny demands evidence. The Bill is based on the false premise that doctors are somehow deterred from innovating because of a fear of being sued for negligence. I am not aware of any evidence to support that. Doctors can and do innovate without the proposed law. The innovative response to the Ebola crisis was one example of that. Lord Woolf, a leading supporter of the Bill in the other place, wrote in *The Daily Telegraph* in April 2014:

"What I do know about, from sitting as a judge, are the cases where doctors are sued for negligence because they have innovated in the treatment they offer, rather than following generally accepted medical standards."

A member of the public then questioned him and asked him to produce evidence of such cases, to which he replied:

"I am not prepared to be cross-examined further".

Lord Woolf did not cite a single case to support his position. Surely the pursuit of justice starts with evidence. With respect, that sort of judicial paternalism has no place in the modern world. Nowadays, the public expect and deserve better. I am informed by the joint editors of the leading text "Clinical Negligence" that they are not aware of any such cases. Doctors are sued for poor practice, not for innovative practice.

The supporters of the Bill need to provide evidence that doctors are being sued for innovative practice. They need to identify the cases in which that is happening. There cannot be any informed debate until they provide that information. So far, they have not produced any

shred of evidence to support their position. The Bill addresses a non-existent problem. If it is not necessary to legislate, then it is necessary not to legislate. Moreover, there is a duty not to pass bad law. This Bill, like the Medical Innovation Bill before it, proposes law that is not only unnecessary but would turn out to be bad.

3.54 pm

Andy Slaughter (Hammersmith) (Lab): I will be brief. The hon. Member for Daventry (Chris Heaton-Harris) may be beginning to think that he had a lucky Friday when he got the Bill a Second Reading. When one looks at it in detail, it has a number of flaws.

Action against Medical Accidents, a reputable organisation that I have worked closely with, has stated:

“We believe that the proposed changes would have serious unintended consequences such as lowering protection for patients and patient safety”—

a point a number of Members have dealt with—

“causing confusion about the law which could hamper rather than help medical innovation; and leaving patients who have been harmed as a result of what currently would be deemed negligent treatment with no redress.”

It is the last of those points that concerns me. Many leading QCs in the field of medical negligence have also raised concerns about it. If people have been injured by negligent medical treatment, they must have redress. That redress was substantially withdrawn in the Legal Aid, Sentencing and Punishment of Offenders Act 2012. It is only right that we are clear that we want to preserve it, not only for the individuals involved but because standards of medical practice are enhanced and improved if they are attacked on the rare occasions when they fall below standard. For those reasons, I oppose the money resolution.

3.55 pm

George Freeman: It is not for me to defend this private Member's Bill, promoted by my hon. Friend the Member for Daventry (Chris Heaton-Harris), but I want to deal with two or three points that have been raised in connection with the Government's view of clinical research and patient safety, both of which are very important.

The hon. Member for Central Ayrshire (Dr Whitford) made an impassioned plea that patient safety not be undermined. I reiterate that the Bill will in no way have any impact on our clinical research approvals and ethical regulatory infrastructure, which are world-class and a much prized jewel in our crown. The Bill merely—by saying merely, I do not mean to undermine its potential impact—deals with freedoms to prescribe innovatively, which already exist and are enjoyed by clinicians. It is important that everyone understands that doctors are already free to prescribe medicines. They have sovereignty in prescribing treatment to their patients where they believe there is good clinical evidence.

The hon. Lady made a point about the importance of evidence. The part of the Bill that the Government think is of particular interest is the mechanism for accelerating the giving of evidence to clinicians on currently available innovations—both innovative medicines and the off-label innovative use of existing medicines. It is worth bearing in mind the House's interest in accelerating off-label use through the provision of information. Patient

safety and patient protection are absolutely key, and we will do nothing, and allow nothing, that undermines that.

My hon. Friend the Member for Totnes (Dr Wollaston) raised a range of concerns. They are all legitimate, but I think the place to address them is in Committee. I reiterate that nothing in the Bill will interfere in any way with UK clinical research infrastructure.

In response to the point that the hon. Member for Ellesmere Port and Neston (Justin Madders) made about whether the Government support the Bill, let me be very clear: the Government neither oppose nor support the Bill. We are prepared to work with the Bill's sponsors to get it to a place where it supports the environment that we want to see.

On testing the will of the House, I can assure the hon. Gentleman that the Government always support money resolutions, even on Bills to which they are blatantly opposed. That is the convention, so he will be testing and proving nothing other than that we will stick to the convention of always supporting the money resolution to a Bill.

Question put.

The House divided: Ayes 281, Noes 227.

Division No. 108]

[3.58 pm]

AYES

Adams, Nigel	Clark, rh Greg
Aldous, Peter	Cleverly, James
Allan, Lucy	Clifton-Brown, Geoffrey
Amess, Sir David	Coffey, Dr Thérèse
Andrew, Stuart	Collins, Damian
Ansell, Caroline	Colville, Oliver
Argar, Edward	Costa, Alberto
Atkins, Victoria	Crabb, rh Stephen
Bacon, Mr Richard	Crouch, Tracey
Baker, Mr Steve	Davies, Byron
Baldwin, Harriett	Davies, Chris
Barclay, Stephen	Davies, David T. C.
Barwell, Gavin	Davies, Glyn
Bebb, Guto	Davies, Dr James
Bellingham, Mr Henry	Davies, Mims
Benyon, Richard	Davies, Philip
Beresford, Sir Paul	Dinenage, Caroline
Berry, Jake	Djanogly, Mr Jonathan
Berry, James	Donelan, Michelle
Bingham, Andrew	Double, Steve
Blunt, Crispin	Dowden, Oliver
Boles, Nick	Doyle-Price, Jackie
Bone, Mr Peter	Drax, Richard
Bradley, Karen	Duddridge, James
Brazier, Mr Julian	Duncan, rh Sir Alan
Bridgen, Andrew	Duncan Smith, rh Mr Iain
Brine, Steve	Dunne, Mr Philip
Brokenshire, rh James	Ellis, Michael
Bruce, Fiona	Ellison, Jane
Buckland, Robert	Ellwood, Mr Tobias
Burns, rh Sir Simon	Elphicke, Charlie
Burrowes, Mr David	Eustice, George
Burt, rh Alistair	Evans, Mr Nigel
Cairns, Alun	Evennett, rh Mr David
Carmichael, Neil	Fabricant, Michael
Carswell, Mr Douglas	Fallon, rh Michael
Cartlidge, James	Fernandes, Suella
Cash, Sir William	Field, rh Mark
Chalk, Alex	Foster, Kevin
Chishti, Rehman	Frazer, Lucy
Churchill, Jo	Freeman, George

Freer, Mike
Fuller, Richard
Fysh, Marcus
Garnier, rh Sir Edward
Garnier, Mark
Gauke, Mr David
Ghani, Nusrat
Gibb, Mr Nick
Gillan, rh Mrs Cheryl
Glen, John
Goldsmith, Zac
Goodwill, Mr Robert
Graham, Richard
Grant, Mrs Helen
Gray, Mr James
Grayling, rh Chris
Green, Chris
Green, rh Damian
Greening, rh Justine
Grieve, rh Mr Dominic
Griffiths, Andrew
Gummer, Ben
Gyimah, Mr Sam
Halfon, rh Robert
Hall, Luke
Hammond, Stephen
Hancock, rh Matthew
Hands, rh Greg
Harper, rh Mr Mark
Harrington, Richard
Harris, Rebecca
Hart, Simon
Haselhurst, rh Sir Alan
Hayes, rh Mr John
Heald, Sir Oliver
Heappey, James
Heaton-Harris, Chris
Heaton-Jones, Peter
Henderson, Gordon
Herbert, rh Nick
Hinds, Damian
Hoare, Simon
Hollinrake, Kevin
Hollobone, Mr Philip
Holloway, Mr Adam
Hopkins, Kris
Howell, John
Huddleston, Nigel
Hunt, rh Mr Jeremy
Hurd, Mr Nick
Jackson, Mr Stewart
James, Margot
Javid, rh Sajid
Jayawardena, Mr Ranil
Jenkin, Mr Bernard
Jenkyns, Andrea
Jenrick, Robert
Johnson, Boris
Johnson, Gareth
Johnson, Joseph
Jones, Andrew
Jones, rh Mr David
Jones, Mr Marcus
Kawczynski, Daniel
Kennedy, Seema
Knight, rh Sir Greg
Knight, Julian
Kwarteng, Kwasi
Lancaster, Mark
Latham, Pauline
Leadsom, Andrea
Lefroy, Jeremy

Letwin, rh Mr Oliver
Lewis, Brandon
Lewis, rh Dr Julian
Liddell-Grainger, Mr Ian
Lidington, rh Mr David
Lilley, rh Mr Peter
Lopresti, Jack
Lord, Jonathan
Loughton, Tim
Lumley, Karen
Mackinlay, Craig
Mackintosh, David
Main, Mrs Anne
Malthouse, Kit
Mann, Scott
May, rh Mrs Theresa
Maynard, Paul
McCartney, Jason
McCartney, Karl
McPartland, Stephen
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalf, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Mordaunt, Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Morton, Wendy
Mowat, David
Neill, Robert
Newton, Sarah
Nokes, Caroline
Norman, Jesse
Nuttall, Mr David
Offord, Dr Matthew
Parish, Neil
Patel, rh Priti
Pawsey, Mark
Penning, rh Mike
Penrose, John
Percy, Andrew
Perry, Claire
Phillips, Stephen
Philp, Chris
Pincher, Christopher
Poulter, Dr Daniel
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pritchard, Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, Mr Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Mary
Rosindell, Andrew
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Selous, Andrew
Sharma, Alok

Shelbrooke, Alec
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, Julian
Smith, Royston
Solloway, Amanda
Soubry, rh Anna
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Iain
Stewart, Rory
Streeter, Mr Gary
Stride, Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Mr Desmond
Swire, rh Mr Hugo
Syms, Mr Robert
Thomas, Derek
Timpson, Edward
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David

Abbott, Ms Diane
Abrahams, Debbie
Alexander, Heidi
Ali, Rushanara
Allen, Mr Graham
Allen, Heidi
Anderson, Mr David
Arkless, Richard
Ashworth, Jonathan
Austin, Ian
Bailey, Mr Adrian
Bardell, Hannah
Baron, Mr John
Beckett, rh Margaret
Benn, rh Hilary
Berger, Luciana
Black, Mhairi
Blackford, Ian
Blackman, Bob
Blackman-Woods, Dr Roberta
Blenkinsop, Tom
Boswell, Philip
Bottomley, Sir Peter
Brock, Deidre
Brown, Alan
Brown, rh Mr Nicholas
Bryant, Chris
Burden, Richard
Butler, Dawn
Cadbury, Ruth
Cameron, Dr Lisa
Campbell, rh Mr Alan
Campbell, Mr Ronnie
Champion, Sarah
Chapman, Douglas
Chapman, Jenny
Cherry, Joanna
Coaker, Vernon
Cooper, Julie

Trevelyan, Mrs Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Turner, Mr Andrew
Tyrie, rh Mr Andrew
Vaizey, Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Walker, Mr Charles
Walker, Mr Robin
Warman, Matt
Watkinson, Dame Angela
Wharton, James
Whately, Helen
Wheeler, Heather
White, Chris
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williams, Craig
Williamson, rh Gavin
Wilson, Mr Rob
Wood, Mike
Wragg, William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Ayes:
Simon Kirby and
Guy Opperman

NOES

Cooper, rh Yvette
Corbyn, Jeremy
Cowan, Ronnie
Cox, Jo
Coyle, Neil
Crausby, Mr David
Crawley, Angela
Creagh, Mary
Creasy, Stella
Cruddas, Jon
Cryer, John
Cummins, Judith
Cunningham, Alex
Cunningham, Mr Jim
Dakin, Nic
Danczuk, Simon
David, Wayne
Davies, Geraint
Day, Martyn
Docherty, Martin John
Dodds, rh Mr Nigel
Donaldson, Stuart Blair
Doughty, Stephen
Dowd, Peter
Dugher, Michael
Durkan, Mark
Eagle, Ms Angela
Edwards, Jonathan
Efford, Clive
Elliott, Tom
Ellman, Mrs Louise
Esterson, Bill
Evans, Chris
Farrelly, Paul
Fellows, Marion
Field, rh Frank
Fitzpatrick, Jim
Fleelo, Robert
Flynn, Paul

Fovargue, Yvonne
 Foxcroft, Vicky
 Gapes, Mike
 Gethins, Stephen
 Glindon, Mary
 Goodman, Helen
 Grady, Patrick
 Grant, Peter
 Gray, Neil
 Green, Kate
 Greenwood, Lilian
 Greenwood, Margaret
 Griffith, Nia
 Haigh, Louise
 Hamilton, Fabian
 Hanson, rh Mr David
 Harris, Carolyn
 Hayes, Helen
 Hayman, Sue
 Healey, rh John
 Hendrick, Mr Mark
 Hermon, Lady
 Hillier, Meg
 Hodgson, Mrs Sharon
 Hopkins, Kelvin
 Howarth, rh Mr George
 Huq, Dr Rupa
 Irranca-Davies, Huw
 Jarvis, Dan
 Johnson, Diana
 Jones, Gerald
 Jones, Graham
 Jones, Mr Kevan
 Jones, Susan Elan
 Kane, Mike
 Keeley, Barbara
 Kerevan, George
 Kerr, Calum
 Kinnock, Stephen
 Kyle, Peter
 Lammy, rh Mr David
 Lavery, Ian
 Law, Chris
 Leslie, Chris
 Long Bailey, Rebecca
 Lucas, Ian C.
 MacNeil, Mr Angus Brendan
 Mactaggart, rh Fiona
 Madders, Justin
 Mahmood, Mr Khalid
 Malhotra, Seema
 Mann, John
 Marris, Rob
 Marsden, Mr Gordon
 Maskell, Rachael
 Matheson, Christian
 Mathias, Dr Tania
 Mc Nally, John
 McCabe, Steve
 McCaig, Callum

McCarthy, Kerry
 McDonald, Andy
 McDonald, Stewart Malcolm
 McDonald, Stuart C.
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McLaughlin, Anne
 Mearns, Ian
 Monaghan, Carol
 Monaghan, Dr Paul
 Moon, Mrs Madeleine
 Morden, Jessica
 Morris, Grahame M.
 Mullin, Roger
 Murray, Ian
 Newlands, Gavin
 Nicolson, John
 O'Hara, Brendan
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Oswald, Kirsten
 Owen, Albert
 Paterson, Steven
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Pound, Stephen
 Qureshi, Yasmin
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reynolds, Emma
 Reynolds, Jonathan
 Rimmer, Marie
 Ritchie, Ms Margaret
 Robertson, rh Angus
 Robinson, Gavin
 Robinson, Mr Geoffery
 Rotheram, Steve
 Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Shannon, Jim
 Sheerman, Mr Barry
 Sheppard, Tommy
 Sherriff, Paula
 Siddiq, Tulip
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Cat
 Smith, Nick
 Smith, Owen
 Spellar, rh Mr John
 Starmer, Keir

Stephens, Chris
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Stuart, rh Ms Gisela
 Thewliss, Alison
 Thomas, Mr Gareth
 Thompson, Owen
 Thomson, Michelle
 Trickett, Jon
 Turley, Anna
 Turner, Karl
 Twigg, Stephen
 Umunna, Mr Chuka
 Vaz, rh Keith
 Vaz, Valerie

Weir, Mike
 West, Catherine
 Whitehead, Dr Alan
 Whitford, Dr Philippa
 Williams, Hywel
 Wilson, Phil
 Wilson, Sammy
 Winnick, Mr David
 Winterton, rh Ms Rosie
 Wishart, Pete
 Wollaston, Dr Sarah
 Wright, Mr Iain
 Zeichner, Daniel

Tellers for the Noes:
 Jeff Smith and
 Holly Lynch

Question accordingly agreed to.

Business without Debate

DELEGATED LEGISLATION

Motion made, and Question put forthwith (Standing Order No. 118(6)),

INTERNATIONAL IMMUNITIES AND PRIVILEGES

That the draft the Asian Infrastructure Investment Bank (Immunities and Privileges) Order 2015, which was laid before this House on 12 October, be approved.

LEGAL AID AND ADVICE

That the Civil Legal Aid (Merits Criteria) (Amendment) (No. 2) Regulations 2015 (S.I., 2015, No. 1571), dated 23 July 2015, a copy of which was laid before this House on 24 July, be approved.—
(Jackie Doyle-Price.)

Question agreed to.

EUROPEAN UNION DOCUMENTS

Motion made, and Question put forthwith (Standing Order No. 119(11)),

VALUE ADDED TAXATION

That this House takes note of European Union Document No. 9926/12 and Addenda 1 and 2, a draft Council Directive amending Directive 2006/112/EC on the common system of value added tax, as regards the treatment of vouchers; welcomes the objective of harmonised VAT rules for vouchers to support a smooth operation of the Single Market and fewer possibilities of double and non-taxation; and further notes that the Government is keen that any solution ensures that the right amount of tax is collected on what the customer pays, in line with the principles of taxation of consumption.—*(Jackie Doyle-Price.)*

Question agreed to.

Military Personnel and Veterans (Children and Young Carers)

Motion made, and Question proposed, That this House do now adjourn.—(*Jackie Doyle-Price.*)

4.12 pm

Martin John Docherty (West Dunbartonshire) (SNP): I am glad to have secured this Adjournment debate on the need to support the children, young people and young carers of military personnel and veterans. In the week leading up to Remembrance Sunday, I am glad that so many Members—at least on the SNP Benches—have chosen to stay for the debate.

Given that we are approaching Remembrance Sunday, I should not need to remind the House that communities and politicians across these islands will seek to commemorate the fallen. During a recent Adjournment debate on mental health and armed forces veterans, which was secured by my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron), it became clear to me and to those watching that there is a glaring omission in this House's public policy with regard to military personnel, veterans and those who suffer as a result of a familial connection with the armed forces. I am grateful to the Minister for Community and Social Care for taking an intervention from me during that debate, but I am sure that neither he nor the Ministry of Defence would have thought it would lead to this Adjournment debate on the support that should be offered to the children, young people and young carers of the families of military personnel and veterans. I hope that the House will forgive me for reiterating the title of the debate. It is critical, given some of the glaring omissions in public policy that we are currently seeing.

Academics are rightly continuing to explore the impact, effect and outcome of participation in combat. I am grateful to Mr Paul Watson, who, having listened to the debate led by my hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow, forwarded to me a range of research material and other information relating to the issue. I am especially grateful to Paul for highlighting the lack of research on the lives and experiences of children within the wider military family, which includes the Ministry of Defence.

Jim Shannon (Strangford) (DUP): It is always a pleasure to be involved in Adjournment debates, and I commend the hon. Gentleman for raising this issue. According to Beyond the Battlefield, a charity in my constituency that looks after ex-service personnel and veterans, 18,700 of them are receiving some sort of care in Northern Ireland. Does the hon. Gentleman agree that it is not only the veterans who suffer, but their wives and children, and that the effects are far-reaching and long-lasting?

Martin John Docherty: I certainly could not disagree with the hon. Gentleman—who, indeed, has stolen some of the thunder from the rest of my speech—about the wider impact of service life on the partners, spouses and children of both veterans and those in active service.

Mark Pritchard (The Wrekin) (Con): I hope that I can add to the thunder of the hon. Gentleman's speech. I am sure that he was going on to mention the great work of Combat Stress, which—in Newport, Shropshire,

which is in my constituency, and across the country—is doing a great job in helping veterans of not just the second world war but the Falklands, Iraq and Afghanistan campaigns, among others, to reintegrate themselves in society. Will he join me in paying tribute to all those who do such a great job in supporting Combat Stress?

Martin John Docherty: I am more than delighted to congratulate those who support any organisation that helps veterans and their families, no matter who they are. My family has a long service record—that applies to both my father and my brother—and I am gratefully aware of the support that is offered to all our veterans and their families.

Even in the recently published Ashcroft review, a document consisting of more than 200 pages, the impact of service life on the lives of children is mentioned only about six times. Little or no mention is made of the impact of pre-deployment—what may be a three-month period during which a member of the armed forces undergoes training before what is usually an eight-month deployment—on the children who are left at home. There is no mention of the children who become carers to a parent who is at home, or a parent who is returning from active duty; no mention of the children who are isolated from both their families and their peers; no mention of the increased likelihood of emotional detachment; no mention of limited access to services outside the military family; no mention of the fact that children and young people may be providing practical day-to-day care in the family setting; no mention of children who experience difficulties at school, such as bullying, owing to external caring roles; no mention of the destabilising impact of a three-month pre-deployment period or subsequent eight-month deployment; and no mention of the impact of constant moving on the life choices of children in military families. That is indeed a sad litany.

Mr Stewart Jackson (Peterborough) (Con): The hon. Gentleman has raised an important issue, and he is speaking with great eloquence. Does he agree that some of the more forward-looking and progressive local authorities have alighted on the issue of children's services in the context of a commitment—which, as he knows, exists in Scotland as well as the rest of the United Kingdom—to the military covenant, the profile of which has been raised significantly in the last four or five years?

Martin John Docherty: I would welcome any local authority doing that and am grateful for the fact that all 32 councils of Scotland have taken the step to become either veterans champions or to promote the issue of veterans. I can commend that every council and borough, district or local, within the countries of England, Wales and Northern Ireland follows suit.

Research looks at a multitude of pre and post-combative effects on the health of service personnel, including post-traumatic stress disorder, pre-deployment stress, mental health, reintegration and the military family—that is for a spouse or partner. Again, there is limited literature in the UK on the issues faced by military children and young people and even less on military children and young people in a caring role.

The Ministry of Defence estimates that there are around 120,000 military children and young people both overseas and here in the UK, although the figures do not state

whether they are “full-time” military children and young people or whether they include the children and young people of those who are in the military reserves—an increasingly important element of the UK’s military capabilities.

Kirsten Oswald (East Renfrewshire) (SNP): This is a complex and important issue. Does my hon. Friend agree that it is vital that we also consider the issues of service personnel who have been made redundant and the impact of that on their families and children?

Martin John Docherty: My hon. Friend raises yet another complexity of the issue—the impact of military life on children and, critically, those service personnel who have been made redundant, as many have in recent years. I can only hope the Minister will take that on board in his response to the debate.

On the published figures, these children and young people represent 10% of the UK’s under-18 population, which is a substantial amount. Mental health research shows that child and adolescent mental health conditions are in truth common for all children and young people—that is true of both military and non-military children and young people. Office for National Statistics records from 2013 indicate that in the UK there are 13.6 million children and young people. YoungMinds has identified that mental health issues affect between 10% and 20% of all children and young people in the UK. Furthermore, these statistics show that 12% of five to 16-year-olds have a diagnosed mental health condition, with conduct disorder nearing 7% and emotional disorders being 5%.

Tim Loughton (East Worthing and Shoreham) (Con): The hon. Gentleman is doing the House a great service by raising this important issue. Is he aware that perinatal mental health problems among service families are much greater than for the rest of the population? SSAFA deals with these problems, along with the problems of higher than average domestic violence among service personnel families, with all the added pressures. It is one of the biggest employers of social workers dealing with child protection and child mental health issues and it does some very good work, but it is under huge pressure because of the problems not being taken as seriously as they might be.

Martin John Docherty: That intervention goes to the heart of the subject matter and its complexity. Domestic abuse is a huge issue in military life, as it is in many other aspects of ordinary life. I am sure the Minister will take that on board in replying to the debate.

When contextualised, the figures I mentioned show that 12,000 military children and young people may have a problem with their mental health. In addition, research from the USA shows that there is an 11% increase in the number of children and young people who access mental health services when one or both parents are deployed into combat.

The issue of young carers in the military family requires further explanation. They are typically aged between five and 24 and help look after a relative with a condition such as a disability, an illness, a mental health condition or a drug or alcohol problem, who is serving, or has served, in the armed forces. We are talking about a condition or disability that, in all likelihood, may have appeared during active service.

Why do we need to support these carers? Some 13,000 of the UK’s young carers care for more than 50 hours a week. Young adult carers aged between 16 and 18 are twice as likely to be not in education, employment, or training. Figures from the MOD show that 2,130 military personnel were severely or very severely physically injured between 2001 and 2014 in combat action, and the relevant current ratio is one child per nearly two and a half veterans—that cannot be maintained. MOD figures also show an increase of 19% in the number of veterans being diagnosed with post-traumatic stress disorder from 2013, with the relevant estimated ratio being one military dependent child to nearly two and a half veterans. The impact on children and young people must be recognised, not only by the House, but in policy and in its implementation to improve their lives.

As a Scottish constituency Member, I am mindful of the ongoing and leading work being undertaken in Scotland. Along with my colleagues, I am grateful to the leadership of our Government in Edinburgh and the Cabinet Secretary for Infrastructure, Investment and Cities, Keith Brown, who has responsibility for veterans and is a veteran himself. This has been crucial in the appointment of the Scottish Veterans Commissioner, whose Transition in Scotland report of 27 March highlighted the myriad issues that have an impact on those in military service and their families. Like the Scottish Veterans Commissioner, I welcome the steps taken by the MOD in implementing some of the Ashcroft review recommendations.

Stewart Malcolm McDonald (Glasgow South) (SNP): My hon. Friend rightly mentions the Scottish Government’s role in trying to deal with the complexity of these issues, and other hon. Members have mentioned the role of third sector organisations in their constituencies. In my constituency, Cathcart old parish church has set up a veterans centre to support veterans and their families. Does he agree that the churches are equally as crucial in helping to deal with the complexity of the problems that military personnel and their families face?

Martin John Docherty: My hon. Friend is correct in what he says. Not just faith organisations, but voluntary third sector organisations the length and breadth of these islands play a crucial role in the support provided to veterans and to their families.

I am hopeful that the MOD recognises that as a Member of this House representing a Scottish constituency I feel that there is little or no acknowledgment of the challenges facing service personnel and their families outside England, in terms of the policy context. This debate offers the opportunity for the Government to rectify the position in which they find themselves; they seem to be lacking in knowledge of the services in not only Scotland, but Wales and Northern Ireland, as I am sure my hon. Friend the Member for Strangford (Jim Shannon) would agree.

I can at least take some comfort from the fact that the Secretary of State, and perhaps even the Minister, will meet my colleague the Cabinet Secretary shortly to discuss matters of common interest. I hope that, given the opportunity, the Secretary of State will use the occasion to advise the Department of the differing approaches in differing jurisdictions, which may offer

[*Martin John Docherty*]

some comfort and support to children, young people and young carers in families of military personnel and veterans.

Critically, I ask the Minister to consider the recommendation of the Ashcroft review and other MOD documents that are based predominantly on policy and service delivery models found in England and Wales, to the exclusion of those service families choosing to settle in Scotland or in Northern Ireland. The Ministry must recognise the differing policy geography in which it and the service families find themselves, especially in relation to housing, healthcare, employment, social care and education, which all have an impact on children in the military family. The sooner that is recognised, the sooner children across the services will reap the benefits of a transition from military life to civilian life when a parent ends their military career through discharge or, yes, through redundancy.

I am grateful to the organisations and individuals who have informed this debate, and, based on their recommendations, I leave plausible opportunities for the UK Government to improve the support offered to children, young people and young carers of military personnel and veterans. They include: supporting further research to understand service children and young people across the UK not in a silo, but in partnership with devolved Governments; utilising strengths within our military and civilian communities, critically learning from the other devolved Administrations, including Scotland; supporting military young carers to maintain good academic and emotional health and well-being outcomes, critically linking with differing policy approaches such as Curriculum for Excellence in Scotland, which leads the way in a more person-centred approach; and considering the creation of digital health passports to support health transition through the child's military journey, reducing the times a child has to tell their health story to the NHS.

Chris Law (Dundee West) (SNP): This matter has also been brought to my attention in my constituency. Very often the problem is that when military personnel move to a new constituency, it takes an imponderable time to get NHS data. Is it not the responsibility of the MOD to give both service and finance to help ease that across the devolved nations?

Martin John Docherty: I would not disagree with my hon. Friend, not least because he is a lot taller than me. [*Interruption.*] Everybody is taller than me. Even my father is taller than me. That is enough of the light-hearted moment.

I hope that we can approach this matter in a collegiate manner across the Chamber. Critically, the Ministry of Defence must recognise the impact of its policy approach on other public services, such as the NHS. There is a need for resources, especially when we are talking about the recording of issues for children and young people who are part of the military family.

I ask the MOD to consider strengthening families at specific times during deployments. For example, we could have a wrap-around approach to service, especially for service forces children who, more often than not, are part of the military family. I am also talking about

those who remain within their own distinct communities—critically, the children of those in the reserve forces who remain at home.

The MOD should also work with the devolved Administrations to educate and facilitate all involved with military families during both the deployment cycle and family reintegration; and to facilitate the empowerment of military families to enable the growth of resilience while supporting caring responsibilities.

I hope that the Minister uses this debate as an opportunity to improve things, particularly the support for children, young people and young carers in the families of military personnel and veterans, as we approach Remembrance Sunday.

4.33 pm

The Parliamentary Under-Secretary of State for Defence (Mark Lancaster): I congratulate the hon. Member for West Dunbartonshire (Martin John Docherty) on securing this debate on the support for children, young people and young carers of military personnel and veterans. I thank him for the constructive way in which he has approached the subject. I have been a serviceman for some 27 years, and I remain in the reserve forces. Having been deployed on operations some three times, I appreciate the impact that service life can have on families—indeed it has had an impact on my own family—so I am particularly pleased to be able to respond to the debate this evening.

First, let me reassure the hon. Gentleman that the Ministry of Defence takes its overall responsibilities for service children and young people extremely seriously. In 2010, the significance of those responsibilities led the Ministry of Defence to establish a separate directorate for children and young people to ensure that all those with specific responsibilities for service children and young people understood, accepted and delivered on those responsibilities. Within that directorate, the MOD's Children's Education Advisory Service provides education-related information, advice and support to families and the military chain of command. I should point out at this stage that responsibility for service children and young people is not the exclusive preserve of the Ministry of Defence, and depends very much on where the service child or young person is living, whether they are in the United Kingdom or based overseas.

Within the four home countries of the United Kingdom, statutory responsibility for the care and support of our service children and young people remains with other Government Departments, the devolved Administrations, as the hon. Gentleman pointed out, and local authorities. We expect our service children and young people to benefit from the same level of care and support as any other child, and that lies at the heart of the armed forces covenant. However, we recognise that a parent's military service will often place additional pressures on service children and young people, particularly when families are required to move to new duty locations and when a parent is deployed for a lengthy period away from home, especially if deployed on active service. Recognising that, the MOD works closely with the statutory organisations to help them understand and mitigate these additional pressures. The work under the armed forces covenant has led to many significant improvements, not least in schools admissions codes and special educational needs and disabilities codes.

For its part, in 2011 the MOD created the MOD education support fund, which now disburses £6 million each year to assist state schools and settings across the United Kingdom in mitigating the impacts of family mobility and parental deployment on service children and young people. I want to take the opportunity to acknowledge the effective use that schools and settings across the United Kingdom have made of the fund. The list is almost endless, and includes setting up clubs to record and send electronic messages to deployed parents and recording school plays and other activities to be shared with those deployed parents, keeping them part of the family while they are away. The fund also provides nurture rooms or quiet spaces where it is possible for children to spend quiet time away from the noise of school during difficult times.

To underpin that financial support, an enormous amount of effective collaborative work takes place at regional and local levels. In partnership with education departments across all four home countries, the MOD has established a number of effective practitioner networks to identify and share best practice in the support of our service children and young people. I recognise that across the four home countries there are different practices, and I am keen to ensure that we share best practice to benefit our young people. Members of the networks support our children on a daily basis, and provide an early indication when things might not be going to plan. They provide the evidence that supports any changes in policy required better to support our children, and to remove any disadvantage that our children might be encountering.

Even though the MOD does not have statutory responsibilities for children and young people within the United Kingdom, our service children and young people can benefit from non-statutory support that the MOD provides. Each of the armed services maintains an occupational welfare service that operates below the statutory level and provides additional support to service children and young people through a range of services and activities, including community and youth work activities in addition to those provided by local authorities, as well as providing access to emotional support through trained and experienced counsellors. For service families who suffer bereavement when a parent or guardian's death is attributable to their service, assistance with the education of their children can be provided from the armed forces bereavement scholarship scheme.

When our service personnel and their families are based overseas outside the United Kingdom, the Ministry of Defence acts in lieu of a local authority and delivers appropriate levels of near-statutory provision. In the case of our children and young people that means that the MOD provides, or provides access to, the normal range of children's services: education, health, social care and safeguarding, and youth development activities. Our MOD schools overseas have an excellent reputation, and their Ofsted gradings and attainment results are routinely above the national averages. These schools have a rich history of mitigating the impact of mobility and deployment that our children can sometimes face. Importantly, this valuable experience is now shared widely and very effectively with schools in the United Kingdom attended by service children, either directly or

via routine conferences held by the national networks that I mentioned earlier. In this context I would like to acknowledge the sterling work done to ensure that the over 2,000 service children who returned from Germany this summer under the Army's basing programme experienced a smooth transition to their new schools and communities in the United Kingdom.

On the subject of MOD schools, I am sure the hon. Gentleman would wish me to reaffirm the Ministry of Defence's commitment to our only remaining MOD school in the UK, the Queen Victoria school in Dunblane. Established in 1905 through public subscription and maintained in perpetuity by the Ministry of Defence, QVS plays an important part in providing continuity of education for service children with a Scottish connection.

In the case of our veterans, the MOD Directorate Children and Young People continues to provide educational information, advice and support to families during and immediately after their transition back to civilian life, and longer for any enduring issues directly attributable to their time in the armed forces. Thereafter, veterans who require welfare support can access this through Veterans UK, which is part of the MOD and was created in 2007 to help ex-service personnel get appropriate support from Government, local authorities, independent bodies and the charity sector. The Veterans Welfare Service can allocate to veterans a welfare manager who provides free and confidential advice on any sort of problem and works closely with voluntary organisations, local authorities and all areas of the Department for Work and Pensions to provide the best possible help and advice.

The issues raised in this debate are at the heart of the MOD's welfare policies and will be further strengthened once the MOD launches the families strategy, which will be the sole topic of the MOD's welfare conference to be held in London later this month. The strategy supports the Government's manifesto commitment to supporting the unsung heroes—the partners and families of those who serve. Its vision is to facilitate resilient and self-sufficient families, and it is underpinned by the principles of fairness, increased choice, self-sufficiency and resilience.

I would like to express particular thanks to the group of people who contribute most to the support of our service children and young people. That group is, of course, those service children and young people themselves. The commitment that our servicemen and servicewomen make to our country places extraordinary demands on their families, and requires their children and young people to display enormous courage, resilience and stoicism, and they do so on a daily basis. The extraordinary thing is that when one speaks to our children, they make it very clear that they do not want to be treated differently from their civilian counterparts; they just want it recognised that, from time to time, the pressures of military life mean that additional support is required if they are not to suffer disadvantage. We all have a shared responsibility to ensure that they receive it.

Question put and agreed to.

4.43 pm

House adjourned.

Westminster Hall

Tuesday 3 November 2015

[GRAHAM STRINGER *in the Chair*]

Corporate Economic Crime

9.30 am

Stephen Pound (Ealing North) (Lab): I beg to move,

That this House has considered the matter of prosecuting corporate economic crime.

It is hardly necessary for me to point out what a pleasure it is to serve under your auspices, Mr Stringer, and I am sure that I speak for every person in the room when I say that it is marvellous to be here on this crisp autumnal morning. As the fog lifts from our city, I intend to cut through some of the fog around Government policy on the prosecution of economic crime. I have every confidence that the Minister will be able to illuminate this dark part of the legislative process. I called this debate to focus on economic crime and on whether our law enforcement agencies and related prosecuting authorities have the necessary tools to prosecute such crimes.

All current indicators seem to show that economic crime, such as fraud, tax evasion or bribery, are on the rise. City traders, previously perceived as paragons of virtue, are being convicted of rigging key bank lending rates, and some of our biggest banks and institutions are under investigation, challenging the very fabric of our society. This debate is clearly timely and important and comes at a point when the Government are sending out, if I may say, extremely mixed signals about their approach to holding individuals and companies to account for wrongdoing. It gives me no pleasure to say that they appear to have U-turned on a key manifesto pledge. It is widely accepted that a major issue in corporate economic crime in this country is how we can hold companies to account for their actions, and in particular make corporate wrongdoing a criminal offence. The UK's corporate criminal liability framework is widely considered to be inadequate and lags far behind that of the US.

The Government have made some promising signals about finally getting to grips with the matter, with the Attorney General promising in September 2014 to introduce a corporate liability offence, a promise repeated—may I say, carved in stone?—in the Conservative's manifesto. Yet, having heard nothing since the election, we learned just over a month ago that the Government no longer see any need for such an offence, even claiming that no such economic crimes go unpunished, which is a slightly Panglossian perspective that I hope to challenge in the next few paragraphs of my speech. Given what we know about economic crime, the impact that it has on businesses and the difficulties that law enforcement agencies face in prosecuting individuals and companies for such crimes, the decision is extremely disappointing. I hope that when the Minister has listened to the many concerns raised in the debate, he will be able to reassure hon. Members that he will look again at the proposals.

It is always a good idea to define what one is talking about. In response to the fairly reasonable question, "What is economic crime?" I turn, as sadly do so

many people in the Labour party nowadays, to PricewaterhouseCoopers. Its economic crime survey defines economic crime as

"the intentional use of deceit to deprive another of money, property or a legal right."

That includes money laundering, bribery, tax evasion and fraud, and such acts can be committed by employees of companies. The financial services industry, according to a recent Treasury risk assessment, is seen as being at most risk of harbouring money-laundering activities. I will return later to how we can prosecute or deter such activities, but one way is to hold companies liable if they have not adequately prevented such activities, and to make it an offence to have not prevented economic crime. For those present who sat through the debates on the Bribery Act 2010, this will be familiar territory.

The Government announced in late September that they were no longer pursuing proposals to introduce a corporate liability offence, on the basis that such an offence is unnecessary. That came to light in a fairly roundabout way following a written question from the hon. Member for Gower (Byron Davies), who is a prominent member of the all-party parliamentary group on anti-corruption, requesting an update, to which the Under-Secretary of State for Justice, the hon. Member for South West Bedfordshire (Andrew Selous), replied:

"The UK has corporate criminal liability and commercial organisations can be, and are, prosecuted for wrongdoing. The UK Anti-Corruption Plan tasked the Ministry of Justice to examine the case for a new offence of a corporate failure to prevent economic crime and the rules on establishing corporate criminal liability more widely. Ministers have decided not to carry out further work at this stage as there have been no prosecutions under the model Bribery Act offence and there is little evidence of corporate economic wrongdoing going unpunished."

That prompts the question of whether there is any evidence of economic crime going unpunished, and how prevalent economic crime is. The figures speak for themselves. KPMG's twice-yearly fraud barometer—riveting reading that I recommend to all Members—reports that fraudulent activity in the UK totalled £385 million in the first half of 2015, which is up 22% on last year. The Government's National Fraud Authority—a marvellous title—has reported a £52 billion-a-year loss to the UK economy from fraud. Indeed, the Attorney General himself has identified the growing threat of economic crime in this country. In a 2014 speech announcing his intention of pursuing the case for a new corporate liability offence, he observed that

"in the modern global economy, economic crime is more pervasive than ever before...the evolving nature of economic crime means we need to continue to find and develop new ways to expose and combat it."

More high-profile cases of economic crime are being alleged or prosecuted. This summer saw the first prosecution of a UBS City trader following the LIBOR scandal. Tom Hayes was found guilty of rigging global LIBOR interest rates and sentenced to 14 years in prison for conspiracy to defraud in a case brought by the Serious Fraud Office. Two more British traders are also standing trial in New York for their alleged role in a scheme to rig LIBOR. That followed the extraordinary revelations in February that the Swiss private banking arm of HSBC, which is headquartered in London, had helped over 100,000 wealthy individuals to evade and dodge tax all over the world. HSBC has admitted to that. In spite of all that, the number of defendants prosecuted by the

[Stephen Pound]

SFO and City of London police—as I presume everybody knows, as well as investigating crime, it is often the lead agency in such matters—has fallen by a fifth since 2011, from 11,261 then to 9,343 last year. According to the *Financial Times*, the fall in prosecutions has been largely put down to both a lack of resources, given the significant spending cuts of the past five years, and the fact that agencies are ill-equipped to pursue and prosecute white-collar crimes.

How do we make sure our law enforcement agencies are properly equipped to ensure that those who commit economic crimes are held accountable, punished and ultimately deterred? The answer many turn to is some form of corporate liability offence, which essentially makes it a crime if a company fails to prevent acts of economic crime, such as fraud and bribery. However, with one exception, such an offence does not exist in the UK. Instead, current UK corporate liability law is based on the identification principle. Again, this will be familiar territory to those who remember the passage of the 2010 Act. In order to prove that a company is guilty of an economic crime, the prosecutor must show that a person who is the directing or controlling mind of the company intended to commit, or had knowledge of, the criminal act. That requires identifying somebody at the most senior level in a company as being responsible. In the modern, globalised world in which we live, where companies span numerous national borders and jurisdictions, that is no small task; it is virtually impossible. Many believe that it sets the bar far too high for prosecutors to prove corporate liability. There is one exception: bribery, in which the burden of proof is essentially reversed.

Thanks to section 7 of the 2010 Act, which the previous Labour Government introduced, commercial organisations can be held liable if they are found to have failed to prevent bribery by their employees; unsurprisingly, that is known as the “failure to prevent” principle. As such, companies are required by law to prove that they have carried out adequate procedures to prevent acts of bribery by their employees. That acts as their statutory defence. Many see section 7 as a model that could be used to hold corporates criminally liable for all kinds of economic crime, not just bribery. The director of the SFO, David Green, has made it clear on a number of occasions that he would support such a move. In 2013 he said:

“A more sensible and just approach might be that embodied in Section 1 of the Bribery Act 2010. This creates the offence of a commercial organisation ‘failing to prevent’ bribery by its employees, with a statutory ‘adequate procedures’ defence. Extending this approach, a Corporate, or certain types of Corporate (such as banks and companies listed on stock exchange) could be liable for failing to prevent certain types of criminal offence by their employees subject to a statutory defence.”

Until recently, that view was echoed by the Attorney General, who said a little more than a year ago, in his first major speech in the role:

“Government officials are considering proposals for the creation of an offence of a corporate failure to prevent economic crime, modelled on the Bribery Act section 7 offence.”

That promising start from the Attorney General did not last, and the Government have now decided that no such offence is required, despite the fact that the leading prosecuting authority for white-collar crime, the SFO, clearly favours such an offence.

What people had to say about that decision can help us to understand how important many see a new corporate liability offence as being to strengthening the ability of law-enforcement agencies to prosecute white-collar crime. Robert Amaee, a former head of anti-corruption at the SFO, said:

“This retraction by the government is unlikely to be welcomed by the prosecutors who have been calling for an extension of the law on corporate criminal liability. I expect that there will be renewed enthusiasm for revisiting this topic once the SFO has shown that it can bring successful prosecutions under the existing failing to prevent bribery offence.”

Alan Sheeley, head of civil fraud and asset recovery at Pinsent Masons, said:

“The new criminal offence of failure to prevent bribery might not have resulted in any dedicated prosecutions as yet, but its impact on the attitudes and policies of businesses of all sizes has been staggering. I would have expected the potential legislation of failing to prevent economic crime to have the same impact if and when implemented. Frankly, this seems like a wasted opportunity by the UK government to target economic crime and, at the same time, reinforce the role of the UK as a leader in tackling economic crime in global financial markets and businesses.”

The Conservative manifesto, a document that I study with great interest and care when I have difficulty getting to sleep at night, states:

“We are also making it a crime if companies fail to put in place measures to stop economic crime, such as tax evasion, in their organisations and making sure that the penalties are large enough to punish and deter.”

Without commenting on the rest of the Conservative manifesto, that was a sensible proposal that seemed to be supported universally. It is therefore disappointing that the Government have seemingly performed a screeching handbrake turn.

Only the month before last, the Treasury published its long-anticipated “UK national risk assessment of money laundering and terrorist financing activities”. We need only look at the report’s conclusions to understand the importance of equipping law enforcement agencies, and of ensuring that prosecuting authorities have the tools in the armoury to prevent and punish economic crime. The report stated:

“The size and complexity of the UK financial sector mean it is more exposed to criminality than financial sectors in many other countries, including abuse enabled by professional enablers in the legal and accountancy sector...The UK’s response is well developed, but more needs to be done to ensure it is commensurate with our status as a well regulated global financial centre.”

I speak as a London MP, and about 60% of the offences we are discussing take place in my city. More clearly needs to be done; that is the key.

A criminal offence of failing to prevent economic crime would enable agencies and authorities to do more; as we have heard from the director of the SFO, it would clearly help him and his teams to do more. In our increasingly interconnected, digital world, economic crime is arguably more prevalent than ever before, as the Attorney General has conceded. The tools at our disposal and the resources available to our agencies and authorities must evolve to keep pace with developments.

I hope that the Minister can today say proudly that the option of introducing a criminal offence for failing to prevent economic crime is still on the Government’s agenda, and that they intend to propose one in due course. I hope the Minister will be able to provide that reassurance today, because given the events of 2007-08

and everything that followed, the public have a right to expect that those who defraud, launder money or commit other white-collar crimes are brought to justice.

In common with many Members of Parliament, I have a fantasy. My fantasy—don't worry, Minister—relates to the marvellous "The Comic Strip Presents" television series. "The Strike" showed how Hollywood would imagine the miners' strike. Al Pacino played Arthur Scargill, and Jennifer Saunders played Meryl Streep. At one stage a young Arthur Scargill entered the Chamber of the House of Commons and made an impassioned speech in favour of the mineworkers, whereupon the Speaker, who was apparently Leader of the Opposition and Head of Government at the same time, said, "You have convinced me, Sir. We will throw out all our existing policies on pit closures and reverse everything. We will do precisely what you, young Scargill, have asked for."

I would not put myself in the place of Al Pacino or Arthur Scargill, but how wonderful it would be if the Minister said, "Having considered the matter, I will break free from the shackles of this Government, and from the rigid centralism that permeates the Conservative party. I accept that a point has been made, and that we need to do something. We will act; we will overturn the previous policy U-turn, and we will revert to the noble words in the Conservative party manifesto. We will introduce that crime." The nation would be happy; the City might not be utterly delighted in the first instance, but it would be delighted as our reputation improved; and, above all, the SFO and decent people who care for the probity of our financial services in these islands would look to the Minister and thank him, were he to make that statement today.

9.46 am

Christina Rees (Neath) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer.

I congratulate my hon. Friend the Member for Ealing North (Stephen Pound) on securing this important debate. As we heard from him, economic crime is on the increase and fraud very much remains a hidden crime. I, too, turned to the 2014 PricewaterhouseCoopers global economic crime survey, which found that 44% of UK organisations reported some type of fraud—the global average is 37%. The majority of respondents felt that the number of instances and the financial impact of economic crime had increased since 2013. The proportion of employees committing economic crime increased from 34% to 41%, and most crimes are committed by junior staff.

The Treasury's money laundering and terrorist financing national risk assessment found:

"The size and complexity of the UK financial sector mean it is more exposed to criminality than financial sectors in many other countries".

The risk assessment also stated that the banking sector is at highest risk of money laundering because London is home to 250 foreign banks and is the largest centre of cross-border bank funding. We clearly need laws to combat economic crime.

Existing UK corporate liability law is based on the identification principle, which requires prosecutors to show a person who is the "directing" or "controlling" mind of the company—that is, that someone sufficiently senior intended to commit the criminal act—in order to

prove the company guilty. In the case of large multinational corporations, however, it is difficult to identify individuals who are the directing or controlling mind. In other words, they are getting away with it.

Indeed, in 2013 the director of the Serious Fraud Office, David Green, said that

"a corporation is only liable if the top personnel can be shown to be complicit, but this is very hard to prove—rarely does the email chain go above a certain level".

Furthermore, the identification principle creates perverse incentives for board-level officers to distance themselves from knowledge of wrongdoing, so any decision to engage in wrongdoing is split between individuals with different knowledge, making it difficult to prove that one person had the intent.

What are the alternatives? The Labour Government introduced the Bribery Act 2010, but there have not been many prosecutions, and the first convictions did not take place until December 2014, when three men were jailed for a £23 million biofuel investment scam. Those men, who worked for Sustainable Agroenergy plc, preyed on people, conning them into investing their savings and pension funds.

The Bribery Act overhauled laws that dated back 122 years and gave prosecutors new powers to fight modern internet bribery. As we have heard, section 7 of the Act made it an offence for a commercial organisation to fail to prevent bribery by its employer; the defence is adequate procedures. No prosecutions have been pursued under that section, so it has not been tested in the courts, but Alan Sheeley, the head of civil fraud and asset recovery at Pinsent Masons, said that the Act's

"impact on the attitudes and policies of businesses of all sizes has been staggering."

The Labour party sees section 7 as a model that could be used to prosecute all economic crimes. A company would be liable for failing to prevent certain offences of economic crime unless it showed that it had put adequate procedures in place to prevent it. As we have heard, however, although the Attorney General made that proposal in September 2014 and included it in the 2014 anti-corruption plan—and even though it was in the Conservative party's manifesto and it received widespread cross-party support—the Under-Secretary of State for Justice, the hon. Member for South West Bedfordshire (Andrew Selous) responded to a written question from the hon. Member for Gower (Byron Davies) to say that the proposal had been dropped.

The Government have received much criticism for reneging on that promise. Indeed Elly Proudlock, a member of WilmerHale's white-collar crime team, said:

"It is surprising that the Government has decided not to pursue law reform in this area, given the small number of corporate prosecutions to date and the repeated insistence by David Green... that the threshold for establishing corporate criminal liability must be lowered."

The new offence of failure to prevent bribery has had a profound effect on the attitudes and policies of businesses of all sizes. The threat of prosecution has reduced offending, so we need to change the culture in companies on committing economic crime. It is concerning that the attitudes of those in senior positions in companies contributes to the prevalence of economic crime committed by their employees. To broaden section 7 to include all economic crime may well have a positive effect on those

[Christina Rees]

senior people and, in turn, that may change the culture of their employees. The threat of prosecution may well be persuasive in itself.

The alternatives include introducing a new vicarious liability regime similar to the US model, whereby companies are liable for the illegal acts of employers and agents when such acts are in the scope of their employment and benefit the company. However, vicarious liability is notoriously difficult to prove.

What about deferred prosecution agreements, another import from the US, where they are used extensively? DPAs were introduced to the UK in 2014 by the Crime and Courts Act 2013. They are a method by which an organisation can avoid prosecution by entering into a contract with certain conditions, which may include paying a financial penalty, paying compensation or co-operating with future prosecutions of individuals. They can be used for fraud, bribery and other economic crimes. The SFO says that a DPA would be appropriate when the public interest is not best served by mounting a prosecution. No DPAs have been signed yet, but there is speculation that two small private companies, Barclays and Tesco are involved in discussions. The SFO's director, David Green, suggested that two will be signed by the end of 2015.

On one hand, many see DPAs as a proven method of compensating for economic crime. In the US they brought in more than \$4.2 billion last year and more than \$9 billion in 2012. That may be evidence of their effect in reducing economic crime. On the other hand, they are a way for companies to get out of jail, because no one goes to jail.

Of greatest concern is whether DPAs will work in the UK. Without the threat of criminal liability prosecutions and the likelihood of an organisation being prosecuted, what is the incentive to sign a DPA? Why pay a significant fine, pay compensation or co-operate in prosecutions if there is no chance of getting caught in the first place?

One of my concerns is the practical question of the lack of resources needed to pursue large, complicated cases against well-resourced multinational corporations. If the resources are not there, adding new offences to the statute book will not be effective. We need new methods to combat economic crime, but we also need resources.

9.55 am

Stephen Kinnock (Aberavon) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I congratulate my hon. Friend the Member for Ealing North (Stephen Pound) on his inspiring and passionate speech. The image he gave towards the end of his speech of Al Pacino playing Arthur Scargill will live with me for the rest of the day.

Before I start, I must declare two interests: I am the Parliamentary Private Secretary to the shadow Secretary of State for Business, Innovation and Skills, my hon. Friend the Member for Wallasey (Ms Eagle), and in a previous life I worked for the World Economic Forum, many of whose members were FTSE 500 companies. In fact, my experience should reassure the City and our friends in the financial

services sector that I am not here to attack them; on the contrary I come here today with their best interests at heart.

We all remember the events that led up to the collapse of Lehman Brothers and the tumultuous events of the ensuing months and years—events that changed the course of history and caused many of the troubles that the world faces today: the sovereign debt crisis, chaos in the eurozone and the freezing of public and private sector investment. A sluggish economy with an uncertain future means that many who have been worst hit want to see “the bankers”, as they are characterised, punished. People feel that the law is broken and that those who broke it have been let off scot-free.

Cool heads have prevailed and blanket retribution has not been applied, which is a good thing, but the Government now seem to have swung far too far in the other direction, towards total and complete inaction, with the odd knighthood stripped but little more to show than that.

The City and the financial services sector need to be held accountable, for their own good as much as for the public's, and our common interest should now be to rebuild trust. Right now, trust levels are at rock bottom. According to the Edelman Trust Barometer, financial services is the least trusted industry worldwide. Almost 60% of the British public rates the banking industry's performance as poor or very poor. That is not sustainable if we want the City to carry on thriving. In fact, if we break the figures down, we see that the City's trust score is artificially inflated by higher levels of trust in retail banks, while of those polled only 18% trust investment bankers and only 12% trust fund managers.

In the light of such a fundamental breakdown in confidence, hon. Members can imagine how pleased I was to read the following paragraph in the Conservative party's 2015 manifesto:

“We are also making it a crime if companies fail to put in place measures to stop economic crime, such as tax evasion, in their organisations and making sure that the penalties are large enough to punish and deter.”

To Labour Members, that was music to our ears, so the Government's recent decision to backtrack on corporate liability was all the more disappointing and puzzling. I am concerned that, in backtracking on that vital manifesto pledge, Ministers will have opened themselves up to suggestions—totally unfounded, of course—that they are acting on the demands of a number of those who donate large sums of money to the Conservative party. I urge the Minister to dispel those nasty rumours.

The Conservatives' courageous and correct manifesto commitment had teeth and was a wholly proportionate response to the fact that fraudulent activity increased by 22% in the first half of 2015 compared with the first half of 2014. That is not good for our financial security or for the future of an industry that fundamentally requires public trust and backing more than ever before. Despite promises to the contrary, there have been no criminal sanctions for reckless management, nor have we seen any sign of the much touted rule that bars managers of failed banks from running other companies.

I want the City to succeed, because it is vital to our economy, but I am concerned that the Government are too short-sighted to see what real, long-term, sustainable

success means. Success means rebuilding trust and changing how the City is perceived. In closing, therefore, I would like to make a number of recommendations on smart regulation.

First, the Government must act on their own manifesto and enforce corporate liability. Criminal sanctions for bad management are almost universally supported by the public and are key to establishing a new corporate culture based on transparency. Secondly, the Government must act on the Treasury's "UK national risk assessment of money laundering and terrorist financing" by cracking down on professional enablers in the legal and accountancy sector. Thirdly, they must get serious about investing in the tools and technology necessary to keep pace with these criminals.

Labour Members want only to see a thriving financial services sector. For the sector to thrive and prosper, it must regain the trust of the British people and reclaim its licence to operate. That is why the measures in the Conservative party manifesto were so welcome, and why it is vital that they are urgently incorporated into law. It is absolutely right to be pro-business, but it is wrong to be pro-business as usual.

10.1 am

Kate Osamor (Edmonton) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Stringer. I thank my hon. Friend the Member for Ealing North (Stephen Pound) for securing the debate.

Like many of my hon. Friends here today, I was disappointed to learn that the Government appear to have dropped their plans to introduce a corporate liability offence. By going back on their manifesto pledge to prosecute economic crime, this Government are pandering to corporations. They are not following through on their promise to tackle tax evasion. They are not adequately holding corporate criminals to account, in the same manner as other criminals. After the crash of 2008, the public have a right to expect those who launder money, defraud or commit other white-collar crimes to be brought to justice. The bail-out cost UK taxpayers £133 billion—more than £2,000 per person.

As the Attorney General identified in September 2014, in the modern economy, economic crime is more pervasive than ever. According to the Financial Conduct Authority, white-collar crime is estimated to cause the UK losses of more than £40 billion a year. The number of defendants prosecuted by the Serious Fraud Office and the City of London police has fallen by a fifth since 2011, despite an increase in tip-offs. Figures from June 2014 show that the number of leads reported to Action Fraud—a national crime reporting centre that is part of the City of London police force—had jumped 46% year on year. According to Pinsent Masons, the Serious Fraud Office received more than 2,000 reports of suspected white-collar crime from whistleblowers last year.

The clear disparity between the evidence of rising economic crime and rising tip-offs and the falling number of prosecutions highlights the fact that the mechanisms in place are not working. Current legislation is inadequate to prosecute economic crime. That point is acknowledged by the SFO's director, David Green, who would support extending section 7 of the Bribery Act. The Government's lack of political will to address this issue is acting against the public interest.

Stephen Pound: My hon. Friend makes an important point when she talks about existing legislation but an absence of will. When deferred prosecution agreements were introduced, as part of the Crime and Courts Act 2013, we could have gone the way of the United States, which uses them with great skill and effectiveness, but for some reason not a single DPA has been signed off in this country. Does she agree that that is an example of where the legislation exists, but the will demonstrably does not?

Kate Osamor: That is a fantastic point, and I totally agree.

I end by urging the Government both to honour their manifesto pledge to tackle economic crime and to reassess their rejection of extending the Bribery Act to cover all kinds of economic crime.

10.4 am

Richard Arkless (Dumfries and Galloway) (SNP): It is a pleasure for me, too, to serve under your chairmanship, Mr Stringer. I thank the hon. Member for Ealing North (Stephen Pound) for introducing the debate. I also thank the hon. Members for Neath (Christina Rees), for Aberavon (Stephen Kinnock) and for Edmonton (Kate Osamor) for their thoughtful and insightful contributions.

The debate is predicated on the widely held public view that the bankers seem to have got away with it over the last five, six or seven years. Whether that is correct or not, it is certainly the widely held public perception. The urgings from the Opposition and the Conservatives' manifesto pledge seemed to indicate that they were inclined to address that widely held view. I welcome that, and it is right that the issue is addressed. As we have heard from Opposition Members, corporate economic crime has increased over the last few years, and there is a question about whether both the means and the inclination and the will to tackle it exist.

I speak on behalf of the Scottish National party, of course, and section 7 of the Bribery Act applies only to England and Wales, not to Scotland. Most of the prosecutions that could be brought by the Serious Fraud Office or another entity relate to subjects—financial crime and financial regulation—that are reserved functions. However, Scotland has a long and well established criminal court system, which could bring charges for individual crimes to bear on individual directors, but as we have heard, those tools may not be up to the job. The SNP would be very interested, to say the least, in Government proposals on this point, but we recognise that there are difficulties. We, too, live in a jurisdiction where the prevalent public perception is that the bankers have got away with it. My constituents, like people across Scotland, are demanding that something be done.

I should declare a slight interest as a former practising lawyer, qualified on both sides of the border. Having come to this debate fairly recently, one difficulty I would point to is the difference between holding a company, as opposed to an individual, criminally liable. I am not saying that we could not get around that problem in law, but it strikes me, as a legally qualified person, that there are difficulties involved in bringing an entity into the realms of criminal liability. However, if the Government come up with proposals to get round that, I would certainly look at them.

[Richard Arkless]

The message to the Government from the SNP and Scotland is that if they do consider giving Scotland more tools to address these reserved issues, they should carefully consider the provisions that already exist in Scots law and make sure that the principles of Scots law are not set aside. It is in that spirit of co-operation that I come to the debate, and I am very interested to hear what the Minister has to say. We welcome moves to tackle this issue, but we are cautious about how they can be achieved.

When it comes to how the bankers have apparently got away with it, the message I hear from my constituents and from people across Scotland is really about actions and consequences. Over the last five to eight years, many ordinary people have, they would argue, suffered enormous consequences as a result of the actions of others. The public's view in Scotland—I suppose this is replicated across the rest of the UK—is that there are people in the financial services industry who are earning huge sums and have suffered no consequences as a result of their actions or the actions of the company they are employed by. On the face of it, that needs to be addressed. We in Scotland are very interested to hear what the Minister has to say about what seems to be a substantial tide of opinion. Of course, we recognise that there are difficulties, which need to be addressed in any proposals.

Stephen Pound: The hon. Gentleman brings a wealth of experience and knowledge to the matter, which is welcome. In the context of what he was saying about perceptions, is he aware that in the summer BIS consulted the business community about whether to water down Labour's Bribery Act guidance to businesses? That surely sends completely the wrong signal to business. Does the hon. Gentleman agree that when there is consultation on whether even a measure as modest yet effective as the Bribery Act 2010 is potentially dilutable—if there is such a word—it sends an appalling signal?

Richard Arkless: Yes, wholeheartedly. The public perception is real and tangible, and in my view it is entirely based in fact. The Government's reluctance to continue on the road, and the suggestion that the 2010 Act, which does not apply to Scotland, might even be watered down, sends entirely the wrong message. If we can convince the public that we are serious about the issue, the trust in financial services that has evaporated in the past five to 10 years can, I hope, be restored. The reason Parliament thought it right to bail out the banks was their intrinsic role in the economy, and that has not changed; however, the public need to have confidence in the financial services sector. For the time being they do not have such confidence, and I will be interested to see what the Government will propose.

10.11 am

Catherine McKinnell (Newcastle upon Tyne North) (Lab): It is a pleasure to serve under your chairmanship, Mr Stringer. I congratulate my hon. Friend the Member for Ealing North (Stephen Pound) on securing this important debate on prosecuting corporate economic crime, and on his argument, which he put forward with his customary elegance. The debate is timely, in the light of recent announcements by Ministers. I congratulate

all the hon. Members who have taken part in the debate, who made powerful contributions and set out strongly the arguments that the Government should listen to. Each of them made important points, to which I shall refer. I do not mean to diminish the Minister's presence when I say that I am disappointed that neither of the Law Officers could attend the debate. I hope that is not a sign of Government obfuscation on these important issues.

Like my hon. Friend the Member for Aberavon (Stephen Kinnock), I am not here to bash bankers. The City of London is the world's second-largest financial centre and a major contributor to the UK economy. Its success is clearly founded on the professionalism and integrity—for the most part—of those who work in the sector. That is why we cannot allow its reputation to be undermined by the actions of the minority who engage in fraud, corruption and market manipulation. Yet despite the events of 2007 and 2008, and all that has followed—parliamentary commissions, Select Committee inquiries and the setting up of new regulators—economic or white-collar crime remains a serious problem in the UK. We need only look at the horrifying spectre of LIBOR rate rigging to be reminded of why the Government cannot rest on their laurels in this matter; yet the ability of our law enforcement agencies and prosecutors to tackle such pernicious crimes remains limited.

As my hon. Friend the Member for Ealing North pointed out, the Government gave some promising signals. They announced the introduction of a senior managers regime to hold named executives to account for their actions, and they pledged to introduce a new corporate offence of failure to prevent economic crime. It is disappointing that that was not, as my hon. Friend pointed out, etched in stone, but it was in the manifesto for all to see. Both proposals were seen as vital to prevent the repetition of the failings of the past and bring the UK regime into the 21st century. However, in both cases the Government have backtracked.

What do we know about the reasons for the Government's change of heart about the corporate liability offence? According to a response to a written question to the Ministry of Justice,

"there is little evidence of corporate economic wrongdoing going unpunished".

That is despite the fact that according to the Financial Conduct Authority banks have paid an estimated £1.8 billion in compensation for mis-selling financial products such as interest rate swaps, and have already set aside an additional £27 billion to compensate for payment protection insurance mis-selling. That is not to mention the £4.4 billion lost each year to tax evasion, according to the latest estimates from Her Majesty's Revenue and Customs, or the countless banks and financial institutions that are being investigated by the Serious Fraud Office for various types of misconduct, but have not yet been prosecuted. Why have the Government concluded that no action is required? I hope that the Minister can enlighten us.

Some recent disclosures are cause for concern. Last month the Treasury published the national risk assessment, the first comprehensive assessment of the risks of money laundering and terrorist financing—both from within the UK and flowing through it. It is the first assessment of its kind and has been highly anticipated since the Government committed themselves to producing it, in

their 2014 anti-corruption plan. The Government's assessment of the risks posed by elements in the financial sector is clear:

"The size and complexity of the UK financial sector mean it is more exposed to criminality than financial sectors in many other countries, including abuse enabled by professional enablers in the legal and accountancy sector".

Nevertheless, the report notes that the UK has "significant intelligence gaps" with respect to money laundering, despite what is judged to be a serious threat from, for example, the legal, banking and accountancy sectors. The conclusions are not encouraging:

"The UK's response is well developed, but more needs to be done to ensure it is commensurate with our status as a well regulated global financial centre."

The message is clear: far more needs to be done. I would therefore welcome reassurance from the Minister that something is being done. The aim must be to ensure that the appropriate measures are in place to deter behaviour that facilitates or contributes to the committing of economic crime. That would not only encourage good practice and the right corporate culture, but mean that wrongdoers were held accountable, which would be a deterrent. There is widespread concern that the UK's current corporate liability regime is not up to the job. That is the view of the Law Commission and the OECD's working group on bribery, both of which have produced seminal work on the subject. Both concluded that the current regime does not allow the UK to hold corporations and key persons within them to account effectively for their part in economic crimes.

In its extensive work on the UK's corporate liability measures, the Law Commission described the present regime as

"an inappropriate and ineffective method of establishing criminal liability of corporations".

It also noted the unfairness inherent in the identification doctrine, explained by my hon. Friend the Member for Ealing North, which makes it far easier to prosecute smaller companies, where the "directing mind" is more easily determined, than large corporations with much more diffuse chains of command.

Stephen Pound: My hon. Friend raises a point that has given me pause for thought. Does she agree that there is such a thing as a corporate culture in certain companies—I think that there is ample evidence of such behaviour—and that if, often, the culture is not in the interest of probity or the wider public, it is difficult to identify the person of whom an example should be made? If the culture is allowed to fester and permeate, inevitably it spreads. Does my hon. Friend agree that there is an issue of identifying an individual, pour encourager les autres at the very least?

Catherine McKinnell: My hon. Friend makes an important point that goes to the heart of the argument. My hon. Friend the Member for Aberavon argued cogently that ultimately, we need a better way of establishing responsibility for the actions of a company and those who serve within it. It is not enough for those at the top to wash their hands of responsibility for the actions of the officers and employees who operate, act and work under the company's name.

There needs to be much greater clarity about the legal framework. Many bodies, including the Law Commission, have called for that. What is even more key is that the

Government seem to share that view. In a consultation undertaken in July 2015 on the introduction of a new corporate offence of failure to prevent tax evasion, the Government concluded:

"Under the existing law it can be extremely difficult to hold the corporations to account for the criminal actions of their agents".

That observation has been made by the Government and Ministers on several occasions, as well as by my hon. Friends in their contributions today.

The Law Commission, the OECD working group and the director of the Serious Fraud Office point to section 7 of Labour's Bribery Act as a potential solution. As my hon. Friend the Member for Ealing North set out in his speech, section 7 of the Bribery Act makes it an offence to fail to prevent bribery. It places the onus on companies to prove that they have put in place adequate procedures to prevent bribery, and is widely seen as a far more effective way of holding companies and the individuals within them to account, which is why many want to see that model extended to other types of economic crime.

Stephen Kinnock: We have talked a lot about accountability and trust today, but another important word here is "risk". We saw in the events leading up to 2008 and the collapse of Lehman Brothers a systemic failure to manage risk. It is in the interests of both Government and the private sector more broadly—the real economy and the financial services sector—to put systemic measures in place in order to manage risk in a way that ensures the appalling events in and following 2008 never happen again. Some regulation of the market is therefore, by definition, required as a risk management tool. Does my hon. Friend agree?

Catherine McKinnell: My hon. Friend makes an important point and anticipates my next point. First, I want to clarify exactly where the Government seem to be on this issue.

The Government's recent announcement has caused much confusion among those who care about this issue, because it seems to be very much at odds with what they have been saying and the messages and signals they have been sending out. In his first speech as Attorney General over a year ago, the right hon. and learned Member for Kenilworth and Southam (Jeremy Wright) suggested that he was considering the section 7 proposal. We then discovered, in an answer to a written parliamentary question, that it had been dropped. We need clarity from the Minister today about exactly why that decision was made and what the Government will do to ensure that our concerns are addressed if they are not proceeding with that proposal.

The director of the Serious Fraud Office, David Green, has made clear his support for the expansion of section 7 of the Bribery Act. He has described how useful it would be in order to better facilitate the use of deferred prosecution agreements. My hon. Friend the Member for Neath (Christina Rees) set out eloquently how deferred prosecution agreements work and their potential importance in dealing with some of the issues that have been highlighted. It is no secret that the Serious Fraud Office director favours the use of DPAs, which are currently more widely used in the United States. To clarify, they provide for a corporation to avoid prosecution by entering into an agreement with a

[Catherine McKinnell]

number of conditions attached, which may include paying a financial penalty, paying compensation or co-operating with future prosecutions of individuals. In doing so, they avoid prosecution. The aim is to hold key individuals to account, to secure significant financial penalties from companies that have committed wrongdoing and ultimately, to prevent future wrongdoing by encouraging or mandating reforms within those companies.

Deferred prosecution agreements are not without their critics, but they have been widely used in the US for the past 20 years or so and brought in some \$4.2 billion to the Department of Justice in 2014 alone. One key problem with importing the use of DPAs to the UK is that they are intended to be a carrot, while the stick is the prospect of prosecution for corporate economic offences.

Stephen Pound: My hon. Friend is giving us a masterclass, and it is greatly appreciated. I am sure that she, like me, felt her heart leap when the American authorities started to act against FIFA using their Foreign Corrupt Practices Act. Does she agree that we can learn much, for once, from the American example and the action they took against the appalling, utterly corrupt situation regarding FIFA? I am not remotely comparing any British business to FIFA—it would be hard to find anything outside the Augean stables or the seventh circle of hell that compared to that organisation. The Americans seem able to achieve things that we cannot. Is that because of the quality of the excellent US Attorney General and her staff, or should we be learning from the American legislation?

Catherine McKinnell: My hon. Friend makes an important point. We should not shy away from learning lessons from any jurisdiction that manages to control risk, as my hon. Friend the Member for Aberavon highlighted, and to hold companies to account where wrongdoing has occurred. Where there are lessons to be learned from the US, we should learn them and do what we can to implement them within our own system. We could then hold ourselves up as a beacon for other countries and hold our heads high as a well-regulated, world-leading financial centre. That has to be our aim in all of this.

As my hon. Friend the Member for Neath pointed out, without the fear of corporate economic crime being prosecuted, there is little incentive for companies to enter deferred prosecution agreements and no incentive for companies to co-operate with the SFO to change their practices as mandated under a DPA. Unlike in the US, which has far stronger vicarious liability laws, there are still far too few corporate prosecutions in the UK under the current identification principle. No matter how much we may wish to learn from the United States—if that is what we see as the right way forward—without a strengthened corporate liability regime we will be hampered in our efforts to implement such changes.

Finally, I turn to another area that shows concerning signs of backtracking by the Government and in which we would otherwise have seen individuals in companies held accountable for their own and others' actions. In its 2013 report on the banking sector and how to prevent the failings that led to the 2008 crash, the

Parliamentary Commission on Banking Standards similarly recognised the difficulty in identifying individuals and holding them to account. One of its key recommendations was to introduce a senior managers regime to hold named executives personally responsible for key risks in the bank. That issue was raised by my hon. Friend the Member for Aberavon, who made a powerful speech about encouraging better and more responsible management within companies in order to change bad practice where it is found. The commission recommended that the regime place a burden of proof on those named executives, who would have to show the regulator that they had done all they reasonably could to prevent failings or misconduct if they were to avoid sanction.

Christina Rees: Does my hon. Friend agree that even though we have the legislation in place in section 7, there is no will to use it? That is the problem. There has not been a single prosecution.

Catherine McKinnell: My hon. Friend raises a concern relating to the Bribery Act, but there are two ways of looking at the Act's implementation and the fact that no prosecutions have yet happened under it. There is evidence that it has already brought about significant changes in corporate culture, and that the managers tasked with the responsibility of ensuring that they have taken all the steps they could reasonably be expected to have taken to prevent bribery in their organisations have taken those steps. Some positives can therefore certainly be derived from the situation, but I agree that a very close eye needs to be kept on prosecutions. I note that there are already murmurings from the Government about backtracking on the Bribery Act and trying to weaken that legislation, and we must stay vigilant about that.

On the senior managers regime, the Commission recommended that the regime place a burden of proof on those named executives. The recommendation was accepted by the Government and enshrined in the Financial Services (Banking Reform) Act 2013. However, the Bank of England and Financial Services Bill, which is currently in the other place, is set to reverse that burden of proof, meaning that instead, the regulator—the Financial Conduct Authority—will be required to prove that senior managers have failed in their duty to prevent misconduct or prudential failings. The onus will be back on the regulator, and not on the named senior executives. Is that just more backtracking from the Government, who seem to be going soft on economic crime? I would be grateful if the Minister provided reassurance that that is not the case.

Ministers urgently need to look again at their approach to tackling economic crime, because without change, the prospect of ensuring that justice is served to those who have mis-sold financial products, evaded tax, laundered money and defrauded seems as remote as ever, and the risk of the scandals of recent years being repeated has far from disappeared.

Graham Stringer (in the Chair): I remind the Minister that although he has an unusually large amount of time in which to wind up, under the new procedure, there is time at the end for Stephen Pound, the proposer of the debate, to sum up.

10.32 am

The Parliamentary Under-Secretary of State for Justice (Mr Dominic Raab): I am grateful for your advice, Mr Stringer, and it is a great pleasure to serve under your chairmanship. At the outset, I should say on behalf of the Solicitor General that he is caught up in the Immigration Bill Committee, and although I understand the chagrin about that of the shadow Justice Minister, the hon. Member for Newcastle upon Tyne North (Catherine McKinnell), my hon. and learned Friend is attending to important business there.

I start by paying tribute to the hon. Member for Ealing North (Stephen Pound) for securing the debate and for delivering a tenacious, eloquent speech in his usual fashion. He made some excellent points. I fear that he may have rather lost me at Arthur Scargill, even if other Opposition Members were rather more enthused, but none the less, he made some very important points. I also formally recognise the important contributions from the hon. Members for Neath (Christina Rees), for Aberavon (Stephen Kinnock), for Dumfries and Galloway (Richard Arkless), for Edmonton (Kate Osamor) and from the shadow Justice Minister.

I think we all agree that the prosecution of corporate economic crime is vital and can be complex. We have heard about some of the challenges this morning and there are others, but there are opportunities, too, and we should be mindful of seizing them as best we can. One issue has been the identification principle, which applies in many instances of economic crime and sets a clear bar that must be met before a corporate can be found criminally liable. Technical challenges around the disclosure of material, for example, can also be very significant, not least given the huge volumes of material that need to be sifted and potentially disclosed in many of these cases.

Much has been made of section 7 of the Bribery Act, which makes it an offence for corporates to fail to prevent bribery in certain circumstances. As important as that provision and model is, I did rather feel that hon. Members have pinned a huge amount of confidence—I would not say “blind faith”—in a model and provision which has not yet secured any convictions, although I appreciate that it was authored under a previous Government. To be clear—I am not saying that the hon. Member for Neath was suggesting this—I do not think that anyone seriously blames the Government for failing to enforce that. Prosecutions in this country are rightly independent from Government interference and we want to see full use made of the measure. I just say—the hon. Member for Ealing North will perhaps want to address this point—that Opposition Members have pinned rather a lot on a measure that has not yet delivered a prosecution, much as we wish it will in the near future.

Stephen Pound: I entirely agree with the Minister’s point, but there has, in fact, been one self-referred case under section 7 of the Bribery Act. It took place in Scotland and I am not entirely sure how the jurisdiction applies, but it was a self-referred case using precisely that template.

Mr Raab: I am grateful for that intervention. I stand better informed than I was before, but obviously I cannot comment on individual prosecutions or cases until they are in a position to conclude.

Much has been made of the Conservative manifesto commitment, rather caricaturing the nature of what was very clearly stated and ignoring the fact that we are specifically further considering legislation relating to tax evasion. As hon. Members will know, but this is an opportunity to remind them, the consultation on that closed on 8 October. I am sure that further announcements will be made in due course.

The shadow Justice Minister made some of her most powerful points on deferred prosecution agreements, which were introduced in the last Parliament and represent a significant opportunity for prosecutors to take action. I think that they rather refute the suggestion that this Government have been either lax or demonstrating inertia in trying to develop the tools we need to deliver convictions and accountability in this area.

It is also worth saying that, as a basic principle, we should try to exercise existing law enforcement powers to the full before we go back to Parliament and ask for more. I fear that it was rather the epitaph of the previous Labour Government to legislate hyperactively and leave the statute book littered with offences that were not really ever used in practice, so I make no apology for saying that we really ought to be crafting criminal legislation on the statute book that will deliver convictions in practice.

The hon. Member for Aberavon, who unfortunately is no longer in his place, made an interesting speech. He widened the debate to talk about systemic risk, which is an important point, and expressed some of the concerns about the 2007-08 financial crisis that are understandably still feeding calls for further action to be taken now. In that context, I highlight the action that has been taken on the banks by the coalition Government and this Conservative Government in relation to capital ratios, the bank levy, and regulating to ensure that there is a proper separation between the investment and retail arms of banks. He was absolutely right to make that point, but the whole system of regulation on systemic risk looks fundamentally different today from when the Labour Government left office in 2010.

Going back to the identification principle, we have heard that the law on corporate and criminal liability has that very much at its heart. The identification principle means that a corporate is criminally liable only if a person who is its controlling mind and will is criminally liable. In most cases, that means that there will be liability only if a director is criminally liable. Hon. Members made perfectly reasonable points about that and about the related difficulties and challenges. Many other assertions were made about the state of the current law, such as that the evidential threshold is too high, and that it makes it easier to prosecute smaller businesses than larger corporates and particularly difficult to prosecute large and complex multinational corporations. Those are all valid points, rather inherent, though, in trying to regulate and enforce offences in this sector. We certainly do not want small businesses to be hammered while the big ones get off scot-free. That is absolutely the wrong approach and one that we are mindful of the need to avoid.

Other points made about the current state of the law are that it can result in corporates escaping prosecution where there is criminal wrongdoing on behalf of a corporate and the corporate benefits; it does not do enough to deter economic crime in the UK or to promote

[Mr Raab]

good corporate governance; and it puts UK prosecutors at a disadvantage compared with some law enforcement agencies overseas where the attribution of corporate criminal liability does not have such a high threshold. The hon. Member for Ealing North made the point about the United States very well. Some have called for a much broader vicarious liability for companies, closer to the US model.

I also recognise the point that a different approach, combined with the DPAs introduced in 2013 could have a powerful impact. We need to consider the criminal legal basis along with the prosecutorial tools. That combination is the key to getting more convictions and plea bargains under the DPA arrangements. Notwithstanding the common desire for accountability and convictions, we need to take half a step back and acknowledge the need to be careful to guard the basic principles of justice that we all, at least notionally and rhetorically, hold dear—the presumption of innocence and the burden of proof—and ensure that we have a focused, targeted law enforcement system.

The Bribery Act 2010 contains the much-discussed new offence of failure to prevent bribery by a person associated with the company, which allows prosecutions of corporates for failure to prevent bribery in cases in which the identification principle threshold could not be reached. There have been suggestions for further change by extending the Bribery Act model to other areas. Under that legislation, a commercial organisation is guilty of an offence if a person associated with it bribes another person while intending either to obtain or retain business for the organisation, or to obtain or retain an advantage in the conduct of its business. The legislation sets out that it is a defence for the organisation to prove that it had in place adequate procedures designed to prevent people from undertaking such conduct. That is the balance struck.

The legislation relates specifically to bribery—a very serious economic crime—and is designed to encourage more responsible corporate behaviour. Extending section 7 as some have suggested could criminalise commercial organisations that fail to prevent other types of economic crime, including fraud and tax evasion; I am sure that hon. Members can think of other examples. Some people have urged the Government to go even further and advocated a more dramatic change, calling for legislation to create an offence of vicarious liability. That would be far more like the US model.

As I think was mentioned, the Government published last December the “UK Anti-Corruption Plan”, which included the commitment to consider the case for a new offence of a corporate failing to prevent economic crime. Much has been made of the statement made on 28 September by the Under-Secretary of State for Justice, my hon. Friend the Member for South West Bedfordshire (Andrew Selous), that we will not be carrying out further work on this specific point at least at this time. It is important to understand the reasons for that. Again, they have been rather caricatured, although not intentionally; I would not say that.

The reasons for not taking the work forward at this stage are as follows. First, the UK has corporate criminal liability and commercial organisations can be and are being prosecuted for wrongdoing. Secondly, as I have

mentioned, there have been no prosecutions under the Bribery Act offence, so it is not as though we have a huge amount of concrete practice to learn from—in fairness, that point was also made by the hon. Member for Neath. Thirdly, as a result of that and as a result of the information and evidence that we get as we look at whether the case is made for new offences, there is little concrete and specific evidence of the wider corporate economic wrongdoing that we should now target that is currently not unlawful and could reasonably be caught by a proposed new offence. If hon. Members want to tell me about a specific area and tailored offence, I will be all ears.

Catherine McKinnell: It does not sound as though the Minister will go on to explain how he intends the Government to live up to their manifesto pledge. He indicated earlier that it was in relation to tax evasion only, but the Government did in their manifesto state:

“We are also making it a crime if companies fail to put in place measures to stop economic crime, such as tax evasion, in their organisations and making sure that the penalties are large enough to...deter.”

If the Minister explains how the Government will fulfil that manifesto pledge, that will give hon. Members reassurance today.

Mr Raab: I thank the shadow Minister for her intervention. She has not come up with a specific offence beyond tax evasion.

Catherine McKinnell *rose*—

Mr Raab: I will not give way again at this point, but perhaps I will shortly.

The hon. Lady referred to the manifesto commitment, which specifically cites tax evasion. I will go on to say a little about that. I thought that one of the best points in her original speech was about the intelligence gap. That feeds the point that I have been making that we should not confuse the difficulties or challenges that we have in enforcing, which is what the intelligence gap is all about, with the breadth of the criminal base that we have on the statute books. That is a very important distinction, which she made rather well.

The bottom line is that there is no point in legislating for the sake of it. The hit and hope approach does not do any good; in fact, it feeds public mistrust. Frankly, we saw far too much of that under the Labour Government. I want to know that when we legislate we are putting in place a model, a criminal offence on the statute book, that will deliver prosecutions, convictions and the wider deterrent effect that we all want.

Richard Arkless: The Minister uses the vivid phrase “hit and hope” and has given three reasons why the Government will not pursue the position in their manifesto. I ask this very simple question: were those three reasons not prevalent before the manifesto was written?

Mr Raab: We are taking forward the manifesto commitment. We have an ongoing consultation on tax evasion and, if the hon. Gentleman bears with me, I will come on to it. The other point made in the manifesto commitment is about the need to punish and deter. That is not just about legislation; it is about the enforcement

regime. Over the years, hon. Members have been far too willing just to nod legislation through without thinking properly about how it will be enforced in a targeted and effective way.

Having said all that, I can give examples of very good outcomes, including in the high-end serious and complex cases dealt with by the Serious Fraud Office, which emerge from within the existing legislation and even pre-Bribery Act in some instances. There are other outcomes aside from criminal prosecutions. Deferred prosecution agreements are a further and significant tool. Civil recovery orders are an option.

The SFO cases involving prosecution or substantial civil recovery orders for a corporate have included the cases of AMEC, BAE, Innospec and Macmillan. Fines and civil recovery orders for more than £40 million were issued in SFO cases between 2008 and 2012. Nearly £30 million was paid by BAE to the people of Tanzania following a settlement with the SFO and the US Department of Justice. More recently, last year, the SFO completed the Innospec and Smith & Ouzman prosecutions, both of which resulted in the conviction of the corporate as well as senior officials in relation to foreign bribery. And the SFO had its first prosecutions under the Bribery Act—they were associated with a biofuel fraud—albeit not under section 7.

The director of the SFO has said that there are current cases that may prove suitable for prosecutions under section 7 of the Bribery Act. Hon. Members will appreciate that I cannot go into too much detail on things that are subject to either a pending prosecutorial decision or investigation. The Crown Prosecution Service and Her Majesty's Revenue and Customs have had important successes, too, and some have also been very high-profile.

On tax avoidance, HMRC is responsible for “policing” the tax and excise laws. It has a range of tools and powers to secure compliance, including the power to conduct criminal investigations in appropriate cases in line with HMRC's criminal investigation policy. Since 2010, HMRC has increased the number of criminal investigations leading to prosecution by 500%. That is a very clear example of where we have managed not only to have the legislation in place but to deliver a quantum leap in successful law enforcement. I am sure hon. Members from all parts of the House agree that that is what we should be aiming for.

Marketed tax evasion schemes have been one strand of priority work for HMRC during this period, and the CPS has brought a number of complex prosecutions against individuals. There are a number of high-profile examples, including Vantis and cases relating to the film industry. I have acknowledged the suggestions that have been made about extending the remit of section 7. Although Ministers have decided to halt that work for the time being, the criminal law is always monitored and if any clear and well evidenced difficulties come to light on which we can take targeted action, we will, of course, do so.

A proposed new offence of failing to prevent the facilitation of tax evasion, be it onshore or offshore, was the subject of public consultation by HMRC between July and October this year. The consultation closed on 8 October, and the Government are considering the responses. That clearly falls within the area of the manifesto commitment that Opposition Members have enjoyed citing. That work is ongoing.

Deferred prosecution agreements, which became available on 24 February 2014, are one of the critical law enforcement tools that the Government have brought into being. To date, no DPAs have been concluded, but I am aware that a number of cases in the pipeline may yield DPAs. Under a DPA, a prosecutor charges a company with a criminal offence, but proceedings are automatically suspended. The regime has been designed carefully and we consulted on all aspects of it. There are important safeguards in place, which is why we need to be a bit careful about the rather gung-ho suggestion that we should follow the American approach lock, stock and barrel. If we did so, concerns would be raised by Members on both sides of the House about the lack of safeguards in place.

Catherine McKinnell: I agree with the Minister that a gung-ho approach should never be taken to any of those matters, but does he acknowledge that significant concerns have been raised about the DPA tool not being as effective as it could be while it remains so difficult to bring prosecutions against corporations, because the identification principle has set the bar for prosecution so high?

Mr Raab: The hon. Lady is absolutely right to say that the combination of the law enforcement tool—in this case, the DPA—and the criminal base will be the key to securing convictions. We will constantly look to fine tune and sharpen up that double act of legislation and law enforcement. If she has any suggestions about how that can be done in a sensible way, I will consider them. I am not sure that the extension of section 7 more broadly and exponentially will be the panacea that she is looking for, but if she can come up with specific, tailored and targeted areas in which that might be the case, I will consider them.

Catherine McKinnell: Will the Minister give way?

Mr Raab: I will give way shortly, but I want to make a little bit of progress, because I am mindful of your advice about timing, Mr Stringer. I want to talk briefly about the code of practice for DPAs that the director of the SFO and the DPP issued on 14 February 2014. That followed the consultation, and I am sure that the hon. Lady made her views known at the time. Prosecutors should have regard to the DPA code when they negotiate a DPA, when they apply to the court for approval of a DPA, and when they oversee a DPA after it has been approved by the court. A DPA can be appropriate where the public interest would not be best served by entering into a prosecution. Entering into a DPA will be a transparent event, and the process will be supervised by a judge. That is important, because even if a DPA is in place, we want justice to be seen to be done as well as to be done.

I recognise that some organisations and others have raised concerns about the amount of information that will be available about DPAs as they are being negotiated. Letters of invitation to a company to enter into a DPA negotiation are confidential, for understandable reasons. The code of practice for prosecutors explicitly states that the letter of invitation to a company to enter into negotiations should make an undertaking in respect of confidentiality about the fact that DPA negotiations are taking place. Negotiations are, and need to be, confidential

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in the early stages to encourage co-operation on the part of the corporate. Any DPA that is agreed will be publicly announced, and that will provide transparency and accountability. As soon as a DPA is approved, the court must make a declaration to that effect, along with reasons, in open hearing. Unless it is prevented from doing so by an enactment or order of the court, the prosecutor will be expected to publish the DPA on its website.

I hope that hon. Members will agree that there is much to be positive about. Good results are being achieved in cases across the prosecuting authorities. We are giving active consideration to further changes where there is evidence that they are warranted, particularly in relation to tax evasion, but we remain open-minded if a case can be made broadly from a specific evidence base.

Outcomes other than prosecution should be acknowledged and welcomed. It may not always be in the public interest for a company to be prosecuted, and that is one of the considerations that led to the DPA regime. The director of the SFO, David Green CB QC, has said that he expects the first DPAs to conclude this year. I know that hon. Members will join me in looking forward to seeing the first successful outcomes. We are seeing a step change in the law enforcement model and the vigour with which it has been applied since 2010. The tax gap was reduced to record levels in 2014. The SFO's asset recovery against serious criminals has been expanded; in 2014-15, 26.5 million financial orders were made. Since 2010, HMRC has increased the number of tax evasion criminal investigations leading to prosecution by 500%, as I have said, and we also have the DPAs. A huge amount of action is being taken. I am grateful for the contributions of hon. Members from across the House today.

10.56 am

Stephen Pound: Inevitably, this has been an interesting debate; it could not have been otherwise. I hope that the Minister will not consider me ungracious if I say that he has offered hon. Members thin gruel rather than a great Damascene conversion. To get the silly stuff out of the way first, I must just say that it was Peter Richardson playing Al Pacino playing Arthur Scargill, just as it was Dawn French playing Meryl Streep playing Mrs Scargill.

I think I know where the Government are coming from. On one hand, they are trying to create a thriving, vibrant business and economic sector, which continues to be as successful as it already is and becomes even more so. On the other hand, they do not want to over-legislate in any way that would restrict that sector. That goes back to what Adam Smith wrote about the

actions of business people when they gather together. The 18th century has been characterised as oligarchy tempered by riot, which is the inevitable logic of a completely unregulated financial sector.

I say to the Minister that there is a real problem of perception. Everybody thought that the days written about in books such as Michael Lewis's "Liar's Poker", which was written in the late '80s about Salomon Brothers, "The Bonfire of the Vanities" and "Barbarians at the Gate" had gone. We thought that the macho, only-wimps-eat-lunch days of the City had gone. Particularly given the wise and thoughtful words of the Archbishop of Canterbury, Justin Welby, about his time as a City trader, many of us hoped that a different ethical standard was emerging from the City. Sadly, though, the evidence tends to suggest otherwise.

I entirely understand why any pro-business Government—to be honest, a Government that is not pro-business is not worthy of being called a Government—would want to provide succour and support to an incredibly successful sector, which is one of the most important in our economy. However, I gently say to the Minister that the public are not with him. They simply do not see it that way. They see an unregulated financial sector in which individuals go unpunished for wrongdoing. Individuals in the sector make vast, obscene, eye-watering amounts of money. Yes, the odd knighthood may be stripped away, but that is as nothing compared with the sort of punishment meted out to some poor woman who forgets to pay her TV licence and gets hauled up and banged in chokey. The problem of perception is that individuals in the financial sector seem to be getting away with it.

If only we could have an entirely ethical City, we would all be happy. We have not got one, however, so there has to be regulation. Should that be light touch and suggestive legislation in absentia of the sort that the Minister has referred to, or should it be the slightly more rigid and structured legislation that the country is ready for? When the Department for Business, Innovation and Skills tried to consult this summer on whether the Bribery Act should be watered down, it sent out a desperately wrong signal.

I do not count an enormous number of people in the City as my personal friends, but I know quite a few and I do not think that they want to exist in this wild west, free-booting, cowboy economy in which there are no rules and regulations, and anything goes. I think that they want the support of some sort of regulation, because it is good for image, good for business and good for the country. Ultimately, we have to have an ethical economic sector in this country. There is no alternative. I deeply regret that the Minister has not given us that pathway and that signpost.

Motion lapsed (Standing Order No. 10(6)).

Sight Tests in Special Schools

11 am

Siobhain McDonagh (Mitcham and Morden) (Lab): I beg to move,

That this House has considered the provision of sight tests in special schools.

Every child has the right to a free NHS sight test. It is vital that all children have their sight assessed regularly and early on, as undetected problems can lead to deterioration or even permanent loss of vision. For a child with learning disabilities, it is an even more pressing issue. A relatively small number of students attend special schools but they are the most in need when it comes to eye care. Those children also have a right to free eye tests, but often experience serious obstacles to getting the eye care they need. In fact, children with learning disabilities are 28 times more likely to have serious sight problems, and about half of the children in special schools need glasses, but about 40% of children with learning disabilities have no history of sight tests. Many have to go to hospitals for specialist eye examinations, meaning more medical appointments and more time out of school. Those appointments are also more expensive than routine eye checks and, for those not under the care of a hospital, attending a high street optician can bring a whole new set of challenges.

In the very worst cases, children with learning difficulties who cannot access the eye care they need can eventually suffer from ultimately preventable sight loss. They are unable to make the most of their vision and are losing out, when a good pair of glasses could radically improve the quality of their lives. Therefore, I call on the Government, the NHS and the Department of Health to deliver eye examinations and dispense glasses to children in their special schools.

I draw the attention of hon. Members to the excellent work of the charity SeeAbility, which has worked extensively on this matter. The charity exists to support people with sight loss and multiple disabilities. Established in 1799 as the Royal School for the Blind, it now provides a range of services including residential care and supported living, and speech, language and rehabilitation services. Since 2005, it has run projects to address the health inequalities faced by adults and children with learning disabilities. Indeed, its “Children in Focus” campaign has attracted thousands of petition signatories and support from well-respected, professional bodies including the College of Optometrists, the Faculty of Public Health, and the National Association for Special Educational Needs. SeeAbility’s work is vital for so many reasons—most significantly because those children, who are most likely to suffer from the most serious sight problems, face the greatest challenge in accessing eye care.

Although the recommended guidelines for all children to be vision-screened at the school entry age of four to five need to be followed, the issue is significantly more pressing for children with special needs. When a child has a severe or profound disability, or multiple disabilities, they might not realise that they have a sight problem. They might not be able to tell a carer or a parent about it, or their sight problems might be overshadowed by other, more obvious needs. All of that means that parents, teachers, GPs and others might not realise that there is a problem.

SeeAbility has piloted an excellent project to offer sight tests for children in six special schools in London. It has used its own charitable funds and specially trained optometrists and orthoptists to visit those schools, including Perseid school in my constituency of Mitcham and Morden, to test sight and dispense glasses. Children, parents and teachers are all seeing the benefit of that work. Perseid school is a community special educational needs school that is rated as “outstanding” by Ofsted. It offers an exceptional, supportive atmosphere for children aged three to 19 who have severe and complex learning difficulties, including learners with an additional diagnosis of autism, or physical or sensory disabilities.

SeeAbility went to Perseid school with its proposal in May 2013, after consulting the eye clinic at Epsom and St Helier NHS Trust. One of the aims was to pilot the provision of eye examinations in the school for those who the clinic felt it was not necessary to see in hospital. It was after I visited the project at Perseid lower school in September 2015 that I felt compelled to table this debate. The visit was eye-opening in so many ways. I discovered just how much eye health and vision information a skilled optometrist can get from a child who may not be able to respond verbally, or to read. It was a real education to see the techniques that Marek, the SeeAbility optometrist I met, used to judge whether a child needs a pair of glasses or whether their vision is in more serious need of treatment. He was absolutely fantastic with the children.

I also met a super little girl, named Ellie, and her mum, Alyson. In so many ways Ellie is just like any other nine-year-old girl. She is active and sociable, loves music and chocolate, and her favourite colour is pink. Ellie was one of the first appointments of the day. She cannot speak and relies on her eyes to communicate by using eye gaze technology. Because of her condition, she has been attending hospital eye clinic appointments to ensure her sight is regularly checked. Her vision is her primary means of communication, but it is vulnerable to deterioration, making check-ups absolutely crucial.

Ellie gets very stressed having to go to the hospital for her sight checks. Taking time out of the school routine, and having the pressure to arrange it alongside her many other medical appointments is a logistical nightmare. She also uses a wheelchair and is now tube-fed, which add to the practical barriers she faces to access the eye care she needs. I heard from Ellie’s mum, Alyson, who said that SeeAbility’s work at the school has removed all of that stress, and she has the comfort of knowing that Ellie is getting good eye care in school. Ellie can get her eyes tested, and glasses dispensed and fitted at school by SeeAbility, in a much more familiar, comfortable and convenient environment.

After I met Ellie, a little boy who is autistic came in for his eye test. He is nine years old and suffered sight loss in one eye in early childhood. Despite very little co-operation from the boy—who spent most of the time walking around the room—Marek, the specialist optometrist, was able to assess that his one good eye was focusing well and that he did not need glasses.

It is clear that it would be very difficult indeed for a standard community optometrist to assess the sight of children with special needs, such as the children I saw. Community optometrists rarely see a child with profound disabilities and may not command the necessary experience and skills, or have access to the specialist equipment

[*Siobhain McDonagh*]

that is so important. Furthermore, a child may become distressed in an unfamiliar dark room with lots of lights and menacing-looking equipment. In stark contrast, SeeAbility's regular visits to Perseid school provide the children with the safe environment they need to have their eye sight assessed. The team can introduce themselves and become familiar with children in the weeks preceding an appointment and during regular visits. Furthermore, a child can have parts of their sight test on different days, if necessary, in the event that they need more time to become familiar with the process. It is even possible, if a child is very anxious, to complete tests in the classroom or in a sensory room, where they often feel more comfortable.

Testing vision in the schools is not only more familiar and reassuring to the children. It also reveals so much to the teaching staff and parents about how the children see, which can really maximise the potential of children with special educational needs. The project is now well embedded in Perseid school and the visits fit in well with the school's day. The school's fabulous headteacher, Tina Harvey, said:

"It has been fantastic to work with SeeAbility and we fully support this initiative. Our pupils can't necessarily tell us what they can or can't see in the classroom and now we have that information. And parents aren't having to worry about how to get their child to yet another medical appointment outside of school."

As the Minister's portfolio includes eye care, I sincerely hope that he accepts SeeAbility's recent invitation to visit one of the special schools that it is working in and to discuss the detail of its proposals, as I have done. I assure him that such a visit would be a greatly inspiring experience.

The work at Perseid school strengthens the case for national reform of eye care for children with learning disabilities. Having provided 600 eye tests, SeeAbility's pilot, with the help of Cardiff University's school of optometry and vision sciences, provides the most comprehensive study of eyesight in children at special schools in England. The sight of vulnerable children is being failed again and again. The early vision screening programme should be available to all young children when they first start school, but present provision is subject to a postcode lottery.

Furthermore, suggesting the use of hospital examinations as an alternative for children with learning difficulties is not good enough. Hospital appointments mean more medical appointments, more potentially distressing locations and more expense for the NHS. For instance, the average reference cost of a paediatric ophthalmic appointment is £115, and SeeAbility has found that 75% of children who have been discharged from a hospital eye clinic have had no follow-up sight tests in the community, leaving those children lost to the system. The compromise is unacceptable. If children go without sight tests, the tragedy is that they can suffer unnecessary sight loss and live their lives with poor vision just for want of a decent pair of glasses.

Hon. Members may be surprised that the appropriate checks are not already happening in schools. A few health bodies fund local NHS services similar to the one provided by SeeAbility, but the vast majority do not, which means that appropriate care for such children is limited. I am sure the Minister will agree that it is not

acceptable for those children, who are so much more likely to have serious sight problems, to be reaching their teenage years having never had a sight test or the opportunity to see clearly. We need a more preventive and beneficial method, and we need to commission a new national programme of eye examinations and direct dispensing of glasses for children and young people in special schools.

The Minister may highlight that it is for NHS England to decide its priorities on eye care commissioning. To their credit, NHS England officials have been engaged in SeeAbility's work. However, the Department of Health plays a crucial role in shaping legislation and establishing a payment regime for sight tests. The Department does the latter under the general ophthalmic services—GOS—contract, but the associated contract fee rates for sight testing are compounding the inequalities in eye care that I have described, which does not sit well with the fact that addressing the health inequalities of people with learning disabilities is a shared priority for both the Government and NHS England. Indeed, it sits well within the Health Secretary's legal remit.

In August 2015, SeeAbility was awarded a GOS contract to run NHS sight tests in the special schools in which it works, but the contract provides only a £21.31 payment per sight test. That is the amount paid for a routine test in a high street optician, but SeeAbility estimates the actual cost of its tests to be some £85, which means that the charity is having to fundraise to keep this important project going. The GOS contract provides only a quarter of the actual cost of delivering eye examinations for children with learning disabilities.

As I have described, the sight tests provided by SeeAbility and others are specially adapted to the needs of children with learning disabilities and require specialist expertise and equipment. Furthermore, skilled orthoptists who can assess unusual and uncommon abnormalities of eye movement, and specialist dispensing opticians who are experienced in fitting glasses for children with special facial characteristics, are often needed. Can we truly accept such an inadequate fee that represents only a quarter of the overall cost of providing such adapted tests? The overall costs include the cost of what is often a longer, specially adapted test and any repeat visits to a child in a special school.

The current status quo ill-advisedly applies a one-size-fits-all approach to a complex issue. The needs of children with learning disabilities are varied and often unique, and such children need eye care provision that reflects that. We all know there are funding pressures on our health and social care systems, but the eyesight of children with learning difficulties is not a sacrifice that should be made.

In a few instances, there is already some recognition that those adjusted and specialist sight tests need proper funding. That extra, local support sometimes comes from local commissioners paying optometrists an additional £60 towards supporting someone with a learning disability to get a sight test. Although that is a good step forward, it occurs in only a handful of areas. Furthermore, the Department of Health has set enhanced fee rates for disabled adults to receive a sight test at home if they cannot leave the house unaccompanied. Clearly, some officials already recognise that specially adapted tests cost more. I sincerely hope that the Minister will

acknowledge that his Department has set an NHS payment of £21.31 that does not cover the cost of those tests.

I hope the Minister will agree to open a consultation, as is happening in Wales, on how to cover the shortfall between GOS contract payments and the cost of providing such a specialist service. The provision of a reliable long-term alternative is essential. The relatively small number of children in special schools should mean that a fully funded NHS programme to address their needs is wholly realistic. Indeed, the quality of vision, and quality of life, of those 100,000 children should not be left to a postcode lottery in our 209 clinical commissioning groups.

Children with learning disabilities need a one-stop shop for the input of optometrists, orthoptists and dispensing opticians, as needed, with glasses provided on site, breakages repaired quickly and good links to hospital eye clinics if necessary. In turn, a fully comprehensive and tailored system would help to reduce NHS costs from unnecessary hospital visits. The programme should also be wholeheartedly supported by the Department for Education, which purports to help children with special needs to achieve their full potential. Let us be clear that the target will not be met if children are not provided with the best possible eye care.

SeeAbility and I eagerly await the Minister's indication of support for a nationally funded programme of sight tests in special schools and a commitment to meet us to discuss those plans further. I urge all hon. Members to consider signing early-day motion 629, which supports the provision of such sight tests. The eyesight of children with special needs has been let down for too long. We look forward to this vital issue being treated with the seriousness it truly deserves.

11.17 am

The Minister for Community and Social Care (Alistair Burt): It is a pleasure to serve under your chairmanship, Mr Stringer. I thank the hon. Member for Mitcham and Morden (Siobhain McDonagh) not only for securing this debate but for the usual thorough and highly competent way in which she has presented her case, which was full of facts, information and understanding, and informed in particular by her visits. It will be slightly easier to respond to one or two of her requests than to others, but I will come to that in my remarks.

Before anything else, I acknowledge what everyone recognises, which is that, although all our senses are precious, sight is probably the one that we value most. Sight is the key way in which children learn about the world. Ultimately, as the hon. Lady said, undetected sight problems can lead to a reduced quality of life and unnecessary damage to the eyes, which we all wish to prevent. The risk is that the vision of children with learning disabilities can be overlooked and assumed to be just part of their overall condition and behaviour. There is no doubt about the background to the campaign she mentioned.

We all share the desire that all children should be able to access sight tests, especially that group of children for whom we know that visual impairment is much more possible. There are more than 100,000 pupils in special schools in England. New arrangements have been introduced for children and young people with special educational needs or disabilities to develop more integrated

approaches to meeting need. There is rather more variability than the hon. Lady suggests, and that variability is necessary to cope with the different conditions we are talking about.

A new framework was introduced in September 2014 that will see commissioners and local authorities working together to agree arrangements for meeting the needs of children with special educational needs. That includes publishing a local offer of services and ensuring that health and education professionals undertake a co-ordinated assessment of a child or young person's needs that will inform an education, health and care plan. The plan has to consider the aims and aspirations of the young person and focus on the outcomes that will have the biggest impact. It has to include the needs of a child or young person with a visual impairment. That approach has tremendous potential for stimulating much more joined-up approaches in local care settings; meeting children's needs; and helping health commissioners and local authorities to understand jointly how population needs can be supported by more flexible delivery methods.

The hon. Lady spoke about a postcode lottery, which is the term commonly used when anything that is provided in one area is not provided in another. I am slightly hesitant about using that term, because it suggests that nothing can be done and implies that it is an accident of fate, when in fact it is not. The difference in provision in different areas often depends on the ability of the leadership and management in an area to recognise a problem and the local determination to make a change. We get change around the country when somebody takes a lead and does things differently, often because they have been stimulated by changes at a national level and have taken the opportunity to do something differently. I recognise that, at its worst, the term "postcode lottery" implies that people get less of a service in one place than another. However, we level up standards by pointing to what is done best. If we did not allow for some variation, we would not be able to learn. I take the hon. Lady's point, but SeeAbility's work in London demonstrates what can be done and shows others the way forward.

David Mowat (Warrington South) (Con): The Minister is right that the term "postcode lottery" can be pejorative. We need centres of excellence that can be spread out more widely. Warrington hospital is well-funded in that regard, and it considers itself a centre of excellence, at least in Cheshire. For that spreading out to happen more quickly, we need a national programme or some kind of national impetus, which is where the Minister might come in.

Alistair Burt: I am delighted to recognise the centre of excellence about which my hon. Friend speaks so powerfully. I will talk about the national side when I get to the conclusion of my remarks. I will illustrate how we are moving forward and what we are doing, which will address some of the concerns raised by the hon. Member for Mitcham and Morden and my hon. Friend the Member for Warrington South (David Mowat).

Let me turn to the issue of children with learning disabilities and problems with vision. It is widely recognised that children with learning disabilities have a greater risk of a wide range of eye problems, including refractive errors that require correction with glasses, squints, cataracts and glaucoma. All children under 16 and those between

[Alistair Burt]

16 and 18 in full-time education, including children with learning disabilities, are entitled to free NHS-funded sight tests. Sight tests are an extremely valuable health check of the eye that can pick up a need for glasses and early signs of eye conditions, many of which can be treated if they are found early enough.

As the hon. Lady said, NHS England is responsible for commissioning the NHS sight testing service. I will come on to the work that NHS England is doing with SeeAbility in a moment. The hon. Lady said that she is concerned that an optical practice is not necessarily the best environment for undertaking a sight test on a child with learning disabilities. I agree, which is why we want greater use to be made of different ways of providing sight tests for children with learning disabilities. The NHS can contract with providers for mobile, funded sight tests for children, which can take place at special schools. We appreciate that that provides a familiar environment for the test, as the hon. Lady said, which best serves the child. Any provider can apply for a contract with NHS England to provide those services, provided they meet the conditions for holding a general ophthalmic services contract. I will come on to the point about payments in a moment.

However, I am aware that, even with current provision, the concern remains that children with learning disabilities may find it more difficult than other children to access services. SeeAbility has been doing valuable work in that area to develop evidence and promote awareness of the specific needs of children with learning disabilities. I am pleased to accept the invitation to meet SeeAbility and visit one of the schools in which such work has been going on. It will not be my first visit. I visited it when it was the Royal School for the Blind when I was Minister with responsibility for disabled people 20 years ago, and it will be nice to renew the acquaintance.

I am also aware of SeeAbility's "children in focus" campaign, which seeks a nationally commissioned service to provide sight tests and glasses for that important group of people in special schools. In addition, I understand that SeeAbility has recently been awarded a contract by NHS England to provide eye care services at a number of special schools in London.

Reducing health inequalities is a key part of the five-year forward view and NHS England's 2015-16 business plan. In that context, I know that NHS England recognises a growing body of evidence that suggests that access to sight tests and glasses is an issue for some children, and that regular eye tests and the wearing of appropriate glasses make a vital contribution to those children's health, educational progress and general quality of life.

As the hon. Lady said, NHS England has been in dialogue with SeeAbility about sight test provision for those pupils, and it has met Dr David Geddes, the head of primary care commissioning. I welcome the engagement between the NHS and patient groups. As I said, SeeAbility has recently been awarded a contract by NHS England to provide eye care services at a number of special schools in London. NHS England is keen to see how that work is going so it can consider what can be built on it and see whether the model of care that is right for

that cohort of parents can be rolled out elsewhere. Some good early work has been done, but it is early days. It is appropriate that NHS England carries out some longer term work with SeeAbility to assess how that contract is working and see what can be done. Although we would all like to see rapid progress, it is early in the contractual relationship, and NHS England needs to develop the evidence base further.

The hon. Lady rightly spoke about the issue of fees. SeeAbility has pointed to a structure that is considerably higher than the current fee of £21.31 per test. We all recognise that the current financial stresses in the NHS mean that a robust case has to be built before further funding is committed. NHS England is happy to work with SeeAbility to understand better what financial model best contributes to those patients' needs. Its view is that SeeAbility has done some very good early work, but it is only two months into the contractual relationship. We therefore need to take a little longer to find out what is actually happening and what more can be done. NHS England expects to have concluded that work by next spring, and it will be in a position to consider the need for changing the current arrangements and possible service developments.

I hope that gives the hon. Lady a sense of where this is going. First, we all recognise the scale of the problem. Secondly, because there is now more variability in the NHS's ability to meet this need, some things are being tried out to see how they work—particularly through the contract with SeeAbility. I am keen to see how it works in practice, which is why I am happy to accept the invitation to see some of the work it is doing in schools. I will work with NHS England on how it is assessing the work and on the next steps.

In closing, I reiterate that I recognise the importance of properly considering the needs of children with learning disabilities in service planning. If children are to be given the best chance in life, it is important that any vision problems that could affect or impair their development are identified and addressed. I am pleased that NHS England is closely looking at this issue and is already in discussion with SeeAbility. I look forward to hearing about the outcomes of NHS England's work in this area and its proposed way forward.

The early day motion that the hon. Lady mentioned states that, as a start, it

"encourages the Government and the NHS to work together to create a comprehensive national programme and a properly-funded system to make sight tests available in all special schools in England".

In the spirit of encouraging the Government and NHS England to work together to see what can be done, the hon. Lady can be sure that that is indeed happening.

I look forward to meeting SeeAbility and NHS England to pursue this matter further. I am sure the House will have a further opportunity to discuss it in the future. Once again, I thank the hon. Lady for securing the debate and conducting it in her normal thorough and effective manner.

Question put and agreed to.

11.29 am

Sitting suspended.

Police and Fire Shared Services

[MARK PRITCHARD *in the Chair*]

2.30 pm

Amanda Milling (Cannock Chase) (Con): I beg to move,

That this House has considered the issue of police and fire shared services.

It is a real pleasure to serve under your chairmanship, Mr Pritchard. I thank the Minister and fellow Members for their time. I am grateful for this opportunity to raise the issue of shared police and fire services. The integration of blue-light and amber-light services is a topic that many hon. Friends and colleagues have raised over the past few years, for good reason. This afternoon I will focus on police and fire. I welcome the Government's recent consultation on enabling closer working between emergency services, which closed last month. The consultation demonstrates the Government's commitment to the concept of greater collaboration between blue-light services, as set out in the Conservative manifesto.

Before I discuss the matter in detail, I would like to express my sincere gratitude to all the blue-light services for the work that they do. Each makes a vital contribution by serving and protecting our communities and ensuring that we are safe and secure, often in the most difficult circumstances. Their members put their lives on the line for others. We were starkly reminded of the dangers of policing only recently with the tragic death of PC Dave Phillips, who was hit by a stolen car while on duty. I take this opportunity to offer my sincere condolences to his family. We cannot overestimate the sacrifices made by the blue-light services, and I place on record my thanks.

Why did I apply for this debate? Earlier this year, Staffordshire fire and rescue service conducted a consultation on the future of fire services across the county that considered several options for changes to the services' operations, resources and activities. The purpose of the changes was twofold: to help make our communities safer and to deliver efficiencies and savings. Before a meeting with the fire authority in July, fellow Staffordshire MPs and I called on the authority to consider an alternative option to those already tabled. The alternative was to investigate the feasibility of a single integrated police and fire service. In our view, a fully integrated service would provide a more viable and cost-effective means of creating a long-term sustainable future for both services in Staffordshire and, all-importantly, of protecting the public's safety.

Despite all our efforts, regrettably, that option was not pursued. The options progressed involved cuts to front-line services. In my constituency, fire engines have been removed from both Cannock and Rugeley fire stations, and other stations across Staffordshire have been similarly affected. Although I appreciate and welcome the fact that given prevention, protection and response activity, the number of accidents has fallen across Staffordshire—reflecting the national picture—I do not believe that front-line services should be cut ahead of a complete review of governance, leadership, estate and back-office functions.

Mr Jim Cunningham (Coventry South) (Lab): I agree that nothing should happen until the review is completed, but that said, I am sure that the hon. Lady is aware that

certainly in the west midlands, fire and police service wages have been frozen at 1%, the value of pensions has been reduced and many redundancies have been made, as well as the fire station closures that she mentioned.

Amanda Milling: What I want to discuss in this debate is what we can do to ensure that we consider where savings should be made, in order to ensure that front-line services are protected and that jobs are supported.

Christopher Pincher (Tamworth) (Con): I congratulate my hon. Friend on securing this important debate. As a fellow Member of Parliament from Staffordshire, does she agree that given that Staffordshire police field some 2,000 calls a day while the fire service fields only 40, integrating back-office services could allow savings to be ploughed into the front line? That is why the proposal is supported by many police officers who see that money going into their jobs and future.

Amanda Milling: I thank my fellow Staffordshire MP for that intervention. I totally agree, and I will come to the point about considering where savings can be made so that we can push resources into the front line.

Rebecca Pow (Taunton Deane) (Con): I congratulate my hon. Friend enormously on securing this debate. Many of us have been discussing these issues with our police and crime commissioners, police forces and fire services. I certainly have been doing so in Somerset with my MP hat on. I would like to widen it even more. Avon and Somerset police already have a loose arrangement with Wiltshire, but there is certainly interest in sharing back-office IT and admin, which would allow our police officers to stay on the street doing their jobs.

Equally, I recently had a very successful meeting with Somerset fire and rescue service. I urge that we bring the ambulance service into the picture, because it is something of a model case, with the biggest fire service outside London. *[Interruption.]* Oh my goodness, that is my phone going off. I apologise, Mr Pritchard.

Mark Pritchard (in the Chair): Order. Interventions need to be short so that other colleagues and Members can speak later.

Rebecca Pow: Thank you, Mr Pritchard. The Somerset service is working so well that it has the largest number of retained firemen, who work closely with the ambulance service. It is working exceedingly well and saving a lot of money.

Mark Pritchard (in the Chair): I ask Members to check that their phones are on silent or mute.

Amanda Milling: I thank my hon. Friend for that point. There are a number of examples around the country of services that are collaborating. It is not just police and fire; it is fire and ambulance, police and ambulance and all three of the blue-light services. I will come to those points in a little more detail.

On collaboration, I am not alone in posing the question that my hon. Friend the Member for Taunton Deane asked in her intervention. The concept of greater collaboration between the blue-light services, particularly police and fire, has been the subject of debate for some

[*Amanda Milling*]

time, well before I was elected to this place. I read with interest the Knight report, published in May 2013. A number of its key findings relate to this discussion.

As I have said, the number of incidents has decreased by more than 40% in the past decade, while at the time when the report was published, expenditure and firefighting numbers had stayed broadly the same. That suggests scope for reform and efficiencies to better match risk and response. The report also found evidence of a disparity in the amount of money spent per person per year across the different fire authorities, with little to explain those differences and a limited relationship between expenditure and outcomes. There was clear widespread duplication among fire and rescue authorities across England: each had its own management structure, leaders and operational differences.

Jim Shannon (Strangford) (DUP): One thing that we intend to do in Northern Ireland, although we have not yet delivered on it, is to bring together police and fire training in one place, which will save on training across Northern Ireland. The Minister might be aware of this. Does the hon. Lady feel that it might be a way to save more money if we had regional training places for the police and fire service together?

Amanda Milling: I thank the hon. Gentleman for his intervention, and I agree that that is another area where there is the opportunity for further collaboration by bringing police and fire training together.

Kevin Foster (Torbay) (Con): I thank my hon. Friend for giving way. Does she agree that it is better when solutions and mergers come from the ground up, as was the case for example, when Devon and Somerset fire services merged, when the West Midlands and Staffordshire fire services agreed to share a control room, and when Devon and Cornwall police work together with Dorset police? All of those examples were better than what we saw with the regional fire control projects, where top-down direction went totally wrong.

Amanda Milling: I thank my hon. Friend for his intervention, and he makes the valid point that there are many incredibly good examples of such collaboration across the country. Indeed, when I put pen to paper for this debate, I was able to write down several such examples, although I will not repeat them this afternoon; I have saved people from that. Nevertheless, as I say, there are many good examples out there.

Although there is evidence of progress in terms of fire services' collaboration, co-responding and co-location with other blue light services, the Knight report highlighted that such collaboration was actually quite patchy, even though it could create real savings when it did happen. It gave some really good examples of collaboration, which were quite wide-ranging in nature, including the co-location of stations and headquarters, shared training, joint communication centres, joint operations and joint fleets. Those examples demonstrate that a clear appetite for collaboration, where there is the will to do it.

Sir Oliver Heald (North East Hertfordshire) (Con): Does my hon. Friend agree that in a county such as Hertfordshire, where there is a shortage of staff for the ambulance service and it is difficult to recruit them, it

would be a good idea if firemen who already have some medical skills could be trained up to paramedic status and possibly deployed—by agreement—in accident situations or when required?

Amanda Milling: I thank my hon. and learned Friend for his intervention. He makes the very good point that where people have such skills, it is right that when they respond to situations they should use them, although we may have to be quite careful with that approach in the future.

As I said, the Knight report identified that collaboration was not universal; in fact, it was quite patchy across the country. It is for that reason that I welcome the Government's commitment to greater collaboration, which was set out in the Conservative manifesto as a commitment

“to enable fire and police services to work more closely together”.

In September, a joint consultation was launched by the Home Secretary, the Secretary of State for Communities and Local Government, and the Health Secretary, which invited views on proposals to improve joint working between services. I welcome those proposals, as I believe that legislating for greater collaboration will go some way to seeing more areas adopting shared initiatives, providing positive outcomes for the public, in terms of both their safety and their pockets. I will make a few points about this joint consultation, because my view is that the proposed moves should be the first step towards a more formal, mandatory integration, by which I mean the creation of police and fire commissioners.

Although I appreciate that it might be unrealistic and too complex to integrate the two services ahead of the police and crime commissioner elections in May 2016, the moves proposed in the consultation should provide the road map to achieving combined police and fire commissioners. This hybrid role could be created in the next term of the PCC, with full police and fire commissioner elections taking place in 2020.

I have been disappointed to read some press reports that cite some resistance to the proposals, the implication being that the police are taking over the fire service. Before I go any further, it is worth noting that I am by no means suggesting that the police go out and fight fires while firefighters go out and arrest criminals.

Nic Dakin (Scunthorpe) (Lab): I thank the hon. Lady for giving way and I congratulate her on securing this important debate. She is right to insist on the specificity—the different roles—of the police and fire services. One of the issues that is of concern in my community is that any changes do not lead to the loss of those different roles in the community, because both are very important.

Amanda Milling: The hon. Gentleman makes the very important point that the police and fire services perform different roles, but I will go on to discuss why there should be some integration and sharing of roles in the services that are not necessarily specialist.

Kevin Foster: I thank my hon. Friend for giving way to me again and for being so generous with her time. I have heard her comments about integration, with PCCs becoming police and fire commissioners. How would she deal with an area such as Torbay, where the PCC covers Devon and Cornwall while the fire service covers Devon and Somerset?

Amanda Milling: My hon. Friend makes a good point and that is an example of some of the complexities in the landscapes covered by fire authorities and PCCs, which is why I am realistic about the fact that this process will take time.

I simply suggest that all common aspects—such as buildings, fleets, resources, and back-office functions—are integrated, so that resources can be better utilised on the front line. As I see it, integration is a bit like running a business. There is a managing director or chief executive, who has the overall responsibility. Then there are functional heads; in this context, there is one for police and one for fire. Each of these functional heads has responsibility for their own budgets, but staff and resources are shared, not duplicated. Practically speaking, this cuts out waste and means that more funding can be protected for the front line. It also means that operational excellence and specialism are retained, and can flourish.

There is a difference between integration and collaboration. In my view, integration is about the pooling of relevant functions, with an emphasis on the back office, while collaboration emphasises the front line, where teams work together when they respond to incidents. I have read many interesting speeches and reports from hon. Friends who spoke about front-line collaboration in the last Parliament. It is that collaboration that is essential to the delivery and enhancement of public safety.

As I have said, I welcome the Government's proposals, as set out in the consultation, although I would like to pick up on a few points, because—put simply—we should be moving from voluntary collaboration and integration to mandatory collaboration and integration.

The consultation proposes

“encouraging collaboration by introducing a new statutory duty on all three emergency services to look at opportunities to work with one another better to improve efficiency and effectiveness.”

However, I am concerned that “encouraging” such collaboration might not go far enough. After all, one of the issues that we have faced so far is that collaboration is far from universal. There is a danger that this voluntary integration will be inconsistently applied, and what will the statutory duty do to ensure consistent levels of consideration? Even the simplest things, such as the back-office staff, offices, human relations, payroll and even the stationery orders, are clearly areas where integration is just common sense.

Mr Jim Cunningham: I thank the hon. Lady for giving way to me again, and I also thank her for securing this Adjournment debate today; I should have thanked her earlier. Does she not think that mandatory collaboration could ultimately lead to a one-service situation, where the police and fire services are actually amalgamated under one management, which would lead to an elected part of an elected mayor process?

Amanda Milling: I thank the hon. Gentleman for his intervention and I will go on to discuss the points about leadership. There must be leadership, but it must be provided in such a way as to recognise the difference between the two services, especially on the front line.

I welcome the proposal in the consultation to enable “police and crime commissioners to take on the duties and responsibilities of fire and rescue authorities, where a local case is made”.

I am concerned that a voluntary opt-in process adds to the complexity. I believe that it should be mandatory, although I accept that getting to that point might take time, given the complexities and details I referred to earlier.

I cannot understand why the integration of administrative and back-office functions would differ from location to location. Why would a local case need to be made? The aim, as I see it, is to streamline the common functions so that resources can be targeted at the frontline. When the bodies involved are responsible for public safety, variations in service risk lives and can make more people vulnerable to harm. We simply cannot have a postcode lottery on safety.

The proposal involving abolishing

“the London Fire and Emergency Planning Authority and giving the Mayor of London direct responsibility for the fire and rescue service in London, as will be the case for the new Mayor of Greater Manchester”

sets a precedent that the Government believe that one person is capable of being responsible and accountable for both police and fire. The Mayor of London is responsible for everything from transport to tourism, including policing and now, potentially, fire. Given that that portfolio is so broad, I cannot see why there would be barriers to rolling out a combined role throughout the country, to police and fire commissioners. It is absolutely the right time, now that the devolution agenda is being debated, to plan for the medium-term future of police and fire leadership.

Accountability is also important. Those making decisions where local taxation is concerned are all, but for fire, elected representatives, accountable to the public. The council's share of the council tax bill, and any changes to it, is subject to decisions made by elected representatives—so too, with the police, since the introduction of police and crime commissioners. It is not, however, the case with fire and rescue services under the fire authorities. It is time for change. There should be no taxation without representation. Although some may argue that the fire authority is made up of appointed people, who in another guise are elected, that representation should not be confused with democratic accountability. The devolution agenda is increasing the question of accountability to the public, and is another reason why it is time for reform of fire authorities and a move to police and fire commissioners.

Mr David Anderson (Blaydon) (Lab): The hon. Lady said that the fire authority was appointed; I suggest that the fire authority are people elected in their own constituencies and boroughs. If we take that analogy to its conclusion, surely we would have to elect the Minister. He was appointed by people elected to this House and the people from my constituency and hers cannot get rid of him. If that should apply to a police commissioner it should also apply to the Minister, although he is doing a good job—[*Interruption.*]

Amanda Milling: I am sure the Minister would be pleased to hear that. My point is that in local government all local taxation ultimately sits under the responsibility of elected representatives, whether it be councillors or police and crime commissioners.

[Amanda Milling]

In conclusion, the Government want to see greater collaboration. I recently posed a question to the Home Office, and the Minister answered:

“It is common sense to break down silos and get the emergency services working together to secure more money for the front line.”—[*Official Report*, 12 October 2015; Vol. 600, c. 5.]

Edward Argar (Charnwood) (Con): My hon. Friend is typically generous in giving way as she concludes, and typically forceful in putting the interests of her constituents first. Does she agree that collaboration and the sharing of services amounts not to amalgamation but to an opportunity to improve services, save money and help protect the front-line services on which my constituents—all our constituents—rely?

Amanda Milling: My hon. Friend makes a good point. He succinctly summarises the benefits of sharing and integrating services, and of collaboration.

Chris Davies (Brecon and Radnorshire) (Con): I thank my hon. Friend for introducing the debate. I agree with all her wise words, but one of the greatest difficulties we face is public perception. When the public sees services amalgamating, buildings closing and a police station based in a fire station, they see a loss—they do not see the gain. Our job as MPs, and that of police and crime commissioners and others, is to deal with that perception and put a good case over, which says that they are gaining rather than losing.

Amanda Milling: My hon. Friend makes an important point. In Staffordshire, I had to face the public when fire engines were being removed from fire stations. There is a point in having the frontline. It is all about ensuring that we protect the frontline and enhance its services so that our communities are, and feel, safer and safer.

I was talking about the Minister’s response to a recent question. The Home Secretary supports the idea of greater collaboration—as does the Prime Minister. On 11 September, the Prime Minister outlined, in his “vision for a smarter state” speech, his support for collaboration, and he gave Hampshire as an example of where emergency services have brought functions together to save millions of pounds a year. In Staffordshire there has been resistance to greater sharing, collaboration and integration, but I wholeheartedly welcome the Government’s proposals. All the evidence suggests that reform is required and this is an opportunity to create police and fire commissioners.

The proposals set out in the Government consultation could provide a platform and a road map for creating such commissioners over the next few years, ahead of full elections for them in 2020. I simply ask the Minister to consider, as part of his work in the cross-ministerial working group, to consider the mandatory introduction of police and fire commissioners by 2020.

2.56 pm

Ian Lavery (Wansbeck) (Lab): As ever, it is a pleasure to serve under your chairmanship, Mr Pritchard.

I congratulate the hon. Member for Cannock Chase (Amanda Milling) on bringing this debate on an extremely topical and important issue to the House. We might

have some disagreements about it, but perhaps we will have agreements as well. I have to say at the outset that I do not share the view that taking fire engines away from a fire station means that people feel safer, as one speaker said. Quite often, taking fire engines away and dropping pumps off at local fire stations does not make people feel safer.

Jake Berry (Rossendale and Darwen) (Con): I certainly share the view that taking fire appliances or engines away from fire stations does not make anyone feel safer, but does the hon. Gentleman share my view that the people who are expecting firefighters to turn up on the frontline are probably pretty relaxed about who does the human resources for the fire service and whether that function is shared with the police force? It would not make them feel any safer, or any less safe, if HR were shared between the fire, the police and the ambulance services.

Ian Lavery: The hon. Gentleman makes a viable point, which can and should be discussed if we want a top-class blue-light service, whether it be the ambulance service, the fire service or the police service. That can, and will be I am sure, the topic of much discussion in the future.

The Minister for Policing, Crime and Criminal Justice (Mike Penning): It is unusual for me to intervene, but there are four emergency services in this country. We must not forget Her Majesty’s Coastguard. It would be inappropriate for me, as a former shipping Minister, not to raise that point.

Ian Lavery: I thank the Minister. There is actually a fifth emergency service—the Mines Rescue Service.

Mike Penning: We could carry on.

Ian Lavery: Of course we can. The only problem is that we have only one mine left—but anyway, I am sure we will discuss that. The coastguard is an important service as well.

The issue that has been brought to the House is the greater collaboration and work between the police and the fire service. I think we all agree that we want a top-class service, across all four blue-light services. We want to have the best possible and the safest service we can have—top class, with the best technology and everything that the communities that we represent need. The real cause for concern is that this is not just about having a top-class service or enhancing the blue-light services; it is being approached as a cost-cutting exercise. That is what the general public are concerned about.

Since 2010, there has been a huge reduction in the police service and the fire service and we cannot get enough people in the ambulance service. People are rightly concerned about the cuts in the services, whether front-line or back-office staff.

Sir Oliver Heald: Suppose that the fire service had someone who wanted to train as a paramedic and also someone who was capable of filling out the accident book, as the police do at a straightforward road accident. Why should that multitasking not take place? If it saves money, what is wrong with that?

Ian Lavery: It is not as easy as that. I wish it was. To multitask between being a crime officer and being a fireman or woman in the fire and rescue service is difficult. To be a paramedic takes a three-year university course. It is not as simple as transferring basic skills; the individual needs to be properly skilled, with a university degree. Unlike in other parts of the blue-light services—in the NHS, for example—there are no bursaries for people to train to be paramedics; they have to pay their own way. The issue might seem simple, but it is not as simple as many people believe.

Mr Jim Cunningham: No matter which way the argument is put by Government Members, the fact remains that there will be rationalisation, which means saving money that will not be ploughed back into the service. As I said earlier, West Midlands police has lost about 2,500 policemen. In Kent, the private sector is being employed to do the police's job. It is surely all leading to privatisation.

Ian Lavery: There is obviously a whiff of privatisation in the air in relation to all the blue-light services. The people involved in the services fear that themselves. It is not just me or my hon. Friend as Members of Parliament who are suggesting that; people working in the services are worried. That is why we have to consult with people and listen to those who are delivering the services.

Amanda Milling: Are we not also accountable to the public? If the public see us purchasing or procuring two things that are exactly the same, are they not going to say, "That is waste and there are savings to be made"? We can get rid of the duplication.

Ian Lavery: I totally agree with that. I will come on to this, but if there is duplication in procurement, of course it would be sensible for that procurement to be done jointly. There is no argument about that.

Kevin Foster: Is the hon. Gentleman interested to hear that my police force in Devon and Cornwall is involved in the project in Hayle that has produced the UK's first tri-service responder? A gentleman called Andrew Hitchens is an on-call firefighter and an ambulance service emergency first responder, and he has been trained in specific crime and disorder duties, too.

Ian Lavery: Well, that is interesting. That could be put on the table in the consultation with other people up and down the country who work in the services. We need consultation and discussion with those delivering services, such as the gentleman that the hon. Gentleman just mentioned.

There is a huge difference between a firefighter and a police officer. They have completely and utterly different remits. The police are law enforcers—it is as simple as that. The fire and rescue service is basically a humanitarian service. The two services have totally different remits. For example, firefighters need to be neutral in their communities and politically neutral. They cannot be seen as law enforcers or even to be connected in any way to law enforcement. In many areas, they have built up trust that the police probably do not have.

Mike Penning: I am listening with great interest to the hon. Gentleman, and I declare an interest as a former firefighter. The fire service is exactly as he described—part

of the community—but its members have been law enforcers since day one. As a fire prevention officer, I used to do that sort of work. We would go to clubs and we would shut them down because we were protecting the public, as the police do in their way. It is wrong to say that members of the fire service are not law enforcers, because they are, they will be and they must be.

Ian Lavery: That is something we must disagree on. I think that the two roles have to be completely different. Firefighters are not law enforcers in the name of the law or in statute—[HON. MEMBERS: "Yes, they are."] I disagree. Perhaps the Minister can send me the information that shows that each firefighter in each community is, as part of their job, a law enforcer.

Mike Penning: The hon. Gentleman is being generous in giving way. We are good friends, so it is right that we debate this matter. As a young fire officer, I used to do FPO inspections in clubs. If that club did not adhere to the recommendations made, in statute that club could be closed and sometimes it was closed. That was the fire authority; it was nothing to do with the police or anybody else.

Ian Lavery: I understand the instances to which the Minister refers. In my constituency, fire authorities have checked alarms and different things in buildings, and I understand that, but what I am describing now is the different in terms of law enforcement. As the hon. Member for Cannock Chase said, we will not have fire and rescue service officers detecting crime and clipping young people around the head or doing things of that nature. It will be completely different. I understand that there is a duty and obligation on the fire and rescue services in relation to alarms and things of that nature, and they do an absolutely fantastic job; they have built up a great reputation. The Minister was a member of the fire and rescue service many years ago. I am sure that he was up to the task then and that he will support the issues we are raising today. When he was in the service, I am sure he had the utmost respect of his community, because that is what happens with the fire and rescue service.

There are alternatives to that will not compromise the trust in and integrity of the fire and rescue service, and they are what we need to look at. The hon. Member for Cannock Chase mentioned joint procurement, which is absolutely on the money. Why should there not be joint procurement? There is no reason not to look at sharing administrative services and, potentially, servicing roles with other public sector bodies where that is appropriate—but not necessarily between the fire and rescue service and the police service. It should be with other public sector services that share the humanitarian remit, rather than the crime remit.

That brings us on to a number of points, such as the difference in the roles and remits. As I have just explained, there is a huge difference between the fire and rescue service and the police, and that needs to be considered. The police and the fire service perform very different roles and consequently have very different command and control structures. If the proposal went ahead, that would limit the opportunities available for any joint working.

[*Ian Lavery*]

Members have mentioned the police and crime commissioners. I am sure we will have a massive disagreement about this, but there is already a lot of concern about the police and crime commissioners' role, without giving them extra responsibility for the fire and rescue services. After all, they were elected by, on average, only 15% of the electorate. I am not even sure that the commissioners themselves want any additional responsibilities; in fact, commissioners up and down the country have emphatically said, "We don't want any additional responsibilities. We are police and crime commissioners. What on earth have we got to do with the fire and rescue service?" Again, we have to listen to the people who are actually delivering services on our behalf.

It is obvious that, unlike many public sector organisations, including the police, the fire service lacks common guidance and a natural procurement channel. That is a wasted opportunity. We must improve the procurement channel for fire-specific products.

The hon. and learned Member for North East Hertfordshire (Sir Oliver Heald) mentioned the ambulance service. I have to be honest: the ambulance service—certainly in my area—is creaking. The North East ambulance service needs 120 recruits—the paramedics we discussed, who cannot suddenly appear because of the training and expertise they require—so I wonder whether the ambulance service should be involved in these proposals.

We have fantastic blue-light services—the four services—and every member of every one of those services deserves lots of credit. They have all suffered massive cuts. They are all working as hard as they can in the most stringent financial circumstances, and that is very difficult for them. It is easy to criticise them, but I am not sure the answer is to bring them all together and plonk them in one place, although I accept that some of the measures I have mentioned should be looked at for the common good.

The hon. Member for Cannock Chase said it was time to move to a mandatory position, rather than a voluntary one. Well, call me a dinosaur—

Jake Berry: Dinosaur.

Ian Lavery: Thanks—

Mark Pritchard (in the Chair): Order. That remark was made from a sedentary position. If Members want to intervene, I encourage them to stand up.

Ian Lavery: I have lost my thread, Mr Pritchard. I was in full flow until I asked people to call me a dinosaur.

Sir Oliver Heald: One of the latest and most popular cartoons is called, I think, "The Happy Dinosaur".

Ian Lavery: I have been called a dinosaur many times, but rarely have I been called a happy dinosaur, so that is a first.

In her very good speech, the hon. Lady suggested that we need to move immediately from a voluntary to a mandatory arrangement. We have a duty as Members of Parliament to listen to the people on the frontline—the

police who are dealing with crime in our communities, and the fire and rescue services that are dealing with problems every day—rather than just tell them what to do.

Mr Anderson: I concur that my hon. Friend is a dinosaur, because he has a big heart. Is there not a pattern here? The Government just do not want to talk to ordinary people. For example, they insist on places such as the north-east having regional mayors without any consultation with local people. They insist on police and crime commissioners, even though there is no demand for them. They are now suggesting that we combine the roles of police and crime commissioners and fire commissioners, which would do away with another job done by local, elected people. Is this not really about the diminution of democracy?

Ian Lavery: That is a fair comment. There is a lot I could say about the failure of the democratic process nationally, regionally and locally.

Jake Berry: I fundamentally disagree. Actually, combining the police and crime commissioner and fire commissioner roles will give much more democratic accountability. Does the hon. Gentleman think that a fire panel made up by local authority councillors is much more accountable? Could he name everyone on the fire panel in his area? I admit that I cannot do that for my area. If MPs cannot do that, how are constituents meant to?

Ian Lavery: That is a fair point. The Northumberland fire and rescue service is completely different from the services in the rest of the country. I can tell the hon. Gentleman the names of the people elected to run the service on behalf of Northumberland County Council because I have met them on numerous occasions, but I understand his point about whether constituents know who is on the fire panels.

To conclude, this is a serious issue. I understand the points that have been raised by almost everyone here. There are a lot of things that need to be discussed, and I urge the Government not to move forward with any plans without holding proper consultations with the people who deliver these services. It is important that we represent those people and, of course, the people in our communities who rely on these services in the most difficult times.

Several hon. Members *rose*—

Mark Pritchard (in the Chair): Order. We have three speakers and 14 minutes left, so can we have a time limit of four to four and a half minutes?

3.16 pm

Royston Smith (Southampton, Itchen) (Con): It is a pleasure to serve under your chairmanship, Mr Pritchard. I, too, thank my hon. Friend the Member for Cannock Chase (Amanda Milling) for securing this important debate. I also pay tribute to our blue-light services for everything they do to keep us all safe every day of the week. I was the chairman of Hampshire fire and rescue service for five or six years; in fact, I was a member of the authority for about 15 years. I was perhaps the only chairman who was interviewed by Sir Ken Knight when he did his review.

Austerity—this situation in which the country faces significant financial challenges—brings not only challenges but opportunities for our services, if people are prepared to take them. As a result of my leadership, that of the former chief fire officer, John Bonney, and that of his former deputy, Dave Curry, who is the current chief fire officer, Hampshire fire and rescue service has become one of the best, if not the best, fire and rescue services in the country. Of course, I would say that, because I was the chairman, but I think most people would acknowledge that it is right up there in the top 10, if not the best.

The service has tried to innovate its way out of the financial challenge it faces. If other fire and rescue services and police services did the same, we would not be having this debate about mandatory mergers. I think that that is a step too far and is completely unnecessary.

We talked about merging back-office functions; Hampshire has set up a business, as it were, called H3, which merges all the back-office functions of the police, the Hampshire fire and rescue service, and the county council, so when it comes to bringing in another public sector body, we are not necessarily talking about the police and fire; it could be the police and anything, or fire and anything. H3 merges IT, human resources and the back-office functions that the individual organisations involved would otherwise have, and it can bring more in. Other local authorities are looking to bring in their back-office functions. There is a philosophical argument about whether to privatise back-office functions. Some people feel a lot more comfortable about outsourcing those functions to an organisation that is publicly owned and run. Hampshire has already done that, and it was not rocket science.

Kevin Foster: If the arrangement were not mandatory but voluntary, what role does my hon. Friend envisage the Local Government Association, and in particular the national fire services management committee, of which I used to be a member, would play in encouraging such co-operation?

Royston Smith: It can have a role, precisely because that is a forum in which chairmen and others could meet and share best practice. I do not think that has been done, even now. People know what Hampshire is doing, and it is not just about H3 and back office. We have merged 18 or 19 premises with police—and I mean premises, not people; that is fundamental. We try to keep as many people as possible operating on the frontline. We will merge our headquarters into a police and fire headquarters, using the Government's transformation fund. That will put police and fire in the same building, where they can work collaboratively on, for example, marketing and communications. Just putting them in the same building will save the police the cost of another building, and will bring money into Hampshire fire and rescue service. Hampshire is in effect commissioned to run the Isle of Wight fire and rescue service; we are partnered with that service. I pay tribute to its former chief fire officer, Steve Apter, who in effect negotiated himself out of his job so that the saving could be made, and so that Hampshire could effectively run the Isle of Wight's fire services.

There are relatively minor savings in merging such things as governance, and it comes with a risk, as the hon. Member for Wansbeck (Ian Lavery) suggested.

That is not to say that fire and rescue authorities should not be leaner, and perhaps smaller. Hampshire fire and rescue has 25 members; a county brigade has one member. Of course, there are obvious savings to be made. In all likelihood the police and crime commissioner would spend at least half of what it costs to run a fire and rescue authority in running it himself, and that would mean less of a saving.

Mergers of all three services make no sense. One police and crime commissioner said it was ridiculous to send three vehicles to a road traffic collision, but of course it is ridiculous not to. The fire and rescue service may be needed to cut a casualty from a car; an ambulance may be needed to evacuate the casualty; and the police will be needed to ensure that traffic can continue to run. That could not be done with one vehicle; it would be physically impossible.

I do not think any place in the developed world has a merged police and fire service, but ambulance and fire services have been merged in many places, and that works well. Hampshire now provides a medical co-response to thousands of calls a year. That could be improved and increased. However, there is no operational reason for police and fire to merge. There is synergy in the merging of ambulance and fire, as I have said, and if savings in blue-light services are wanted, I think that is where the resources should be put. What the three services have in common is the fact that they all operate with blue lights; beyond that, much of what they do is entirely different, so we should be cautious before talking about mandatory mergers.

3.23 pm

Jake Berry (Rossendale and Darwen) (Con): It is a pleasure to serve under your chairmanship for the first time in this Parliament, Mr Pritchard. I congratulate my hon. Friend the Member for Cannock Chase (Amanda Milling) on securing a hugely important debate that matters particularly to Lancashire Members; the idea of sharing services to reduce costs will be particularly important there, given changes to the police funding formula. The Minister will not have scope to respond to me on that matter, but I want to thank him for meeting me and a cross-party delegation of Lancashire MPs who expressed concern about potential savings. His Department and officials have supported us every step of the way, and have enabled Lancashire MPs to contribute to the continuing consultation to try to protect services.

Blue-light services are under pressure throughout the country because of financial constraints such as those I have mentioned. When MPs talk in the House about blue-light services—police, fire, ambulance, the coastguard and the Mines Rescue Service—they should reflect on the huge contribution that they make. My grandfather patrolled the docks in Bootle in Liverpool during the blitz—a tremendously brave thing to do—while he was in the police service. He put his life at risk every night to try to keep people safe in the city. We had a tragic reminder of the risks yesterday in the same city, at the funeral of PC Phillips at the Anglican Liverpool cathedral, where there were amazing scenes as more than 1,000 police officers lined the streets. I know that the Minister attended, to pass on the condolences of everyone in the House. When we discuss the blue-light services, we must remember

[*Jake Berry*]

that they are like no other part of the public sector. We ask and expect the people in those services to put their lives at risk to keep us safe.

Nevertheless, the new funding environment is here to stay. There must be savings and all services must play their part in helping us to pay down a record deficit. There is an opportunity for blue-light services throughout the country, but particularly in Lancashire, to begin saving by sharing more back-office services, to protect the frontline. When our constituents dial 999 or 101, they really care about whether someone will arrive on their doorstep in the worst of emergencies—or perhaps for a more minor incident if they dialled 101. Will someone arrive to help them? They do not particularly mind whether those people share headquarters or training facilities. We heard a fantastic example from the hon. Member for Strangford (Jim Shannon) about the sharing of training facilities in Northern Ireland. I support services sharing if, and only if, all the savings are used to maintain investment in and support of officers in all front-line services.

I was involved in running a business before I came to the House, and we had 1,500 employees, who were all fantastic and made a huge contribution. They would have thought it bizarre if we had had five HR, payroll or training departments for our five offices. They would have thought it even more bizarre if I had told them that to maintain the five payroll departments, we would sack people doing the work in the five different offices. That does not work in business, and it should not work in blue-light public services. For too long, there has been a silo mentality, and public services have not wanted to co-operate with each other, because they thought of that as a bit of an attack on their independence. The hon. Member for Wansbeck (Ian Lavery) made some fantastic points, with some momentum. We agree on quite a lot and he made some constructive comments about how we can share services but still maintain independence. I agree that if I phone the fire service I expect someone to turn up in the uniform of a firefighter, not a police officer. We have a special relationship with firefighters, which is to do with the fact that they are independent, and not linked to crime fighting. That needs to be maintained.

I want to keep my remarks brief; perhaps I have already gone over the time limit. I just want to say that there is an opportunity, through PCCs, to look at increasing democratic accountability. I outed myself as unable to name everyone on the fire panel in my constituency. I doubt whether many hon. Members could do so for theirs. I can name a few whom I have met in my constituency, but there is an opportunity to increase democratic accountability, and that is why I support the Government's consultation.

Mark Pritchard (in the Chair): I will, because of Standing Orders, have to call the Front-Bench speakers at 3.30 pm, so I call Chris Davies, who has 70 seconds.

3.28 pm

Chris Davies (Brecon and Radnorshire) (Con): It is a pleasure to serve under your chairmanship, Mr Pritchard. My speech goes on a lot longer than 70 seconds, so I shall leave it where it is. I agree with most of what has

been said. It is clear that first and foremost our blue-light services must be not buildings or machinery, but people on the frontline. That is what the general public want and what our voters are after, and the Government must give that priority.

In areas such as mine—I represent the largest rural constituency in England and Wales; it is 85 miles long—the reality is that we must have a mix of services. We have first responders; it may be the fire service that responds, doing a marvellous job and saving lives. The crew may not be putting fires out when they do that, but they save lives doing the work of paramedics. They have trained accordingly and keep people alive until the paramedics arrive. There is a need for this crossover, and thank goodness we have it. I will sit down within the 70 seconds, but I want to pay tribute to the blue-light services, and to the Government for having the consultation. I also pay tribute to my hon. Friend the Member for Cannock Chase (Amanda Milling) for securing this debate.

Mark Pritchard (in the Chair): May I also pay tribute to Mr Berry and Mr Smith for keeping their remarks brief? I am sorry, Mr Davies, that you did not have as much time as I anticipated. I remind newer colleagues in particular that if they want to speak, they have to put their names forward. That allows the Chair to introduce a formal time limit, rather than an informal one, as exemplified in the past few moments.

Alison Thewliss (Glasgow Central) (SNP): It is a pleasure to serve under your chairmanship, Mr Pritchard. It is a shame that the hon. Member for Brecon and Radnorshire (Chris Davies) was cut short, but I absolutely agree with his remarks about the services and the importance that they play in all our constituencies. I thank the hon. Member for Cannock Chase (Amanda Milling) for securing this debate.

3.30 pm

It has been interesting for me as a Scottish National party Member to see how the debate about shared services is developing in England. In Scotland, we have had this debate, and we went in a slightly different direction, with national services for police and for fire. As a former member of the Strathclyde fire board, I am aware of the way in which that developed. There were difficulties in merging different types of services, given the difference between urban and rural areas, and all the things involved. There are lots of challenges there. The imperative was to save money. We asked whether we needed eight different services in eight areas, and whether we could share back-room functions. We ended up with a national Scottish fire and rescue service and a Scottish police service, rather than locally based services. So we had that debate.

The hon. Lady talked about the pressures on all the services. They are a vital lifeline, and I agree that they need to be protected as much as possible. If we can remove duplication of services, it is definitely worth pursuing. Some Members picked up on shared training between different services. As one of its last acts before it was abolished, Strathclyde fire and rescue established a new training centre in Cambuslang near Glasgow. It is an absolutely fantastic service. If Members have not been there, they absolutely should go, because it is a state-of-the-art facility. Police, firefighters, paramedics and other emergency services go there to do line rescue,

road safety and accident training. It is very worth while. All the services have gained a great deal from that shared working and training together. They have learned a lot about accident response, including large-scale accident response.

The hon. Member for Coventry South (Mr Cunningham) talked about amalgamation and privatisation, and the threats that they can bring to services, particularly with the loss of specialist expertise. If we have full amalgamations, will the services be liable for VAT? The Scottish services became liable for VAT. The hon. Member for Wansbeck (Ian Lavery) made interesting points about the remits of different services in the community, and the particular importance of the fire service being neutral. That is an interesting and key point. In my experience, in Glasgow, where young people might not trust the police or attend events with them, they would attend events with the fire service. The Fire Reach programme in Glasgow brought in young people who were at risk of offending and who were attacking firefighters, and reduced the level of criminality. The fire service has a very important role in doing such work.

There has been a lot of talk about procurement, but perhaps there are alternatives. In Scotland, we have a procurement portal for public services called Scotland Excel. I am not sure whether there is a parallel body in England, but that might be an interesting way forward. Local authorities and public bodies can buy into the service and get the benefits of procurement without having to go through formal mergers. Councillors sit on the Scotland Excel panel, so there is accountability.

The hon. Member for Southampton, Itchen (Royston Smith) made interesting points about the experience in Hampshire and the voluntary arrangements to share services. He is absolutely correct to say that we are talking about premises, not people, and that everything that can be done to protect the frontline should be tried. We have certainly not seen any closures of fire stations in Scotland, or reductions in firefighter posts. England has lost 4,700 firefighters since 2010. We have seen nothing like that in Scotland, and police service numbers in Scotland have been protected as well, despite the mergers. Back-room savings have gone towards protecting the frontline.

The hon. Member for Rossendale and Darwen (Jake Berry) made interesting points about these jobs being special. We must recall that every day when firefighters, police and ambulance staff go to do their job, they put themselves at risk. I associate myself with his comments, because I am aware of the difficulties and tragedies that can occur every day for the police service and particularly the fire service, and I thank them. The debate has been very interesting, and I again thank the hon. Member for Cannock Chase for securing it.

3.36 pm

Liz McInnes (Heywood and Middleton) (Lab): It is a pleasure to serve under your chairmanship, Mr Pritchard, as I perform my first duty as a shadow Minister. I thank the hon. Member for Cannock Chase (Amanda Milling) for securing this debate, and I think we all agree that it has been interesting. I agree with my hon. Friend the Member for Wansbeck (Ian Lavery) that there are areas where we can agree and areas where we will disagree. I was pleased to hear the comments made by

the hon. Member for Southampton, Itchen (Royston Smith). Hampshire has been mentioned several times during this debate as a shining example. I think the hon. Gentleman said it was innovating its way out of financial problems. It was interesting to hear his view that mandatory mergers are unnecessary and that savings can be made by merging back offices and sharing functions with the council, the police force and the fire service.

I echo the comments made by the hon. Member for Glasgow Central (Alison Thewliss): we need to think about premises and not people when we talk about making savings. Also, I agree with my hon. Friend the Member for Wansbeck that we need to thank people who work on the front line. We have all paid tribute to our emergency services and the fantastic work that they do and the dedication that they show in keeping us safe and secure. We absolutely must pay heed to the workers and what they want from the services, not just what we might think is a good idea. We really need to consult those people and listen to them.

I want to keep my remarks brief because I want to give the Minister time to reply. I was quite entertained by my hon. Friend the Member for Coventry South (Mr Cunningham) who used the phrase “mandatory collaboration”. As oxymorons go, that wins this week’s prize. That emphasises how we are talking about a one-size-fits-all model across the whole country, and I do not think we can have such a model for providing emergency services. The Cities and Local Government Devolution Bill is being considered at the moment, which will give responsibility back to local areas, and we also have the localism agenda. To try to bring in mandatory legislation for every police and crime commissioner to have control over every fire service in the country goes against both the Bill and the localism agenda.

Several Members referred to the fire service working with the ambulance service—I think we can explore that route—and many fire services already do that. I am sorry to keep referring to my hon. Friend the Member for Wansbeck, but he is a fount of wisdom—*[Interruption.]* In my opinion he is. He discussed the different ways the police, fire and ambulance services are perceived by the public. Firefighters have a real fear that if they come under the jurisdiction of the police, they will be perceived differently by the public. I have spoken to them, and they feel that their role is very much a humanitarian one. They can see themselves working with the ambulance service—in fact, there are many examples from up and down the country of firefighters collaborating with paramedics and ambulance services—but they feel that their role in outreach work, helping in the community, dealing with community issues and going into people’s houses would be changed, and that the trust in them would be eroded, were they to go into partnership with the police, even though it might work in some areas. That is why, with all due respect to the hon. Member for Cannock Chase, I do not feel we should be going down the mandatory route. It should be for local areas to decide how best to run their emergency services.

I will move on to a few quick points that I wanted to address, and then I will give the Minister time to answer. I have just touched on the need for firefighters to be seen as neutral in order to gain access to people’s homes for prevention and rescue work. What assessment have the Government made of the effect on public perception of integrating front-line police and fire services?

[Liz McInnes]

Several Members have discussed the fact that the police and fire services perform very different roles, so have very different command and control structures. I put it to the Minister that that might limit the opportunities for joint working. Significant concerns have been expressed about the role of the chief fire officer, who it appears would be subordinate to the police and crime commissioner under the new proposals. For such a partnership to be successful, it would have to be a partnership of equals, not a subordinate relationship.

An important point was made about fire and rescue services not serving the same geographical areas as police forces. That might make reorganisation in certain areas particularly challenging, with the possibility of further fragmentation to the service. The fire service currently lacks common guidance and a national procurement channel, so that is an opportunity we could explore that might provide some of the financial savings that are required. I am sure the Minister has a view on that and I would be interested to hear it.

I have already discussed how the fire and ambulance services work closely together, and there are several examples of that from England and Wales. The Government proposals seem to reflect a clear preference for collaboration between the police and fire services. Will the Minister consider revising the proposals? Given the common humanitarian remit of the fire and ambulance service, we should explore that option. There is also a general feeling in the Chamber that we could explore the possibility of integrating back-office services.

Steve Brine (Winchester) (Con): I welcome the shadow Minister to her post. One reason why collaboration works so well in the county where I am fortunate to represent a seat is because we have done it voluntarily through local partnerships. The PCC in Hampshire, Simon Hayes, is crucial to the work between the police and the fire service. Before the election, the Opposition's policy was to abolish PCCs; can the hon. Lady confirm that that has now changed?

Liz McInnes: It was our policy at the general election. It was in our manifesto that we would abolish PCCs and put the money back into front-line policing. I am not aware that Labour party policy on PCCs has changed, but we are where we are. Whether I like it or not, we are in opposition and have to work with PCCs. That is the situation. I obviously have to deal with reality and with the here and now.

As I have already said, I do not believe that the proposed new arrangements should be mandatory. I stress to the Minister that local areas should be able to make local decisions. Where a fire and rescue service identifies that it could benefit from collaboration with another service, such as the ambulance service, or even first responders, as mentioned by the hon. Member for Brecon and Radnorshire (Chris Davies), it should be able to. Fire services should be free to consider other partnerships. They should not be tied to a single arrangement with the police.

3.45 pm

The Minister for Policing, Crime and Criminal Justice (Mike Penning): As usual, Mr Pritchard, it is a pleasure to serve under your chairmanship. I congratulate my

hon. Friend the Member for Cannock Chase (Amanda Milling) on securing this debate. What perfect timing, with the consultation having just finished and Her Majesty's Opposition accepting that Vera Baird and Paddy Tipping were absolutely right that police and crime commissioners should be kept. We agree. Thank goodness that the Conservative party won the election, or Vera and Paddy would not have been happy.

I declare an interest: I am an ex-firefighter and an ex-military paramedic, and I have also worked in counter-terrorism, so, perhaps unusually for a Minister in a debate on this subject, I know what I am talking about a fraction. I apologise to the hon. Member for Wansbeck (Ian Lavery): I was in no way saying that firefighters have the same sort of powers as the police. The police are warranted, of course, but it is important to note that fire services have statutory powers as well. At no stage in any part of the debate has it been said from the Government Benches—or anywhere, I think—that front-line operational officers in the police, fire or ambulance services should be amalgamated. I will explain and reiterate what has been said, using anecdotal evidence.

I came out of the military, having done four years as a qualified battlefield medic. I joined the fire service and was told to take a first aid certificate. I attended what used to be called RTAs—road traffic accidents; they are now called road traffic collisions, or RTCs—often with no ambulance in sight, not for minutes but for a considerable length of time. Sometimes, the police were not there. These days, very often the police will not be there, because it will be the Highways Agency traffic officers—they have renamed themselves since I left the Department for Transport—who attend. Having better skills in order to protect the public is crucial. That is part of what we are trying to do. In my own county, the fantastic chief fire officer, Roy Wilsher, who almost 10 years ago did an amazing job saving half my constituency when the Buncefield oil depot blew to smithereens, is the CEO of the PCC's office. As well as being the chief fire officer, he actually runs the PCC office. Why? Because it is logical and sensible.

The public often talk about buildings. It is our job to ensure that they talk about not buildings but people. I welcome the shadow Minister to her role. I think we will probably meet fairly often, although I am not the Minister responsible for the fire service—that falls to the Minister for Communities and Resilience, my right hon. Friend the Member for Rayleigh and Wickford (Mr Francois); I am here because of the connection to PCCs. When she reads *Hansard*, she will find that she said it is about buildings, not people. I think she meant that the other way around, but I fully respect and understand that. A church is not a building; it is a group of people who come together. Emergency services should not be about buildings, but about how we deliver the best service.

We must learn from the mistakes in the past. The amalgamation of the ambulance service met a fair bit of opposition. I am not a health Minister, although I was shadowing the public health Minister responsible for the ambulance service when it happened, and we had real concerns about it, some of which came true. We fundamentally opposed the regionalisation of fire control centres. Thank goodness we stopped that in time, although there are still some very expensive buildings out there, at least one of which is occupied by the coastguard. Actually, this is nothing new. I remember that in the early '80s—all

those years ago when I was a fireman in Essex—there was a tri-service control centre in Warwickshire. They were doing it then, so we have come full circle.

The skills of the people who are there to look after us are rightly interoperable. I hear forces saying, “We are going to lose x amount of front-line people”, “We are going to lose this” or “We are going to lose that,” but have they really looked at where those savings can be made so they can deliver the taxpayer-funded service that the public deserve?

We were talking about procurement a moment ago. I am not one to say that one size fits all and that we should procure everything from one place, but I published on the Home Office website how much each police force spends on the average 20 items. We all want our officers to have body armour, but there is a £300 difference between the price that two forces pay for it. Surely, as we approach the police and crime commissioner elections, that is the sort of thing we should be talking about. The fire service and the police both buy white shirts, so why do they not buy white shirts together? If a local provider can match the average national price I am sure we would all want to support that local business, but if it cannot we have to question seriously whether that would provide value for money. We have changed the way we procure vehicles. There was some criticism from the Opposition, but for the first time the Government are buying huge amounts of very expensive equipment at e-auctions at the best value we can get it for. That is our responsibility as representatives of taxpayers.

There are myriad other things that can be done. Hampshire is very well represented in the debate this afternoon for a reason: it is one of the most forward-thinking authorities in the country. I went to Winchester fire station, in the constituency of my hon. Friend the Member for Winchester (Steve Brine), and met the chief fire officer. The station is shared. I went to the yard, where the fire brigade was carrying out a drill—I am sure they do joint drills with the police in that yard, because that is the sort of thing we need to see—and at the bottom part of the yard is a brand spanking new building for the armed response unit and other police facilities. Nobody would ever know, and, frankly, I do not think the public would care if we explained to them that we want to do this to look after people.

Sir Oliver Heald: One of the advantages of what was suggested by our hon. Friend the Member for Southampton, Itchen (Royston Smith) is that it would mean we have the flexibility of having a company, which other authorities can join and move their back-office functions into. Equally, the sort of contracts that he talked about—outsourcing contracts and others of that type—have a flexibility to them. Do the Government support that sort of thing, or are they going to create new institutions through statute?

Mike Penning: We do not want to make it mandatory. We need to learn from the mistakes of the past. As an illustration of the support that my hon. Friend the Member for Southampton, Itchen (Royston Smith) alluded to, the Home Office gave £1.8 million to support H3, and we supplied extensive moneys for the relocation from the police innovation fund. That is the sort of innovation we are looking for.

The only thing I disagreed with my hon. Friend the Member for Cannock Chase about was her point about compulsion. I know exactly where she is coming from, and I have a huge amount of sympathy with it. I was arguing this point long before austerity was even thought of, when we were throwing money at our emergency services—we have sometimes seriously thrown money at our emergency services over the years, not least for kit that is hardly ever used—because it is right that we have a better, joined-up emergency service. We need people who are trained for the 21st century; we cannot look at the fire service, the police service and the ambulance service in a historical way.

Community first responders were never heard of previously. Communities came together for that. People said, “I want to be part of this community. I would like to do this.” We have them in my constituency, and they do really well. My point is that it is always better if the Government can bring people together and say, “This would be better for you,” rather than say, “This would be better for you, now come together and do it.” The consultation specifically looks at some areas where it would be difficult—for example, where forces and fire authorities are not co-located.

Northamptonshire is a good example, because the Northamptonshire PCC is one of the most forward-thinking PCCs in the country. He is already running the fire service management, but he does not interfere in the operational running of the fire service, in exactly the same way as PCCs do not have any effect on the operation of the police force. He is now looking at the ambulance service to see whether, for instance, the clinical commissioning groups would like to commission non-blue light or blue light vehicles from him. The vast majority of the ambulance services that are offered in this country, such as patient transport, do not use blue-light vehicles. It is hugely expensive, and it is often very highly qualified people doing those sorts of jobs. Where we are short of paramedics, we have to ensure they are doing front-line jobs, not administrative jobs or “ordinary” patient transport jobs.

I want to touch on that point in relation to the police forces, too. It is imperative that highly paid, highly skilled, hugely brave people—I was at Liverpool cathedral yesterday with David Phillips’s family and the thousands of people from across these islands and the world who came to pay tribute to him—are in operational positions, not behind a desk. In some forces, 10% of the warranted officers are not available because they are not fit for duty. How can that be right?

The hon. Member for Coventry South (Mr Cunningham) said policemen have been made redundant, but we have not made anybody redundant. They may have been declared medically unfit for duty, but we do not have the power to make officers redundant. We have got to ensure that as many people are in front-line roles as possible in the fire service, the ambulance service and the police service. They should be doing the jobs they trained for and joined the force to do, and they should be serving the community.

When we go in one direction away from danger, those people go in the opposite direction for us. We should pay tribute to them and ensure that they have the right kit and body armour. When I was in the fire service, we had cork helmets and serge jackets from the second world war. Now, they have the proper equipment. We had

[Mike Penning]

body armour that it was almost impossible for me to stand up in, and I am pretty hefty—not as big as them, but still pretty heavy. Now, they have lightweight breathing apparatus. We rightly praise their skills, but let us save money in the back offices, the bureaucracy and procurement before we dream of saying that we are not going to provide front-line officers, no matter which of those services it is.

This debate is a massively important part of the consultation. It is brilliant that we agree on most things, which is what this Chamber was designed for.

3.57 pm

Amanda Milling: Thank you, Mr Pritchard, for giving me a couple of minutes to conclude. I thank all hon. Friends and Members for their contributions, and I thank the Minister for sharing some of his experiences. He spoke not simply as a Minister but as someone who was on the ground in various roles in the emergency services. I found it interesting that although we have some differences of opinion—[*Interruption.*]

Question put and agreed to.

Resolved,

That this House has considered the issue of police and fire shared services.

3.58 pm

Sitting suspended for a Division in the House.

Gay Conversion Therapies

[MR ADRIAN BAILEY *in the Chair*]

4.9 pm

Mike Freer (Finchley and Golders Green) (Con): I beg to move,

That this House has considered gay conversion therapies and the NHS.

It is a pleasure to serve under your chairmanship this afternoon, Mr Bailey.

I am conscious that this subject has been raised before; however, it remains possible for people in the UK to be referred by a national health service professional to a psychotherapist for gay conversion therapy—the so-called “gay cure”. Being gay is not a disease, it is not an illness and it is not something that I or any other gay man or woman can be cured of. To suggest otherwise is not only demeaning, but morally and medically wrong. Not a single medical body supports the concept of a “gay cure”. The Royal College of Psychiatrists, the UK Council for Psychotherapy, the British Association for Counselling and Psychotherapy and the British Medical Association have all concluded that such therapy is unethical and potentially harmful.

Various techniques and methods have been used, and I will list a few to give a bit of colour to the level of quackery available. Exorcism is one method—in *The Times* today is a story about a young man taken to a backstreet exorcist because his parents were concerned that he was gay. Cycling, too, was thought to be a “cure” for being gay, although as a keen cyclist I can tell colleagues that it does not work. Then there is prayer—pray away the gay, apparently—although that does not appear to work either. An Austrian doctor trialled testicular transplants: he took the testicles of a heterosexual man and transplanted them into a homosexual man to see whether that curbed his homosexual desires. Unfortunately, I could not find the outcome of the trial anywhere on the internet, although I am sure it was of interest to both recipient and donor of the testicles.

I mention those as examples of how far from the mainstream some so-called “cures” can be. They are also a far cry from mainstream psychotherapy—I need to put that on the record. However, I want to focus on current techniques and to debunk the thought that so-called “cure therapies” might simply be gentle counselling, laying on the couch and talking about one’s feelings. They are not gentle therapies.

Such therapies purport to change a person’s sexual orientation or to reduce attraction to people of the same sex. Dr Christian Jessen, for a television programme in only 2014, underwent treatment for homosexuality, including one of the most extreme “cures”, aversion therapy, which looks to teach patients to associate same-sex attraction with pain or nausea. Patients are given a drug that makes them extremely ill and they are then played pornographic images and sound recordings while they vomit violently. That is not counselling. Usually patients experience a session every two hours, night and day, for three whole days. That is not counselling. Similarly, in electric-shock treatment, people who respond to same-sex stimuli are shocked so that their response is associated with pain. That is not counselling.

Imagine the outcry if Parliament were to give tacit approval to curing heterosexual men and women of their heterosexuality. There would be uproar. Allowing conversion therapy to try to turn our straight colleagues gay would not last a day, yet we allow therapists to peddle the myth that they can “cure” people of being gay.

If such views were held only by crackpots on the fringe of society, it would be laughable. It is not. Some psychotherapists and some NHS staff hold the view that a “gay cure” is possible. YouGov polling in 2014 for Stonewall, the excellent lesbian, gay, bisexual, and transgender organisation, found that one in 10 health and social care staff have heard other staff express a belief in “gay cure” therapy; in London that figure rose to one in five. Only six years ago the *BMC Psychiatry* journal surveyed over 1,300 accredited medical professionals and found that more than 200 of them—over 15%—had offered some form of conversion therapy. Those 200-plus professionals said that 35% of their patients had been referred to them by GPs, and 40% of the patients receiving the so-called “treatment” were treated in an NHS practice. For any health professional to refer someone for such “therapy” is fundamentally abhorrent and it is time to call a halt to it once and for all.

Where are we today? In spite of numerous calls for an outright ban, the practice continues, although I accept that there has been some progress. In January the “Memorandum of Understanding on Conversion Therapy in the UK” was launched. It was developed by the UK Council for Psychotherapy and signed up to by some major organisations, including the NHS. It is welcome as far as it goes, but a number of regulators have not yet signed up to the memorandum—and it is voluntary. The memorandum seems to cover only sexual orientation, not gender identity—and it is voluntary. The memorandum states that practitioners need to be aware of the ethical issues relating to such “cure” therapies and that the public should be made aware of the risks of such therapies—and it is voluntary. The memorandum seeks to apply standards to a sector of therapy that has no statutory regulation—because it is voluntary. We regulate dentists, but we have no statutory regulation for psychotherapists.

My hon. Friend the Minister has an impeccable record on LGBT issues, especially in health, and I put on the record that on this issue and many others she has a deep commitment to helping to eradicate flaws in the system and to pursuing equality. So I have to ask: why we are allowing this abuse, this so-called cure “therapy”, to continue? Why are we allowing the practitioners, the psychotherapists, to have merely a voluntary code of practice—a memorandum of understanding?

I acknowledge that psychotherapy has a role to play for adults who need support when dealing with a range of issues connected with their sexuality and sexual identity. Dealing with conflicting feelings is difficult at the best of times and I do accept the role of proper, regulated counselling.

Ben Howlett (Bath) (Con): I congratulate my hon. Friend on securing the debate. Does he agree that availability of such programmes would have a serious effect on the mental health of LGBT individuals?

Mike Freer: My hon. Friend makes a good point, given the evidence. I am about to quote the Royal College of Psychiatrists, which states that such therapies

are damaging not only to the physical health, but to the mental health of individuals who have such therapies inflicted upon them.

Stuart Andrew (Pudsey) (Con): I congratulate my hon. Friend on raising this important issue. Is he as disturbed as I am to see figures from the United States on people who have gone through conversion therapy showing that they are 8.9 times more likely to commit suicide, 5.9 times more likely to suffer depression, and three times more likely to take illegal substances than their peers as a result of this frankly outdated and cruel method?

Mike Freer: My hon. Friend makes an extremely powerful point. I am not surprised to hear those figures.

Anyone who is conflicted and in need of support while coming to terms with their sexuality is experiencing some difficult feelings. If they are told that they can be “cured”—I am yet to find a case of the “cure” being proved successful—they then have to deal with those feelings as well.

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I speak as a Member of Parliament and as a psychologist. In all my experience and practice in the NHS, this is not something I am familiar with, although the hon. Gentleman says that there are a number of cases. It is important to recognise that such therapy is without any evidential basis—not surprisingly, given that most of the research findings indicate an adverse impact on people’s mental health, rather than a “cure” per se.

Mike Freer: The hon. Lady makes a good point. I have to say that no one I know has come forward to support such psychotherapy, yet if there is such violent agreement, why are we struggling to get aversion therapy banned? There is this conundrum: we all agree that it is harmful and that it should not be done, yet we do not seem to be able to get it banned.

I accept that my hon. Friend the Minister has difficulty in regulating the sector in terms of setting legal definitions for what would constitute illegal therapies. The legal situation is fraught, but it is not acceptable to leave vulnerable men and women susceptible to aversion therapy. There can be no justification for pursuing therapies that put a person’s mental health and, in some therapies, their physical health at risk. It is time to say that such therapies have no place in our society and no place in our healthcare system. It is time to say simply that aversion therapy has no medical merit and can be harmful and it is time to say that it is going to be illegal. It is also time to ensure that psychotherapy has statutory regulation, so that those who do not comply and continue to perpetuate such cure therapies face stricter and harsher penalties than those currently available under a voluntary code.

The Royal College of Psychiatrists contacted me last week to reiterate that

“the college remains in favour of legislative efforts to ban such conversion therapies.”

In its letter, it said that

“there is no scientific evidence that sexual orientation can be changed.”

It also said that

“so-called treatments of homosexuality can create a setting in which prejudice and discrimination flourish, and there is evidence that they are potentially harmful.”

Wes Streeting (Ilford North) (Lab): I am grateful to the hon. Gentleman for securing the debate and for all the work he does to champion LGBT equality. I am sure that many of us received the Core Issues Trust's interesting briefing, which suggested a link between homosexuality and same-sex attraction and mental ill health and other forms of physical illness. Has it not got that the wrong way around? It is discrimination and the suggestion that there could be a gay cure that makes all LGBT people, and young people in particular, feel that they are different and somehow alien. That is what causes them mental ill health, not their homosexuality.

Mike Freer: The hon. Gentleman has a track record in this area even though he is new to the House and I am sure that he will be extremely vocal on these issues. He is absolutely right. It is the suggestion that homosexuality is a disease or illness that can be cured that drives mental health problems, not the other way around. Frankly, I wasted no time on reading Core Issues' briefing.

I will finish with a couple of comments from esteemed colleagues. On 29 April, in an interview with *Pink News*, the Prime Minister said, on banning such therapies, "if we need to go further...we will."

As far as I am concerned, we do need to go further. The Secretary of State for Education and Minister for Women and Equalities said a couple of weeks ago to *Pink News*:

"Let me be clear: gay cure therapies have no place in our countries and we must stamp them out."

I ask my very good friend the Minister if she will agree to explore how stipulated aversion therapies can be banned and whether the voluntary memorandum of understanding should and can be reviewed to put it on a statutory footing.

4.23 pm

The Parliamentary Under-Secretary of State for Health (Jane Ellison): I thank my hon. Friend the Member for Finchley and Golders Green (Mike Freer) for initiating this debate on this important issue. Let me start by wholeheartedly agreeing with his opening premise. The Government do not believe that being lesbian, gay or bisexual is an illness to be treated or cured. We are concerned, therefore, about the issue of so-called gay-to-straight conversion therapy and we have consistently spoken out against the need for that practice.

I will outline some of the background to the work my hon. Friend touched on and try to respond to some of his concerns, but I suspect that this is the beginning of an ongoing conversation—I am happy to say that at the outset. The UK Council for Psychotherapy first raised its concerns about the perceived increase in this type of therapy with the Department of Health in late 2013. Department officials met with the council to discuss those concerns and agreed to work with it and others to identify ways to eradicate the practice. At that time, we also welcomed the fact that the key professional counselling and psychotherapeutic bodies had already made public statements on the issue.

As a result of the UK Council for Psychotherapy's approach, the Department agreed to support the publication of a statement that made clear that the major therapy bodies in the UK were united in speaking out against conversion therapy, because they believe that that particular approach is based on the assumption that homosexuality

is a mental disorder or that it begins from the preconceived view that the client should change their sexual orientation. As homosexuality is not an illness, as my hon. Friend said, the professional bodies argue that it is both logically and ethically flawed to offer any kind of treatment. The House may be interested to know that the American Psychiatric Association removed homosexuality from its diagnostic glossary of mental disorders in 1973 and the international classification of diseases produced by the World Health Organisation eventually followed suit in 1992.

A consensus statement was published in February 2014 as a result of the exercise we convened. It was initially signed by eight organisations and others added their support later on. The statement is clear: those bodies believe there is no good evidence that such therapy works and that, actually, it has great potential to cause harm. It goes on to say that such approaches are often based on religious interpretations of sexuality rather than on a researched and informed understanding of sexual orientation.

As my hon. Friend said, the Department agreed to host a roundtable event on 2 April 2014 to which we invited a range of interested organisations comprising signatories to the consensus statement as well as royal colleges, the Association of Christian Counsellors, regulators and other counselling bodies. The right hon. Member for North Norfolk (Norman Lamb), who was then the Minister responsible for equalities, was fully supportive of the work and attended and contributed.

I am pleased to say that the meeting was positive and that out of the discussions came agreement that more could and should be done by those present to prevent this kind of therapy from being offered. The participants agreed to develop the memorandum of understanding, which has been referred to. The UK Council for Psychotherapy agreed to lead on the work, in partnership with other bodies and the Department.

The memorandum was published in January and launched at a second roundtable event at the Department. Once again, my former colleague the right hon. Member for North Norfolk was present and publicly made clear his support for the memorandum and its commitments. Its purpose was to set out an agreed framework for activities for all the parties concerned to help address the issues raised by this practice. One such aim is to ensure that the public are well informed about the lack of evidence and the risks of so-called conversion therapy. There are a range of other important professional objectives.

Professionals from throughout the healthcare and psychological professions committed to work together to promote the public interest. Each of the signatory organisations committed to actions appropriate to their function and purpose. To give one example, those with practitioner members agreed to review their statements of ethical practice and consider whether there was a need to publish a specific ethical statement on conversion therapy. Secondly, those with a responsibility for training committed to work together to ensure that training prepares therapists sufficiently so that they can work effectively with their lesbian, gay or bisexual clients.

The memorandum is owned by the organisations who signed it. They have continued to meet together and to work on those commitments throughout the year. The Department fully supports that work.

My hon. Friend drew attention to the NHS's part in such therapies. Discussions with the sector uncovered the fact that there were no reliable, up-to-date figures on the use of conversion therapy. However, a 2009 survey of 1,300 mental health professionals found that more than 200 had tried to help at least one client to reduce the attraction they felt for someone of the same sex. A third of those clients were said to have been referred for therapy by a GP and 40% were reportedly treated in the NHS.

The Government are clear that moneys from the public purse should not be used to fund such therapy. Ministers in the previous Administration wrote to NHS England in March 2014 seeking confirmation that such treatment was not taking place on the NHS and I am pleased that we received a robust and supportive response from Simon Stevens. Not everyone in the House may be aware of his response, which was that

“so-called gay-to-straight conversion therapy is harmful nonsense and the NHS should never be funding it.”

Wes Streeting: Clearly, the memorandum has been effective since it was introduced, but it concerns me that the briefing from Stonewall suggests the Nursing & Midwifery Council, the Care Quality Commission, the General Medical Council and the Health and Care Professions Council are not yet signatories. Does the Minister agree that they should sign up? It has clearly been helpful for other organisations and is a powerful statement of intent.

Jane Ellison: The hon. Gentleman will see, when I propose some next steps, that I might be able to respond to his point.

Simon Stevens went on to say that he would direct NHS England to make that position—that the NHS should never fund such therapy—clear and explicit in all public statements on the issue in future. I cannot be clearer than that. If Members have examples of the NHS funding such therapy, I would be particularly interested to know about them.

Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con) *rose*—

Jane Ellison: I will, of course, give way to my former colleague.

Dr Poulter: I pay tribute to my hon. Friend the Member for Finchley and Golders Green (Mike Freer) for securing the debate and to my hon. Friend the Minister for the work she does to raise awareness of the LGBT community's needs. It is, of course, unacceptable for the NHS to sponsor these therapies. All registered medical professionals can be disciplined by their professional bodies, whether that is the Royal College of Psychiatrists or the GMC taking action against doctors in these cases for discriminating against certain patients. Is the real issue not, however, that the regulation is not there for some therapists? This is the issue that needs to be looked into: do we need to regulate more effectively some of the therapists in this field?

Jane Ellison: My hon. Friend speaks from a position of great knowledge. I am well aware of the challenges to the current position, which I will outline, from hon. Friends and other Members. I will try to respond to those.

I want to make this point, for the record: we are not saying that lesbians, gay men and bisexual people should not seek counselling or therapy if they are distressed about a particular aspect of their sexuality. It is important we recognise that family arguments over sexuality or hostility from other people might well be a reason for someone to seek support for that aspect of their life. That is obviously a core part of what many therapists do, so I want to be clear that there is a place for that in supporting people appropriately.

Ben Howlett: May I pick the Minister up on a point? She referred to lesbians, gay men and bisexual people, but it is transgender people as well.

Jane Ellison: I am duly chastised, having recently given evidence to the excellent inquiry being led by the Women and Equalities Committee, of which my hon. Friend is a member. The Chair of that Committee, my right hon. Friend the Member for Basingstoke (Mrs Miller), has just joined us in the Chamber. I duly correct myself and thank my hon. Friend for his intervention.

I fully understand the concerns about so-called gay conversion therapy, but the Government have no current plans to ban or restrict it via legislation, or to introduce statutory regulation for psychotherapists. I say that in the knowledge that that position is challenged, and I will go away and reflect on that after the debate.

The Health and Social Care Act 2012 introduced provisions to enable the accreditation of voluntary registers for unregulated healthcare professionals and healthcare workers across the UK, social care workers in England and certain students. We should not underestimate the fact that these voluntary registers are having an effect and can be effective. They are accredited by the Professional Standards Authority For Health and Social Care where statutory regulation would be neither proportionate nor an effective response to patient safety. These accredited voluntary registers already provide some safeguards for the public. We feel they are working, and we have examples of that.

Both the Government and the PSA recommend that when a patient or service user chooses to visit a health or care practitioner who is unregulated, only those on an accredited register are consulted. That ensures that organisations holding an accredited voluntary register have been thoroughly assessed by the PSA. The PSA also ensures that those organisations handle complaints fairly and thoroughly. If a practitioner is removed from one register, they are not allowed to join another. We have seen some recent examples. In one case, the British Association for Counselling and Psychotherapy removed a practitioner from its register for professional malpractice after they were associated with this sort of therapy. The Department is clear that it encourages employers and commissioners, when recruiting, to choose practitioners who are committed to the highest standards and who are on accredited registers.

Although we have decided at this stage not to take a legislative approach, I wholeheartedly agree with the Minister for Women and Equalities, my right hon. Friend the Member for Loughborough (Nicky Morgan), who my hon. Friend the Member for Finchley and Golders Green quoted at the outset of the debate as saying that these therapies must be eradicated. We want to keep up the momentum to do that. I suggest to the

[Jane Ellison]

House that as we pass the anniversary of the MOU, we should convene another roundtable in the new year, at which we ask the original signatories to report on their progress and challenge them to identify where we can be more ambitious on ending conversion therapy. That would be an opportunity to pick up on some of the specific challenges mentioned by my hon. Friend in his opening speech, as well as one or two of the points made in interventions. I am open to discussing how we bring the concerns raised by Members to the attention of that group and to discussing who comprises it, although I think it originally included some organisations representing LGBT people, as well as professionals in this area. I commit to doing that.

As we work towards that event, I am happy to engage outside the Chamber with hon. Friends on where they think we can do more. I have taken on this brief since the election. Before that, I was a Minister for inequalities; I am now a Minister for inequalities and equalities—I think that makes me even. It is a brief I take extremely seriously and one that I have committed a huge amount of time to.

Nick Herbert (Arundel and South Downs) (Con): I sense the Minister might be about to end, but I hope she will accept this point. While a ban might not be appropriate, a stronger statement of guidance from the Government, reflecting the comments of colleagues, to all parts of our national health service would be welcome, because of not only the harm these conversion therapies do to individuals but the signal their availability sends to the wider public that it is somehow abnormal to be gay and that being gay is a condition that can be cured. That is not acceptable in today's society, and our major public service should not be allowing the promotion of that idea in any part of it.

Jane Ellison: I completely understand my right hon. Friend's point, which he made extremely well. I am happy to talk to Simon Stevens at our next regular meeting about that, and it is perhaps an issue we can explore further at a roundtable. My right hon. Friend makes an extremely fair point about how we send those signals. I will reflect on what more I can do.

To conclude, I ask hon. and right hon. Members present, perhaps in anticipation of the next broad discussion of this issue, to seek the counsel and insight of their local LGBT communities. I regularly guest-chair my local LGBT forum in Wandsworth, which I find a useful opportunity to engage with the issues and get up-to-date insight. I encourage all colleagues to do that, because it will greatly inform our deliberations in the new year. I will take away all the points made and the continued challenge to the Government to go further on this issue. I know that all Members present look forward to a time when this practice is a thing of the past.

Question put and agreed to.

Resolved,

That this House has considered gay conversion therapies and the NHS.

Maternity Discrimination

4.40 pm

Mr Adrian Bailey (in the Chair): The Speaker's Commission on Digital Democracy recommended the use of regular digital public discussion forums to inform debates held in Westminster Hall. A digital debate has taken place on Twitter ahead of today's debate on maternity discrimination. Mr Speaker has agreed that for this debate, members of the public can use handheld electronic devices in the Public Gallery, provided that the devices are silent. Photos, however, must not be taken.

I call on Stuart C. McDonald to move the motion.

4.41 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I beg to move,

That this House has considered maternity discrimination.

I am pleased to introduce this debate under your chairmanship, Mr Bailey, and to have secured a debate on a subject that is vital for women and for everyone who is concerned with justice and equality.

I would like to thank constituents who have contacted me about this issue, and my hon. Friend the Member for Lanark and Hamilton East (Angela Crawley), who suggested its suitability for a debate. I thank Maternity Action for its invaluable help in preparing for today, and Parliament's digital team, which you mentioned, Mr Bailey, for supporting our Twitter debate on this subject yesterday. Most importantly, I thank everyone who contributed their ideas and experiences; I will return to that later. Finally, I pay tribute to campaigners both inside and outside Parliament who have pursued this issue over many years, and I very much look forward to hearing the contributions of some of them this afternoon. I am pleased to have been able to lend my support by securing this debate.

This is the first time we have had the opportunity to debate properly the first set of findings from the research project being undertaken on behalf of the Department for Business, Innovation and Skills and the Equality and Human Rights Commission. Further research findings are to be published in the near future, and that will further inform our understanding of the scale and nature of the issue and how Government choose to respond. However, we cannot do nothing in the meantime. Waiting is not an option and never was, and there are certain steps that can and should be implemented immediately as we set out to end maternity discrimination. This is an opportunity for Members to make that strength of feeling absolutely clear to Government.

Mrs Maria Miller (Basingstoke) (Con): I congratulate the hon. Gentleman on securing this important debate. Does he share my concern about the scale of the problem and about whether there is a true appreciation of that scale? I refer particularly to the EHRC report, which states that there could be as many as 54,000 mothers a year who are treated so poorly that they feel they have no option but to leave their jobs.

Stuart C. McDonald: I agree absolutely with the right hon. Lady, and I will briefly turn to some of the report's findings. The issue is not just the scale of the problem, but the fact that the numbers seem to have increased over the last decade.

It is important to put on record some of the report's findings. On the basis of interviews with over 3,000 employers and over 3,000 women with young children, investigators were able to conclude, as the right hon. Lady said, that unlawful maternity and pregnancy discrimination is more common in Britain's workplaces than ever, with an estimated 54,000 pregnant women and new mothers—that is one in nine—forced out of their job each year. They also found that one in five women—as many as 100,000 a year across the UK—reported having experienced harassment or negative comments either because of pregnancy or flexible working. Investigators found that one in 12 women were treated with less respect by their line manager, and one in eight felt that they were treated less favourably in some other way, as a result of their pregnancy. One in 10 women were discouraged from attending antenatal appointments, despite those being absolutely essential for protecting the health and wellbeing of mother and baby, as well as there being a legal right to paid time off for antenatal appointments.

Investigators also found that one in six of the women interviewed reported suffering a negative impact on their health or stress levels because of poor treatment at work. One in 12 women who had attended a job interview while pregnant reported being asked during that interview whether they were pregnant, and finally, two in five women said that they would have liked to work more flexibly upon return from maternity leave, but did not ask to do so as they were concerned that it would not be approved, or that it would result in negative consequences.

Rachael Maskell (York Central) (Lab/Co-op): I congratulate the hon. Gentleman on securing today's debate. Does he agree that when maternity pay is just £138 a week, there is a disincentive for women to make tribunal claims against the discrimination that they experience, given that they have to pay £250 to submit their application and £950 for a hearing? Having to pay £1,200 is massive disincentive for women to make a claim, but on top of that, it means that employers are more likely to discriminate. Should that area of discrimination claims in the tribunal not be exempt from fees?

Stuart C. McDonald: The hon. Lady makes a very valid point, and I will turn in due course to tribunal fees and access to justice.

It is interesting to note that despite all the discrimination that I laid out from the report, only one in 12 of those women who raised a concern about their treatment at work obtained legal advice from an external advice provider such as Maternity Action, a law centre or a citizens advice bureau, so there is probably an awareness-of-rights issue, even before we get to the equally important consideration of tribunal fees.

Looking at the other side of the coin, the research found that seven in 10 employers felt that mothers should declare up front in interviews if they are pregnant. Almost three in 10 employers felt that pregnancy put unreasonable cost burdens on the workplace, and a horrifying one in four of the employers surveyed wrongly believed that it is lawful to ask women job candidates about their plans to have children.

The sad fact is that these findings, published in July, probably did not come as a surprise to campaigners. For example, in its 2013 report, "Overdue", Maternity Action estimated that up to 60,000 women were being forced out of employment because of maternity discrimination. As the research suggests, it is a sad fact that the problem is becoming more, not less, widespread. The number of mothers being forced out of work through maternity discrimination is almost double the figure of 30,000 identified in similar research undertaken back in 2004-05 by the then Equal Opportunities Commission.

The hon. Member for York Central (Rachael Maskell) touched on the point that causes some of us the most concern: it is beyond reasonable doubt that certain Government policies have made it harder, not easier, to tackle the issue, by making it more difficult for women to challenge such discrimination. The supply of free legal advice has been severely reduced by funding cuts. Maternity Action's free helpline now receives 42 times more calls than it is able to answer, and as she said, since July 2013, there have been up-front fees of up to £1,200 to pursue an employment tribunal claim for pregnancy, maternity or other discrimination, which has undoubtedly had a devastating impact on women's access to justice. In the words of Lord Justice Underhill,

"It is quite clear...that the introduction of fees has had the effect of deterring a very large number of potential claimants."

It is important to say that not only are fewer claims being made, but it is undeniable that meritorious claimants are being stopped from proceeding.

Those statistics are easy to rattle through, but on their own, they do not give us a proper understanding of the nature of what is going on. That comes only from hearing the very individual stories of women across the UK who endure this discrimination, such as the stories that I was told yesterday during our Twitter debate and by various campaign groups. I heard appalling stories of pregnant women being forced to use different toilets at work, finding it impossible to access their employer's maternity packages, being told that they had taken too many sick days, or being made to take antenatal appointments during their lunch breaks or on annual leave. The treatment of pregnant temporary workers seems particularly awful, according to the messages that I received.

So what are we looking for by way of a response from Government? Maternity Action, members of the Alliance Against Pregnancy Discrimination in the Workplace and members of the public taking part in our debate yesterday all believe that it is clear that Ministers need to respond with a strong, comprehensive and effective plan of action, including a number of detailed measures.

First, Ministers must send a strong message to employers that there is simply no excuse for flouting the law on pregnancy and maternity discrimination. Perhaps the Government could consider that in their proposals for a new director of labour market enforcement—a post being introduced, rather oddly, under the Immigration Bill. Alongside that, support has to be provided to small and medium-sized enterprises and start-ups to assist them with planning for maternity leave, as smaller employers in the private sector were most likely to report difficulties across many areas in managing pregnancy and maternity issues.

[Stuart C. McDonald]

Secondly, the Government must develop a high-profile information campaign aimed at improving women's awareness of their rights, and employers' understanding of their legal obligations and the business benefits of compliance. Best practice should be benchmarked, and the benefits of best practice, including flexible working, should be highlighted. Too often, the women most vulnerable to discrimination are those who know least about their workplace rights, and that includes young workers, recent migrants and many of the millions of women working in small, non-unionised workplaces. We can put that right.

Thirdly, that general awareness-raising must go hand in hand with a significant injection of funding to the specialist information and advice services that pregnant women and new mothers clearly need to help protect their rights at work. Pregnancy and maternity discrimination presents a massive challenge to women when they are least able to handle the additional stress and financial costs. Too many are unable to benefit from a trade union's advice and support services, and cannot afford to pay for legal advice.

Fourthly, when women are aware of their rights and have the specialist advice that they need, they must have genuine access to justice. That means getting rid of the employment tribunal fees introduced in July 2013, which, beyond doubt, represent a substantial barrier to justice. We should also consider extending the time limit for claims from three to six months, or even beyond, because during pregnancy or after birth are hardly the time to pursue stressful legal claims.

Once women have access to the tribunal, we must ensure that those awarded financial compensation for pregnancy or maternity discrimination receive the money due to them. It is unacceptable that Government-commissioned research in 2013 suggested that 50% of all awards go unpaid by employers. I hope that, as a starting point, the Minister will agree to meet Maternity Action and the Alliance Against Pregnancy Discrimination in the Workplace. I have barely scraped the surface of this topic; I look forward to colleagues filling in as many of the gaps as possible.

In conclusion, pregnant women and new mothers deserve strong protection and high levels of support. Too many experience the opposite, and discrimination is far too widespread. It is time the Government stepped up to the plate; they must do so now.

4.51 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to speak in this debate, Mr Bailey. I commend the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on bringing this matter to Westminster Hall. I firmly support him, and I think it is important that I do that.

It is a sad reflection on our society that in 2015 we are still discussing matters of gender equality, but any opportunity to improve maternity leave for women is most welcome. I hope we can have a fruitful debate today about how we can best do that, and that the shadow Minister and the Minister will add to our discussion. There have been many welcome advances in recent times and the national consensus is now firmly

in favour of viewing maternity discrimination as wholly unacceptable, as the hon. Gentleman said. However, it is imperative that we do not take our eye off the ball and that is the purpose of this debate.

The hon. Gentleman referred to the recent findings of a survey by the Equality and Human Rights Commission, which clearly underline that. Of those surveyed, 11% reported having been dismissed. That figure multiplied across the United Kingdom means that some 54,000 women have lost their job. The problem is not just women losing their job, but the impact on their children and families. Those figures must be taken into consideration and must not be ignored.

The fact that so many mothers have said they were harassed or heard negative comments from their colleagues, bosses, friends or work mates when they were pregnant or returning from maternity leave underlines the issues. One third thought that their employer did not support them willingly during their pregnancy or when they returned to work. Those issues cannot be ignored, but here we are in 2015 addressing them. I am sure that we have moved on greatly, but we need to move just a bit more to ensure that a final conclusion is reached.

Mrs Miller: Does the hon. Gentleman agree that it is curious that the Equality and Human Rights Commission report says that many businesses find it

“reasonable and easy to implement”

pregnancy and maternity regulations, yet so many women are dissatisfied with the way that works out in practice?

Jim Shannon: I suppose that that is why we are having this debate today. It seems that not everyone is totally convinced that the changes to the legislation are making a difference. The right hon. Lady is right: the legislation is there and people understand it, but there has been a move away from putting that understanding into practice. That is the issue and perhaps that is also what this debate is about.

It is clear that although we have made great progress and have some fantastic champions of gender equality throughout the House and society, a lot more needs to be done. The right hon. Lady highlighted that. I hope that the statistics mentioned by the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East are noted by hon. Members and that we have renewed vigour in tackling maternity discrimination. It is apparent that we have taken our eye off the ball. I hope that we can use today as an opportunity to put on the record the need to come together once again to address the issue. That is the reason for this debate.

Although the study found high rates of discrimination against pregnant women, 84% of employers said they believed that supporting pregnant women and women on maternity leave was in their best interests. It is interesting to hear those figures and the information that the right hon. Lady referred to. There seems to be a clear difference. Either the statistics are wrong or there is an undercurrent that we need to address. In addition, 80% of employers agreed that pregnant women and those returning from maternity leave were just as committed to their work as their colleagues. Again, it seems that four fifths of employers understand that when the lady returns to work, she is as eager, keen and enthusiastic as before her baby was born.

A member of my staff is on maternity leave at the moment. I certainly did not view her as being of less value than other staff due to her pregnancy. She is hard-working and has worked for me for some 12 years. This is her second baby in just over two years. She gave birth about three weeks ago and has another few months of maternity leave. I want her back, but at the same time I understand that she has a wee child to look after. For the record, the baby's name is Esther and she was born at Ulster hospital just a few weeks ago, weighing 8 lb 4 oz. She has a wee sister. Their mother has had two girls in the last two years, so it has been a busy two years for her and for everyone else.

There are no problems in my office when it comes to maternity leave. The law says what we must do and we do it, but we must do it right. In this House, MPs can have a substitute to help and we are lucky to have that opportunity.

Dr Daniel Poulter (Central Suffolk and North Ipswich) (Con): I am sure the hon. Gentleman is a reasonable and understanding employer. We have arrangements in place in the House that, in the main, support people who work for us and who go on maternity leave. Having a child is a life-changing event for the whole family and the need for more flexible working arrangements after childbirth is often one of the greatest challenges that many women in particular face after returning to the workplace. Should there not be a more proactive duty on private sector employers to recognise the need for flexible working?

Jim Shannon: The hon. Gentleman brings a wealth of knowledge to these debates and I thank him for his intervention. He is absolutely right to say that private businesses need to do more to ensure that that happens. The system in the House is there for us and it is good to have that, but we need to address the situation outside.

I am not sure whether the figures and statistics that hon. Members have referred to relate to private businesses and other employers, but there is an issue still to address. Perhaps the Minister will tell us her thoughts on that. Although the incidence of discrimination is still relatively high, it is clear that attitudes are changing. We need to see what we can do to deal with the disparity between changing attitudes and changing actions.

I welcome the opportunity to have spoken on this issue in Westminster Hall today. I hope that comments made have been noted by hon. Members. I thank them for their contributions and interventions and the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East for setting the scene. I look forward to moving forward positively on this issue and others like it.

Several hon. Members *rose*—

Mr Adrian Bailey (in the Chair): Order. To give both Opposition spokespersons five minutes and the Minister 10 minutes to respond, I would be grateful if Back Benchers could confine their remarks to about five minutes. I have the authority to put a five-minute curb on speeches if I so wish. I want to allow a degree of flexibility, but could hon. Members bear that in mind?

5 pm

Liz Saville Roberts (Dwyfor Meirionnydd) (PC): Diolch yn fawr iawn—thank you very much, Mr Bailey. I thank the hon. Member for Cumbernauld, Kilsyth and

Kirkintilloch East (Stuart C. McDonald) for securing the debate, which is of course relevant to every family. I also applaud the digital debate initiative; the debate has been interesting to follow on Twitter.

As a former manager in a further education college, I appreciate that the task of dealing with female employees during pregnancy and maternity leave is not easy. It is time consuming and, by its very nature, unpredictable. However, the logical conclusion of being complicit in condoning maternity discrimination is to consent to discrimination against every woman of child-bearing age. Proper support and management of employees during pregnancy and maternity is simply another aspect of effective management. It is what good managers do, and it pays rewards in staff loyalty and skills retention. The fact that this debate is necessary gives the lie to the assumption that equality for women is assured. Women are treated as the equal of men in the workplace only as long as their behaviour mimics the traditional behaviour of men in the workplace, in terms of presenteeism and the subordination of family life to work life.

It seems extraordinary that the first findings of research commissioned by the Department for Business, Innovation and Skills and the Equality and Human Rights Commission would reveal evidence that so many mothers experience discrimination, even though the majority of employers, as has been said, were broadly in agreement—at least in public—with the law and women's rights regarding maternity leave. The figures extrapolated from the research's direct evidence indicate that tens of thousands of women are likely to be suffering discrimination in relation to pregnancy and maternity. An earlier report estimated that almost half of pregnant women in the United Kingdom experienced disadvantage at work arising from the fact that they were expecting a child or taking maternity leave.

I would like to take the opportunity to consider the significance of the report to women in Wales, where 29% of women earned less than the official living wage in 2014. That is partly because a greater proportion of women than of men work part time. Of women working part time in Wales, 43% earn less than the official living wage. The BIS report states that women on low incomes are more likely to report experiencing unfavourable treatment or a lack of support during pregnancy.

Given that for more than two years now, women have been required to pay an up-front fee of £1,200 to take a claim for pregnancy, maternity or sex discrimination to an employment tribunal, that legal advice is unaffordable for many and that the situation is worsening, surely Ministers must face up to the fact that employers are breaking the law and families are suffering as a consequence. That is, sadly, just another example of justice being an optional extra, a luxury item for the wealthy, rather than a shield for the powerless against the powerful. I look forward to the post-implementation review of employment tribunal fees in anticipation that that injustice will be addressed.

While awaiting the review of employment tribunal costs and adding my voice to calls for the publication of an action plan arising from the BIS report, I propose that the impact of shared parental leave and pay should also be reviewed, say in April 2016, following a year's implementation. I understand that that worthy initiative, whereby parents of newborn babies or adopted children may share between them up to 50 weeks off work, is

[Liz Saville Roberts]

intended to challenge the assumption that the mother alone undertakes the nurturing responsibilities. The degree to which fathers take up shared parental leave is evidently the rulestick by which to measure the success of shared parental leave. Sadly, it is likely that raising the status accorded by men to nurturing roles will prove to be a critical step towards demolishing long-established maternity discrimination.

5.4 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): I commend my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on bringing this important debate to the Chamber. It is a delight to speak under your chairmanship, Mr Bailey. I draw the House's attention to my entry in the Register of Members' Financial Interests. When I worked as a Unite representative, I was involved in many maternity discrimination cases.

It is approximately 40 years since the first legislation was introduced to protect women from unfair dismissal because of pregnancy. Despite those legal rights, it appears that maternity discrimination is still a significant issue for a number of women. The report recently published by the Equality and Human Rights Commission suggests that women returning from maternity leave are even more likely to face discrimination in the workplace than they were a decade ago. The report estimates that about 54,000 UK women may be forced out of their jobs each year simply for falling pregnant. That includes being dismissed outright, being made compulsorily redundant when others in the workplace were not, and being treated so poorly that they had to leave. However, that figure does not account for the women who were self-employed and could not continue, women who were demoted, passed over for promotion, or overlooked for job opportunities that arose while they were on maternity leave, or for training and development opportunities. All those women may have been adversely affected, so the estimate of 54,000 may be just the tip of the iceberg.

For the women who are affected by such discrimination, it can have a devastating impact. I note that some truly shocking personal experiences have been highlighted on online sites. One individual stated that she returned to work only 11 weeks post partum because of pressure put on her by her employer. Another individual stated that she had been placed two hours away from home, and that it was virtually impossible for her to get back to breastfeed her baby. Sometimes discrimination against women who are off with their babies does not fit neatly into legal categories, but it can have the effect of making it impossible for the person to get back to work, and therefore it is discrimination all the same.

In this day and age, any discrimination of this nature is wholly unacceptable. However, statutory maternity rights are worth little if victims are unable to enforce them. As has been described, the two biggest barriers that may prevent women from challenging maternity discrimination are the introduction of employment tribunal fees and the three-month time limit. The statute of limitations on discrimination cases means that individuals have only three months from the point at which they were subjected to any kind of workplace discrimination

to lodge a claim. In the case of maternity discrimination, those three months usually come at a time when the individuals are exhausted and lacking in confidence, have their hands full and are trying to adjust both to having a new baby and to getting back to work. For many, it just would not cross their mind to go down the route of contacting ACAS or seeking advice regarding their situation.

The Select Committee on Justice is conducting an inquiry on the effects of the introduction and levels of court and tribunal fees and charges. I want to highlight that the Scottish Government have pledged to abolish fees for employment tribunals when their additional powers are received, thereby ensuring that all employees have a fair opportunity to have their case heard. That includes those who may be suffering maternity discrimination. There is also a need to learn lessons from complaints. About half of employers fail to implement changes following a finding of discrimination, so it is important that recommendations be enforceable against the employer.

In conclusion, research suggests that pregnancy and maternity discrimination continues to be both widespread and deeply entrenched, with a significant minority of employers displaying outdated and wholly inappropriate attitudes and behaviours. That is bad for women and their families, bad for gender equality and bad for our economy. There is a clear need for urgent Government action in this area.

5.9 pm

Dr Rupa Huq (Ealing Central and Acton) (Lab): I congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on securing this important debate. You would have thought, Mr Bailey, that by 2015 much discrimination in this country would have been eliminated. We have had the Equal Pay Act 1970, the Sex Discrimination Act 1975, race relations legislation and the Disability Discrimination Act 2005—all introduced by Labour—but maternity discrimination, as mums like me know, and as the research that the hon. Gentleman has laid before us shows, is still very much with us. This discrimination can start in pregnancy, and even before conception, when women of a certain age go for a job interview and are sidelined because they are thought of as potential baby machines who are about to drop.

The increase in the number of women in the workforce from the first world war onwards was meant to bring economic independence, and in many ways it did. We all know, however, about glass ceilings and the fact that women often end up in lower-status employment, such as caring, cleaning and—the thing I did before I came here—teaching jobs. There used to be the idea in the '80s of having it all, and we should not have given up on that. Women's caring responsibilities and biological functions, if we are blunt about it, should not preclude their earning a wage.

People have talked about flexible working, and I am proud of the fact that the last Labour Government empowered women to do that. I was one of the first generation to benefit. In reality, however, women are made to feel embarrassed to ask, and many feel unable to do so. The EHRC report found that when mothers were allowed to work flexibly, half reported negative consequences, such as receiving fewer opportunities at

work or feeling that their opinion was less valued than that of colleagues. I remember the incredulity that greeted a colleague of mine at a former workplace who had recently returned to work when she asked a male manager if she could have access to a fridge to store expressed breast milk. He could not get his head around that concept at all.

Some of the ways in which maternity discrimination can manifest itself include being overlooked for promotion and not being allowed to go to antenatal appointments, as well as the more obvious bullying and harassment. A survey by the TUC found that six in 10 mothers felt sidelined at work as soon as they announced their pregnancy. The discrimination starts even before maternity: four in 10 managers admitted that they were wary of hiring a woman of childbearing age.

My hon. Friend the Member for York Central (Rachael Maskell), the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East and others have pointed out the punitive effects of tribunal fees. The costs add up: £250 just to take the case, and £1,200 in total. New babies are not cheap, when we take into account childcare, kitting out the nursery and all that stuff.

I am dismayed that things appear to be going backwards under this Government. We all know that the austerity cuts seem to be hitting women disproportionately. Women are employed in the public sector in greater numbers than men. Research has showed that some 70% of the losers under the proposed tax credit changes, which may change again, will be working women. To top it all, in my constituency, the maternity unit at Ealing hospital has closed since the election. I think it is a bit sinister that it happened in June, probably for electoral reasons, when it was going to close before that. That is a personal observation.

I only wanted to speak briefly, but I call on the Minister to increase access to justice and strengthen leave for fathers; I echo almost all that has been said. Our Prime Minister suddenly announced last week at Prime Minister's questions his conversion to feminism. What is going on is illegal; maternity discrimination is against the law, so he needs to act now, in correspondence with his self-definition as a feminist.

5.13 pm

Alison Thewliss (Glasgow Central) (SNP): It is a pleasure to serve under your chairmanship, Mr Bailey. I thank my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) and Maternity Action for the work that they have done to bring us this debate today.

I want to talk briefly about the position of women in pregnancy, who are, I suppose, in a position of weakness in relation to their male colleagues in the workplace. We need to do all we can to redress that. During a woman's first pregnancy, she is not sure how it will be, how she will feel and how her health will be affected. We need to make employers more aware of their responsibilities in that respect. Lots of things can happen during pregnancy, including basic morning sickness, tiredness or complications that may require attendance at further hospital appointments. Women in the workplace should feel supported to attend those appointments, because they are necessary.

I also want to mention women who are having in vitro fertilisation treatment, which can have a difficult impact on women's health, and which can be very invasive and tiring. Not enough is said about the health impact of IVF, or about the need to attend extra hospital appointments to undergo the treatment, and employers need to recognise those things.

I am glad that the hon. Member for Ealing Central and Acton (Dr Huq) mentioned the storage of breast milk. There are problems with awareness of what is required to support women who wish to breastfeed when they return to work. They may require time away to go and see the baby, if it is very small, or time to use a breast pump to express milk in a space where they feel safe, comfortable and relaxed. An appropriate space that is not a toilet would be good. In debates I had about breastfeeding earlier this year, the point was raised that a lot of employers do not recognise that women need a space that is clean and safe, and a toilet is not that space. For that matter, some breast pumps require a plug. That is a practical issue that employers, particularly male employers, might not recognise or understand. The more education that employers can be given about their responsibilities, the better.

A lot of employers may be well-meaning, and I suppose I can give them the benefit of the doubt. I had a colleague who thought that I might not want to go on a particular committee because I had just had a baby. He did not ask me about that at the time—this was a few years ago—but that assumption was made, without my knowledge until I queried it later. We need to open up employers to speak to the women in their employ and ask them what support they need. Employers need to ask what they can do to retain skills and talent in their workforce by ensuring that women return to work and continue to work, if their job is one that they enjoy. They must be supported at every stage during their pregnancy and thereafter, and adjustments must be made to allow them to continue to work.

In the run-up to this debate, I have been looking at some of the issues that have been raised on the website "Pregnant Then Screwed", where people can anonymously tell their stories. Some of the stories there are absolutely shocking. It is heartbreaking to read about the bullying, stress and discrimination that women are being put through at what should be a very happy time in their life. Those blog posts make me absolutely furious. There is no excuse for making women feel that way during the perfectly natural process of pregnancy, childbirth and starting a family. Women should feel supported at that time; they should not be made to feel as though what they are doing is somehow wrong, because that is absolutely crazy.

We need to do all we can, as MPs in this House, to make sure that women are supported through pregnancy. We must challenge problems with tribunal fees and discrimination to make sure that women and their families are supported.

5.18 pm

Angela Crawley (Lanark and Hamilton East) (SNP): It is a pleasure to serve under your chairmanship, Mr Bailey. I congratulate my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on securing this important debate, which

[Angela Crawley]

allows us to highlight the issues faced by pregnant women in the workplace. Legislation has been in place for more than 40 years to protect women from unfair dismissal because of pregnancy. Since then, maternity rights legislation has been strengthened, protecting women from any unfavourable treatment in the workplace.

As a woman has the right to 52 weeks' leave and 39 weeks' statutory pay, and the right to return to work after that time, she has the choice to start a family without sacrificing her career. Although the law in this country has created an environment that is fair, balanced, sensible and manageable for recent and expectant mothers, that is not always how the law is interpreted, and women often experience maternity and pregnancy discrimination. Despite the protection written into law, in practice the facts are less clear, and the evidence shows that the laws are often flouted. Often, pregnant members of the workforce are coerced into agreeing to waive their rights. Unfair dismissals often go unchallenged in the legal system.

A recent report outlined women's experiences. One woman was given 24 hours' notice to resign. The boss of another woman assumed that, as she was pregnant, she was unable to cope. Yet another woman commented that she was unable to wear her engagement ring because she was concerned that it would put her future employer off giving her a promotion, or even giving her the job in the first place. One woman said:

"It's hard to make a stand when you need a salary".

Those are the experiences of women in the workplace. Although the laws and protections exist, many women are not able—or feel they are unable—to access and make use of them. With half the workforce likely to fall pregnant at some point in their career between the ages of 16 and 50, it is high time that our society recognised the deeply entrenched and outdated situation that many women face in their employment. Women who choose to balance work and family face huge inequalities.

A report published this year by the Department for Business, Innovation and Skills in conjunction with the Equality and Human Rights Commission found that instances of unlawful maternity and pregnancy discrimination have slightly worsened over the past decade. As my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East mentioned, the findings are that the scale of the issue is huge: figures indicate that 54,000 pregnant women and new mothers are forced out of their jobs. However, the Alliance Against Pregnancy Discrimination in the Workplace indicates that the figure may be closer to 60,000 women. This equates to one in nine women being forced out of work for choosing to have a child. Of the women surveyed, one in six reported suffering a negative impact on health or stress levels due to poor treatment at work. Of course, existing pressures are only exacerbated by pregnancy and maternity discrimination. How does a woman with fluctuating working hours and an unstable employment contract defend herself against a discriminatory employer?

Hundreds of thousands of women employed in social care, childcare and hairdressing have indicated that they were employed on zero-hours contracts and in unstable forms of employment. As such, they were offered little security in their employment and were therefore unable to challenge the discrimination they faced in the workplace.

It is our job to flag up the widespread societal issues that have led to this situation. We must ensure that our laws are fit for purpose; that is not the case at present, in the case of legal aid for maternity discrimination cases. The supply of free legal advice has been severely reduced by funding cuts and the abolition of almost all civil legal aid. I mentioned that recently at Women and Equalities questions, and I am pleased to hear that the matter will be reviewed, so I will not take this point any further.

For any women to progress in their careers, it is important for us to smash the gender pay gap, tackle child poverty and deal with some of the real societal issues. It is impossible for any change to come into effect without the support of Ministers. We need to send a strong message to employers that there is simply no excuse for flouting the law on pregnancy and maternity discrimination, and we must ensure improved access to justice by abolishing employment tribunal fees. As things stand, we are damaging families, diluting gender equality, and doing no favours to the economy. However, this will not be resolved simply through legislation. We need engagement and provision across services and Departments. I urge the Minister to take action, to meet with Maternity Action and others, and to indicate when the report will be published that addresses these concerns.

5.23 pm

Cat Smith (Lancaster and Fleetwood) (Lab): It is a pleasure to serve under your chairmanship, Mr Bailey. Five minutes is barely enough time to do justice to a situation in which one in nine mothers feel that they are forced out of work. Maternity discrimination is bad for women and their families, for gender equality, and for the economy. The incidence of maternity discrimination is alarmingly high, and there are clear indications that the situation is getting worse.

TUC research in 2014 found that six in 10 mothers felt sidelined at work as soon as they announced their pregnancy, and four in 10 managers admitted that they were wary of hiring women of childbearing age, so it comes as little surprise that advice lines, such as Maternity Action's helpline, report that they are receiving 20 times more calls than they can take every day. I was privileged to hear the testimony of Aisha, a new mother who contacted the Labour Women and Equalities team recently to talk about the situation she faced when she revealed to her employer that she was pregnant. I do not have time to go into much detail, but her manager did not do a risk assessment, which led to Aisha being hurt at work, as she suffered from symphysis pubis dysfunction and pulled muscles easily. She turned to her colleagues for assistance in doing her job, because she was scared of losing it. In the end, her employer reduced her hours. She said to me,

"I feel that he discriminated against me because I am a female of childbearing age and he could never understand what I went through while working for him or suffering during my pregnancy."

Thankfully, she went on to have a successful pregnancy, but no expectant mother should ever have to go through what Aisha experienced. However, the Government are making it harder for people like Aisha to access justice.

My hon. Friend the Member for York Central (Rachael Maskell) made a point about the increase in tribunal fees at a time when women do not have very much disposable income—when they are on statutory maternity

pay and have the expense of a new baby. I raised that issue during Women and Equalities questions on 15 October, and the Secretary of State for Education and Minister for Women and Equalities, the right hon. Member for Loughborough (Nicky Morgan), said that she would look into the matter. Will the Minister guarantee that the findings and recommendations of the Department for Business, Innovation and Skills and the EHRC will be taken into account as part of the review of tribunal fees?

The current situation is completely unacceptable. We must not accept the status quo. In addition to abolishing tribunal fees, as I mentioned, a good starting point would be a commitment from the Minister that the Government are taking the findings of BIS and the EHRC seriously and, following the final report, will publish a comprehensive plan to address the policy recommendations stemming from that report. It is vital that the Government engage with mothers in developing a strategy to end maternity discrimination. It is therefore extremely disappointing that, to date, Maternity Action has not been given a date to meet the Minister; I ask the Minister to meet it.

To address pregnancy discrimination, we must know the scale of the problem. Will the Minister commit to calculating the overall cost to the economy of unlawful and maternity discrimination in the workplace, and require employers to publish return-to-work rates identifying how many of their female employees return to work after having children, and how many are still in post a year later?

The TUC and the Fawcett Society have identified paternity leave as one area that could be improved, as only 55% of new fathers take time off in the baby's first two weeks. The Government's impact assessment of the introduction of shared parental leave estimates that only 8% of men will use it. Will the Minister commit to reviewing how paternity leave provisions could be strengthened? It is likely that women will remain discriminated against if they change their working patterns following pregnancy unless flexible working options, such as job shares, part-time working and compressed hours, become more widespread. Will the Government look into giving employees the right to request flexible working from day one of employment? Finally, will the Government work with employers to ensure that they learn lessons from complaints? About half of employers fail to implement any changes following a finding of discrimination.

5.28 pm

The Parliamentary Under-Secretary of State for Women and Equalities and Family Justice (Caroline Dinenage):

It is a great pleasure to serve under your chairmanship, Mr Bailey. I also congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on securing this important debate. Let me be absolutely clear from the outset that pregnancy and maternity discrimination, whether at work or when seeking access to services, is unlawful and completely unacceptable. We have all been shocked by some of the experiences highlighted in the joint Government and EHRC interim research report on this problem in the workplace, and by the stories we have heard via the blog and, indeed, today such as the story of Aisha, which was raised by the hon. Member for Lancaster and Fleetwood (Cat Smith). Those stories reflect badly on the employers concerned.

When the interim report was published in July, I was horrified that one in eight women reported that they felt that they had to leave work as a result of their pregnancy or maternity leave. It is clear that far too many women feel that they face unacceptable treatment in the workplace, causing additional stress and difficulties at what, as the hon. Member for Glasgow Central (Alison Thewliss) quite rightly said, should be an exciting and happy time for their family.

The Chairman of the Women and Equalities Committee, my right hon. Friend the Member for Basingstoke (Mrs Miller), rightly said that it is not difficult for employers to understand, implement or comply with the legislation. The report shows that most mothers feel supported by their employer—four in five mothers said that their employer supported them during pregnancy, and three in four of those returning to work said that their needs as a new mother were met. It is encouraging that, despite the bad stories, most employers, such as the hon. Member for Strangford (Jim Shannon), embrace their legal and moral duties to their employees. It is good news that most women have a positive experience during and after pregnancy.

It is also important to recognise that the vast majority of employers believe it is important to support pregnant women and those on maternity leave. More than four in five employers feel it is in the interest of their business to do so, and of course it is. Although it is reassuring that the vast majority of employers recognise the important contribution made to their organisation both by pregnant women and by mothers returning from maternity leave, it is still nowhere near the 100% that we want. So many mothers do not have a good experience, and we must do all we can to ensure that all employers see the benefits to their organisation of having a diverse workforce.

To address the problem effectively, we need to understand the causes and extent of pregnancy discrimination in our workplaces, which is why in 2014 the coalition Government commissioned an extensive research project into perceived pregnancy and maternity discrimination. It is the largest research project of its kind undertaken in Great Britain, and it is interviewing more than 3,000 employers and 3,000 employees. The final report, which will come out later this year, will tell us what issues women face, who is most at risk and which types of employers are most likely to receive complaints about discrimination. We will use that information to decide our next steps to ensure that both employers and mothers are aware of, and act on, their legal obligations and rights.

The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East is right to say that access to the correct advice is a key priority. In the meantime, the Government have ensured that support is available both to mothers and employers on their rights and responsibilities. The EHRC has produced guidance in the form of frequently asked questions to help employers to understand their legal obligations and to provide suggestions for good practice in managing pregnancy, maternity leave and return to work. The EHRC has also produced a toolkit for employers, with a stock of pre-prepared letters, checklists and ready-made policy templates to make administration as simple as possible.

More generally, some £49 million has been provided to the EHRC, ACAS and the Equality Advisory and Support Service as part of the Government's commitment

[*Caroline Dinenage*]

to support both employers and employees. The EASS helpline is available for those who may have a discrimination issue, often outside the workplace, such as women who feel that they have faced unlawful restrictions on breastfeeding in public. The helpline provides in-depth free advice and support, helping individuals to solve their problems informally, and covers England, Scotland and Wales. More than 80,000 individuals have been helped to date.

ACAS provides advice both to employers and employees on pregnancy and maternity discrimination, including specific guidance on breastfeeding at work. ACAS is also developing guidance and products in relation to gender pay reporting and the menopause. It has also published new guidance on equality and discrimination, equipping people with the knowledge and ability to take action to avoid discrimination and to respond to it if it occurs. Of course, we must not forget the excellent work of organisations such as Maternity Action and Working Families to support employers and women while pregnant and on maternity leave.

Employment tribunal fees were introduced to cut the burden on taxpayers and encourage parties to seek alternative ways to resolve their dispute. It is not right that hard-working taxpayers should pick up the entire bill of some £71 million for employment disputes and tribunals but, to protect the lowest paid workers, there is a system of fee remissions under which fees may be waived in part or in full for those who qualify.

We have also taken steps to divert people away from potentially acrimonious tribunal hearings where possible, which is important. Under the new early conciliation scheme, people must notify ACAS of their intention to lodge an employment tribunal claim, and they are then offered an opportunity to settle their workplace dispute without going to court. The scheme has already been used by more than 80,000 people in its first year, and 56% of complaints in the “suffered a detriment or unfair dismissal—pregnancy” category were settled through the ACAS early conciliation process. ACAS services are free of charge, making it a cheaper, quicker and less stressful option for all concerned.

On 11 June 2015, the Government announced the start of the post-implementation review of employment tribunal fees. The review is well under way and will be completed in due course. Among other things, the review will consider the impact of fees on particular groups, including women. The EHRC report will be taken into consideration. The review will broadly consider how successful the policy has been in achieving its original objectives, which will include, so far as possible, whether the fees have had any differential impact on people with protected characteristics and the types of cases they bring.

The hon. Gentleman also mentioned compliance and tribunal award payments, which are clearly unacceptable and are something that the Department for Business, Innovation and Skills is currently evaluating. We want everyone in our society to fulfil their potential, and we cannot afford to waste the talents of half our population. Addressing discrimination is only part of what we are doing to ensure that women are able to make the most of the opportunities available to them. Our ambition is to end the gender pay gap within a generation. There are

now more women-led businesses than ever before, a record number of women in work, and the gender pay gap is at an all-time low. Do not take that as complacency; there is more to be done. That is why we will require large employers to publish information on the difference between men and women’s pay, and last week the Prime Minister announced that we will ensure that large employers regularly report on bonuses as part of that gender pay reporting.

Angela Crawley: I appreciate the Minister’s point about large employers, but the vast majority of people work for smaller companies with fewer than 250 employees. Has she considered that those people will be equally affected?

Caroline Dinenage: Yes, absolutely. I ran a small business for more than 20 years from the age of 19, and I think a culture change is required. We need to secure that change in large companies that can afford to do the gender reporting and can afford the posh websites on which to report it. We hope that will bring about a culture change that filters down, but we will keep it under review. Nothing is off the table.

The measures build on our support for working families. From September 2017, we will double the amount of free childcare to 30 hours a week for working parents of three and four-year-olds, which will be worth around £2,500 a year. Some 1.8 million families could also benefit from the new tax-free childcare scheme from 2017, which will be worth up to £2,000 a child. We will extend shared parental leave and pay to working grandparents. The policy, when implemented in 2018, will support working parents with the cost of childcare and help the 2 million grandparents who have given up work, reduced their hours or taken time off to help with childcare. That is in addition to the families who are already benefiting from shared parental leave, which was introduced earlier this year. We need time to assess the impact of shared parental leave, which will of course be reviewed in due course. We need a cultural change so that the chaps understand that they have an equal responsibility for childcare. We will also introduce a national living wage.

The Government are committed to ensuring that everyone, regardless of their gender, ethnicity, age or background, is able to fulfil their potential, which is why we are determined to address pregnancy and maternity discrimination, wherever it may arise. This issue affects us all. It is not only utterly reprehensible that women feel they have experienced discrimination in the workplace, but it represents an unacceptable loss to our country’s productivity. Valuable employees are being misused. I was interested to see the digital debate on Twitter yesterday, using #MothersWork. Many useful points were raised in that debate, as well as in today’s debate, and they will all be taken into consideration. I am more than happy to meet Maternity Action, and I am pleased to see so many colleagues from both sides of the House agree that maternity discrimination is an important issue. I look forward to reading the final report.

5.39 pm

Stuart C. McDonald: I am grateful to all hon. Members for their contributions to this debate. Many people who have spoken are far more expert on the issue than I am

and have been campaigning on it for far longer. We heard from the right hon. Member for Basingstoke (Mrs Miller) and the hon. Member for Strangford (Jim Shannon) about the discrepancy between the many employers who seem to find planning around maternity leave straightforward and the far too many who still find it a challenge. Perhaps we need to share best practice more widely. We heard from the hon. Member for Dwyfor Meirionnydd (Liz Saville Roberts) that it is not always easy to manage, but the motivation is there, and that employers can be rewarded with skills retention and employee loyalty.

My hon. Friend the Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) spoke eloquently from her own professional experience, which is invaluable in debates such as these. The hon. Member for Ealing Central and Acton (Dr Huq) discussed the fact that discrimination starts even before conception, a point worth emphasising. My hon. Friend the Member for Glasgow Central (Alison Thewliss) spoke poignantly

from personal experience, and my hon. Friend the Member for Lanark and Hamilton East (Angela Crawley) said that we are in the process of improving legislation, but we need practice to match up with implementation.

I am grateful to the shadow Minister and the Minister for their contributions. We are moving towards some degree of recognition that more must be done and of the reasons why we need to tackle the problem. I am grateful that the Minister has recognised the problems that we face. We still have a long way to go, but I am grateful that she is going to meet Maternity Action. I had better finish now, or I will run out of time.

Question put and agreed to.

Resolved,

That this House has considered maternity discrimination.

5.41 pm

Sitting adjourned.

Written Statements

Tuesday 3 November 2015

TREASURY

Equitable Life Payment Scheme

The Economic Secretary to the Treasury (Harriett Baldwin): As at 30 September 2015, the Equitable Life Payment Scheme has now issued payments of nearly £1.08 billion to 915,453 policyholders. This means the scheme has now paid 88% of eligible policyholders, and 92.9% of the money due. The scheme will today be publishing a further progress report, which can be found at: www.gov.uk/equitable-life-payment-scheme.

The scheme has made major efforts to trace policyholders, including extensive electronic tracing methods, writing to policyholders' last known addresses, a national advertising campaign, working with other Government Departments and liaising with group scheme trustees. As announced at the summer Budget, a final attempt to trace policyholders has been made through the Department for Work and Pensions (DWP) by the DWP sending letters to all untraced policyholders due £50 or more for whom the scheme holds a national insurance number and other data such as their name. These letters have now been sent. Despite this there remain approximately 125,000 policyholders whom the scheme has been unable to pay.

As the Chancellor announced in the summer Budget on 8 July, the scheme will be closing to new claims on 31 December 2015. Any policyholders who still believe themselves to be eligible are encouraged to call the scheme on 0300 0200 150 before 31 December 2015. The scheme can verify the identity of most policyholders on the telephone, which means any payment due can usually be received within two weeks. This will not affect the yearly payments made by the scheme to with-profits annuitants, which will continue for the duration of those annuities. The scheme has written to all with-profits annuitants to make them aware of this.

In the summer Budget, the Chancellor also announced that payments to non-with profit annuitant policyholders who receive pension credit will be doubled. Any policyholders who have made a claim from the scheme by the time it closes on 31 December and are receiving pension credit on that date will receive this second payment without having to take any action.

Policyholders can check their eligibility for pension credit using the Government's pension credit calculator at: www.gov.uk/pension-credit-calculator.

[HCWS286]

EDUCATION

GCSE and A-Level Content Consultation

The Minister for Schools (Mr Nick Gibb): Today, 3 November 2015, I am launching a public consultation on revised subject content for AS and A-Levels in geology and politics, and GCSE short course in physical education. The new content will be taught from 2017.

We are reforming GCSEs and A-Levels to be rigorous and more knowledge-based and to match the qualifications used in the best education systems in the world. This consultation is a continuation of our drive to raise standards and ensure all young people reach their potential.

The reforms aim to ensure that GCSEs are more academically demanding and will be qualifications that command the confidence of students, employers, and further and higher education institutions. At A-Level, our reforms aim to ensure that they prepare students for undergraduate study and the world of work.

A priority in the development process has therefore been to secure the views of subject experts, particularly university academics in the relevant subjects, so young people gain high quality qualifications that are respected and valued.

The new subject content documents being published today set high expectations which all awarding organisations' specifications must meet. Awarding organisations have drafted content, working with the Department for Education and Ofqual.

This consultation is an opportunity for teachers, parents, students, further and higher education, employers and all those with an interest in these subjects to provide their views, which will be taken into account when redrafting the content for final publication.

Summary of changes to subjects

The reformed geology AS and A-Level content ensures a greater level of detail and provides parity with other natural science subjects. It requires students to take a more quantitative and mathematical approach to the study of geology, and new content includes geochemistry and engineering geology. The content also ensures that students develop a range of practical skills and techniques relevant to higher education, and requires students to undertake four days of fieldwork at A-Level and two at AS.

The revised subject content for politics AS and A-Level contains significantly greater detail, and aims to enable students to develop an understanding of the structures of British politics and its underpinning ideas and institutions. There are options to study US and global politics. For the first time, at A-Level, all students will study the core political theories of conservatism, liberalism and socialism and the ideas of their key thinkers. Students will also study key historic political events and movements.

The new physical education (PE) GCSE short course content represents half the content of the revised PE GCSE that was consulted on and published by the Department in January 2015. Like the full course GCSE, demand has been increased. Students will be assessed in one team and one individual sport/activity.

The consultation is available at: www.gov.uk/government/publications?departments%5B%5D=department-for-education&publication_filter_option=consultations

[HCWS283]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Agriculture and Fisheries Council

The Secretary of State for Environment, Food and Rural Affairs (Elizabeth Truss): My hon. Friend the Minister of State for Farming, Food and Marine

Environment (George Eustice), represented the UK at the Agriculture and Fisheries Council on 22 October in Luxembourg.

Two fisheries items were discussed. On Baltic sea fishing opportunities in 2016, unanimous political agreement was reached after a long discussion. The other item involved an exchange of views between member states and the Commission on the annual fisheries consultations with Norway, where Commissioner Vella noted the points made by member states and agreed to take them into account.

As part of the fisheries items, the Commission also agreed to increase quota banking rates including for the UK priority stocks—mainly mackerel—in the light of the ongoing Russian import restrictions.

The main agenda item for agriculture was on climate-smart agriculture. A presentation was given by academics from Belgium and Luxembourg on how to mitigate the climate change impacts of agriculture. The Commission highlighted the role that greening in the CAP has in reducing agricultural emissions. All member states intervened to highlight the importance of mitigating climate change through agriculture. The UK set out its ongoing support for this initiative through significant investments in agri-tech, precision farming and gathering and using data on farm.

The following were AOB items on the agenda:

The Netherlands proposed establishing a temporary working group on sustainable plant protection products. This would be to develop an action plan for the delivery of integrated pest management and to improve regulations for low-risk products. It was supported by 13 member states including the UK. Additionally, the UK argued that the group should focus on better procedures and incentives, and pushed the need for a review of pesticide legislation.

France, supported by Ireland, urged the Commission to publish the reports on milk products for infants and sports people, which are late coming from the Commission. The Commission promised to publish these in the near future.

Germany highlighted the discussion on anti-microbial resistance at the G7, as well as its national law on reducing the use of antibiotics. Commissioner Andriukaitis acknowledged this is a priority and agreed the EU needed to share its best practice globally.

The Slovenians presented a paper which focused on how to maintain a GMO-free Europe, which led to a number of interventions. The UK, which was supported by Spain, argued for a rigorous science-based approach. Commissioner Andriukaitis intervened, highlighting the policy incoherence of 19 member states with a GM cultivation ban but opposing the legal basis in the GM food and feed proposal. He argued that a switch to non-GMO feed was unrealistic and would lead to a 10% increase in costs. Following this, Germany asked the Commission whether new breeding techniques fell within the GMO definition. The UK agreed that there was a lack of legal clarity which was having a negative impact on industry, but also cautioned the Commission not to rush to regulate.

The Czech Republic reported on a recent Visegrad 4—Czech Republic, Hungary, Poland and Slovakia—meeting which also included Austria, Bulgaria, Slovenia and Romania on land and soil management, dairy prices and food chain fraud.

[HCWS285]

Environment Council

The Parliamentary Under-Secretary of State for Environment, Food and Rural Affairs (Rory Stewart): I attended the EU Environment Council in Luxembourg on 26 October.

After adopting the agenda, Ministers set out preliminary positions on the reform of the EU emissions trading system for the period 2021-30 signalling the range of issues to be resolved. The UK set out its preference for a “tiered” approach to using free allocation of allowances to mitigate the risk of carbon leakage in energy intensive industries. This was supported by France, Slovakia and the Czech Republic.

Ministers debated the phasing out of environmentally harmful subsidies and the implementation of environmental policies and legislation. Most member states recognised the importance of addressing environmentally harmful subsidies. The UK highlighted the importance of tackling fossil fuel subsidies and pointed to the recent reforms of the common agricultural policy and common fisheries policy as important steps. All member states recognised that better implementation of existing legislation was vital to reducing costs and improving environmental outcomes. The UK stressed that the European semester needs to remain focused on jobs and growth. The presidency will summarise the discussion into a report for the next General Affairs Council with a view to preparing the European Council in March 2016.

The Council exchanged views on putting into practice the recently adopted United Nations 2030 agenda for sustainable development. Member states generally agreed that implementation would require existing EU policies to be harnessed and adapted to align with the 2030 goals, rather than new policies or structures. The UK called for the EU to focus on those areas where it can add the most value.

Under the AOB items, the presidency and commission summarised progress made at recent key climate change meetings. The Netherlands presented the Make it Work initiative for better regulation, led jointly with the UK and Germany. This initiative aims to improve the quality of legislation across the environmental acquis.

Under a final AOB item, member states discussed developments concerning the car sector and real driving emissions. Ministers emphasised the need to act quickly and effectively to resolve the issue of manipulation of emission testing, because of the effect on air pollution and the need to restore public confidence. The Commission stated its determination to play an active part in resolving the problem.

Over lunch, Ministers for both environment and development exchanged views on common challenges and integrated approaches towards the implementation of the 2030 agenda for sustainable development.

[HCWS284]

PRIME MINISTER

Parliamentary Assembly of the Council of Europe

The Prime Minister (Mr David Cameron): This written ministerial statement confirms that the United Kingdom delegation to the Parliamentary Assembly of the Council of Europe is as follows:

Sir Roger Gale MP (Leader)

<i>Full Members</i>	<i>Substitute Members</i>
Tasmina Ahmed-Sheikh MP	Lord Balfe
Lord Anderson	Lord Blencathra
Guto Bebb MP	Liam Byrne MP
David Crausby MP	David T C Davies MP
Geraint Davies MP	Baroness Eaton
Jeffrey Donaldson MP	Suella Fernandes MP
Earl of Dundee	Lord Foulkes
Baroness Eccles of Moulton	Khalid Mahmood MP
Nigel Evans MP	Baroness Massey of Darwen

<i>Full Members</i>	<i>Substitute Members</i>
John Howell MP	Huw Merriman MP
Ian Liddell-Grainger MP	Baroness O'Loan
Sir Alan Meale MP	Mary Robinson MP
Kate Osamor MP	Paul Scully MP
Lord Prescott	Virendra Sharma MP
Mark Pritchard MP	Paula Sheriff MP
Christina Rees MP	Kelly Tolhurst MP
Alex Salmond MP	Phil Wilson MP
	Mike Wood MP

[HCWS287]

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