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House of Commons

Friday 11 May 2018

The House met at half-past Nine o'clock

PRAYERS

The First Deputy Chairman of Ways and Means took the Chair as Deputy Speaker (Standing Order No. 3)

Nigel Huddleston (Mid Worcestershire) (Con): I beg to move, That the House sit in private.

Question put forthwith (Standing Order No. 163), and negatived.

Parental Bereavement (Leave and Pay) Bill

Consideration of Bill, as amended in the Public Bill Committee

Schedule

PARENTAL BEREAVEMENT LEAVE AND PAY

9.35 am

Kevin Foster (Torbay) (Con): I beg to move amendment 1, page 2, line 11, in the schedule, leave out 'parent' and insert 'primary care giver'.

This amendment would widen the provision to include those who are not 'parents' but were the main carer of the deceased child.

Madam Deputy Speaker (Mrs Eleanor Laing): With this it will be convenient to discuss the following:

Amendment 2, page 2, line 11, after 'parent', insert

'or grandparent where they were the primary carer of the child.'

This amendment would widen the provision to include grandparents where they were the primary carer of the deceased child.

Amendment 3, page 2, leave out line 22.

This amendment would remove the ability to set the period within which the leave may be taken.

Amendment 22, page 2, line 22, at end insert,

", including arrangements for taking the entitled leave at different points within the period specified in subsection (6)."

This amendment would ensure that regulations on parental bereavement leave provide flexibility on when the entitled leave can be taken.

Amendment 4, page 2, line 25, leave out 'two' and insert 'four'.

This amendment would increase the minimum time off from work from two to four weeks.

Amendment 5, page 2, leave out lines 26 to 28.

This amendment would remove any deadline for when the leave must be taken.

Amendment 23, page 2, line 27, leave out '56 days' and insert '52 weeks'.

This amendment would extend the period of time within which parental bereavement leave must be taken from 56 days to 52 weeks

Amendment 6, page 3, line 1, leave out

'"child" means a person under the age of 18;'.

This amendment would mean that parental bereavement leave would apply to a child of any age, not just those below the age of 18.

Amendment 24, page 3, line 1, leave out from 'a' to end of line 3 and insert

'son or daughter of any age'.

This amendment would change the definition of "child", for the purpose of parental bereavement leave, to a son or daughter of any age.

Amendment 7, page 3, line 11, after 'absence,' insert 'save for remuneration'.

This amendment would make clear that the employee is not entitled to contractual pay for the leave.

Amendment 8, page 3, line 18, leave out

'a job of a kind prescribed by regulations,'

and insert

'the job in which they were employed before their absence,'.

Amendment 11, page 4, leave out lines 8 to 17.

This amendment would remove the power to make regulations providing for notices, or make provision for any consequences as a result of failing to give notice, or failure to keep records of notice or comply with other procedural requirements.

Amendment 10, page 4, leave out lines 8 to 10.

This amendment would remove the requirement to give any notice to take leave.

Amendment 9, page 4, line 8, after 'about' insert 'reasonable'.

This amendment would create a requirement of giving a reasonable notice period before taking the leave.

Amendment 12, page 5, line 9, leave out 'parent' and insert 'primary care giver'.

This amendment would widen the provision to include those who are not 'parents' but were the main carer of the deceased child.

Amendment 13, page 5, line 11, leave out from 'employer' to end of line 12.

This amendment would remove the qualifying period to make the pay element a day one right.

Amendment 15, page 5, leave out from the start of line 40 to the end of line 2 on page 6.

This amendment would remove the requirement to give notice, and how to give notice in order to receive parental bereavement pay.

Amendment 16, page 5, line 44, after 'which' insert 'reasonable'.

This amendment would require the individual to give a reasonable amount of notice for taking bereavement pay.

Amendment 17, page 6, leave out lines 1 and 2 and insert—

"(3) Employers must accept notice given in writing, face to face, by telephone or through a third party on behalf of the bereaved parent."

This amendment would remove the requirement to give notice in writing, allowing this to be given in conversation or through a third party on their behalf.

Amendment 18, page 6, leave out from start of line 48 to end of line 2 on page 7.

This amendment would remove the liability of HMRC to pay statutory bereavement pay.

Amendment 19, page 7, line 13, leave out 'two' and insert 'four'.

This amendment would increase the payment for bereavement pay from a minimum of two to four weeks.

Amendment 20, page 7, leave out lines 18 to 21.

This amendment would remove the requirement for bereavement pay to be paid within at least 56 days.

Amendment 21, page 9, line 18, leave out

'"child" means a person under the age of 18'.

This amendment would mean that parental bereavement pay would apply to a child of any age, not just those below the age of 18.

[Madam Deputy Speaker]

Amendment 25, page 9, line 18, leave out from 'a' to end of line 20 and insert

'son or daughter of any age'.

This amendment would change the definition of "child", for the purpose of parental bereavement pay, to a son or daughter of any age.

Kevin Foster: It makes a change to be called first in a Friday debate. *[Interruption]* Yes, or ever. I usually have to wait for at least three or four hours before being called.

First, let me make it clear that I fully support the Bill promoted by my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake), and I have no intention of attempting to make a monumentally long speech to talk it out. However, my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) and I wish to test some of the provisions, particularly in the schedule. We do not propose amendments to the two main clauses; our amendments are only to the schedule, as we would like to hear a bit more about some aspects of it and to test the reaction of my hon. Friend the Member for Thirsk and Malton and the Minister to some of our amendments.

This is a simple Bill; it has just two clauses, one of which is the title clause. However, the attached schedule requires further debate and scrutiny on the Floor of the House. I should make it clear that no employee in the country would ever want to benefit from the Bill's provisions, as it addresses what would undoubtedly be one of the most difficult periods in anyone's life; all parents and grandparents will want to see their children and grandchildren live long and happy lives. However, it is to be welcomed that the House is talking about this subject today, and we hope that the Bill will receive its Third Reading and head off to the other place. The Bill demonstrates how MPs can in this place draw on their personal experiences to make a difference for others who might have to deal with similar experiences. I accept that some of the issues we will be discussing today might have been debated in the Bill Committee, but, sadly, I was not lucky enough to be selected to serve on it, which is why I raise them on Report.

In the interests of brevity, I will talk about my amendments in groups, according to the themes they cover, rather than go through each one individually. Also, some of the amendments work in combination to offer distinct packages that address particular themes, and in these cases it would not make sense to pass one amendment but not another, as that would create odd law.

The amendments cover four distinct themes. The first deals with people who act as the parent but are not the biological parent, such as a primary carer who has picked up the reins when things go wrong; that is addressed by my amendments 1 and 2 and amendment 12 from my hon. Friend the Member for Mid Dorset and North Poole. The second theme is the issue of when leave may be taken, given that some people might wish to work in the immediate aftermath of losing a child but subsequently find that grief requires them to take time off at a slightly later date; not everyone reacts in the same way. This area is addressed by my amendments 3 and 5, amendments 22 and 23 in the name of the hon. Member for North Ayrshire and Arran (Patricia Gibson) and amendments 15, 16, 17 and 20 from my hon. Friend.

The third theme involves the requirement to give notice and, given the nature of this provision, my proposal for a requirement to give reasonable notice instead. This is covered in my amendments 9, 10 and 11. The fourth theme relates to the cut-off created by the 18th birthday and the proposals to change the definition of a child so that the provisions refer not only to sons and daughters under the age of 18. This is covered by amendments 6, 24 and 21. Finally there are three more amendments that I will speak to specifically: amendments 4, 7 and 8.

I shall start with the first theme. Sometimes, the person acting as a parent is not the biological parent. They could be a primary carer who has picked up the reins when things have gone wrong. Amendments 1, 2 and 12 cover this area. I think that we would all agree that parenting is not just about biology. It is not just about who has physically created a child, as we see with egg and sperm donor births. My concern is that if the Bill is passed without amendment to the schedule, there could be too much focus on the parent, rather than on the person who has done the parenting by looking after the child, bringing them up and loving and caring for them. The amendments will make it clearer that this is about the primary care giver—the person who is acting as the parent. I would be interested to hear my hon. Friend's views on this and those of the Under-Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Watford (Richard Harrington). We would not want to get into a situation where the person or couple who were acting as the parents could not take time off, yet an estranged biological parent could do so.

Michael Tomlinson (Mid Dorset and North Poole) (Con): I, too, have put my name to this amendment, and I intend to speak to it in a few moments. The way in which the Bill is drafted means that the Minister will lay regulations in due course, but should we not take this opportunity now to express our views on the Floor of the House about what the definition of a bereaved parent should be? Of course we trust Ministers to get this right, but it is for us as well to put forward what we think would be the appropriate definitions—hence these amendments.

Kevin Foster: Absolutely; I could not agree with my hon. Friend more. I accept that the Bill has had a good run in, particularly due to the valiant efforts of my hon. Friends the Members for Colchester (Will Quince) and for Eddisbury (Antoinette Sandbach), but it is important to examine these questions on the Floor of the House, especially when we are dealing with Private Members' Bills. They are slightly different from Government Bills, which might have had lengthy periods of consultation in Green Papers and White Papers, perhaps following a manifesto commitment. This Bill also has a manifesto commitment behind it, but I shall not refer to that further because it already enjoys cross-party support. All the parties represented in the Chamber today strongly support creating this type of provision.

This is about being very clear, so that anyone seeking to interpret this legislation at a later date will know what our intention was in passing it. We also want to be

clear what is in the Minister's mind on this subject. Who exactly is the parent under this legislation? Someone sitting at home listening to this might wonder what on earth this discussion is about. Actually, it is about ensuring that the legal definition involves not only the biological parents but those who are effectively parenting and looking after a child as though they were the parent at the sad time of that child's death.

This brings me to my own experience in local government in Coventry, where we had child protection services. Often, a way to avoid a child going into care was for a relative, particularly a grandparent, effectively to become the parent. The child would be placed with them to keep them within the family and maintain some parental contact, without being formally adopted. I accept that, under the current wording of the Bill, someone is legally the parent if there has been a formal adoption process. There should be no confusion about that.

I want to ensure that the regulations will cover a situation in which a grandparent, uncle or aunt—or even a much older brother or sister—has stepped into the parent's shoes to act in absolutely the right way. In the child protection context, that sometimes involved someone giving their younger brother or sister a chance to stay out of an institution. I want someone who has taken on that role to be able to benefit from this type of provision. They will have developed exactly the same bonds of attachment as a parent and, sadly, they will also have had to deal with the formalities following the death in the same way that a parent would normally do. I want the Bill to cover them as well.

9.45 am

We need a clear understanding of how such circumstances will be accounted for, particularly in any regulations that the Minister issues under the Bill, to ensure that we do not have the bizarre situation in which someone who has cared for the child every day, helped them to get to school and done all the things we would regard as parenting is unable to get leave, while a biological parent who has done none of those things or dealt with any of the sad formalities following the death is the one to whom the leave is attached. We do not want the person who has been most affected by the death, emotionally and perhaps mentally, to have to rely on the goodwill of their employer to get some time off.

The second theme relates to when the leave can be taken. Some people who are grieving want to stay at home, understandably, and to stay away from work. Indeed, an employer might not want those who fulfil certain roles to be at work. They might not want someone who has just been bereaved to operate heavy machinery, for example, or to drive or to fly a plane. It might not be appropriate for such people to be at work if their mind is in another place. For others, however, going to work the day after can actually help them. That does not apply to everyone—for some people, it is the last thing they want to do—but I know that when my grandfather passed away in the early hours of the morning, my father went to work the next day. That helped him; it was better for him to be with his workmates and have a normal day rather than to be at home dwelling on the fact that my grandfather had just passed. I accept that that is not for everyone, and many people will want to be at home, particularly following the death of a child.

When I went through the Bill, I noted that the leave had to be taken within 56 days. That is less than two months. Not everyone will want to take leave immediately in that way, and I want to explore how we can give people the flexibility to take the leave when it suits them. The grief might hit them at a later date, for example. They might soldier on at first, going to work and having the funeral, only to find that it hits them a short while after that. That might be when they need to take leave. There might be a significant birthday relating to their child, or some other significant event that they wish to spend time on. I believe that the period within which the leave can be taken should be longer than 56 days and more flexible. We need to show a greater understanding of people's needs in this regard.

Karen Lee (Lincoln) (Lab): When I lost my daughter, she was grown up—she was not a child—and I want to suggest that people might need to take leave on odd days. I know that that is not easy to facilitate, but people do not know when grief is going to hit them.

Kevin Foster: I am sorry to hear about the hon. Lady's experience. It would be interesting to hear the Minister's response to that suggestion as well. Perhaps the leave should not simply be a block of two weeks; after all, this is not like taking a holiday. Events such as the child's birthday or something else that the family was looking forward to might crop up, and perhaps employers could allow the bereaved person to take their leave in two separate weeks or in separate days over a period, rather than as a two-week block. Also, I wonder whether the Bill focuses too heavily on the funeral as the main event. Clearly, it is a difficult day and people will want to take time off around it, but not necessarily two weeks. As the hon. Lady says, there might be other days, perhaps not too far in the future—a family wedding, for example—that will also be difficult for the parent and taking time off at that point would be appropriate. I thank her for her intervention.

I hope that the Minister noted what she said and will reflect on it in his contribution. In amendment 23, the hon. Member for North Ayrshire and Arran proposes to increase the amount of leave that can be taken to up to a year, but I want to reassure people that my amendments are about ensuring that things are not too tough or quick after the event.

My third group of amendments—9 to 11—relate to the requirement for notice and the ability to create such a requirement. Given the nature of the provision, I feel that it is more appropriate to examine creating a requirement for a reasonable notice period. It is safe to say that such events will rarely be predictable, and we have heard testimony in the Chamber before from Members who have gone through a stillbirth. Something wonderful is expected to happen, and people plan for it and look forward to it, but what happens instead is a shattering experience. I am worried that if we are too prescriptive about requirements to give notice, we could create a situation in which the bereaved find themselves having to comply with a particularly tough notice period requirement or having to deal with their employer in a particular way. I accept that the vast majority of employers would bend over backwards if an employee went through this type of situation, but we need the law to deal with the handful that would not.

Antoinette Sandbach (Eddisbury) (Con): There was a degree of shock among the members of the Bill Committee at the evidence of employers who were not prepared to give employees leave if they were pregnant and then lost their child. I and many other Members were horrified by the lack of compassion and understanding being demonstrated by some people towards their employees at a deeply personally distressing time. I welcome my hon. Friend's amendments that address the issue, which is an important reason for why we are being forced to legislate in this area.

Kevin Foster: My hon. Friend is right. The vast majority of employers will be considerate and understanding and will look to support their employees. At the end of the day, they will generate a lot of loyalty in an employee that might well be repaid in a positive way at a later date. It is not a burden for an employer to be good to their employees. Reducing staff turnover can actually be a huge boost for a business. Employees can get experience and develop skills and will stay if they feel that the situation is more of a partnership than a "them and us" relationship.

Unfortunately, however, there is still an undoubted need to legislate. The majority of people would not discriminate against others based on their gender, sexual orientation, race or ethnicity, but there are some who would, which is why we have the law and the relevant sanctions in place.

Chris Philp (Croydon South) (Con): I support my hon. Friend's case for protecting bereaved employees by ensuring that notice periods operate in a reasonable fashion. However, to ensure that nobody falls through the cracks, does my hon. Friend agree that there may be a case for a more general duty on employers to act reasonably? We may not be able to set out every eventuality in regulations, so a general duty to act reasonably would provide protection for bereaved parents.

Kevin Foster: My hon. Friend has clearly read my amendment 9, which talks about a "reasonable" notice period. Is written notice reasonable in some circumstances, or would a simple phone call from a trusted close relative be suitable? People react to grief in different ways. The hon. Member for Lincoln (Karen Lee) pointed out that some people might need to take specific days off, but others may want the time immediately. Some people may even want to come into work the next morning, and they will be able to speak to their employer face to face.

I agree with my hon. Friend the Member for Croydon South (Chris Philp) that things should be done on a reasonable basis. As a lawyer, I accept that there can be issues with words such as "reasonable" and "proportionate" and with where exactly we draw the line, but he is right that we do not want to split hairs about whether something is right or wrong. My hon. Friend the Member for Eddisbury touched on the fact that there will be no issues with most employers, but when an employer is looking to get out of doing something, that may lead to issues about how exactly notice was given or whether it absolutely conformed with the regulations. No reasonable employer would do that, but we legislate for those who are anything but reasonable.

Kevin Hollinrake (Thirsk and Malton) (Con): My hon. Friend is making some strong points. He will be aware that there is already a requirement for employers to give reasonable time off when people suffer such tragedies but, as he says, the Bill seeks to ensure that the employers who would not normally be generous and sympathetic also give people the time off that they need at times of great tragedy and grief.

Kevin Foster: My hon. Friend is right that a reasonable employer will behave differently from the type of person at whom the legislation is aimed. To be blunt, the legislation will target the sort of person who adopts the employment practices of Scrooge and Marley—an admittedly small number of employers—but I do not want the Bill to offer a get-out for people who may want to act inappropriately. We must ensure that Parliament's intention is clear in the legislation that we pass.

James Cartlidge (South Suffolk) (Con): My hon. Friend is making a powerful argument. As for whether employers will act reasonably, this is not necessarily just about the Scrooge-like employers who are literally uncaring. We potentially need to be more prescriptive for certain corporate environments, particularly those with high turnover or significant distance between the management and employees due to the number of people. In a smaller company, where the bond between the employees and an employer who values them is strong, the employer will go out of their way to help anyway.

Kevin Foster: My hon. Friend is right. In a small or micro-business with four or five employees, the relationship may feel more like a partnership, instead of a situation involving the boss and then four members of staff. I accept that we may need to be slightly more prescriptive for larger employers, but I do not want the legislation to become so prescriptive that it provides a way for someone who wants to get every last penny out of their employee to avoid the regulations. However, we need to be a bit more prescriptive to deal with some of the examples that have been cited.

Karen Lee: It is just as important that an employee is supported when they go back to work. I was working on a hospital ward, and the people were just fantastic. People can say anything about the NHS, but it was wonderful to me. I had something like 10 weeks off while nursing my daughter, and when I went back I was doing audits of heart attacks for MINAP—the Myocardial Ischaemia National Audit Project—cleaning cupboards and all sorts of things. It was about six weeks before I went near a patient again. Every business is different, but people cannot just walk back in and pretend that everything is the same as it was on the day they left after their world has been turned upside down. It is vital that that is taken into consideration.

Kevin Foster: It is apt to reflect on the NHS, which provides such support to its staff as well as to its patients, in its 70th year. The hon. Lady is right that it is not just about leave. The employer will need to behave reasonably when the employee comes back.

As I have said, an employer would not feel comfortable about a person doing certain jobs if they have just suffered such a bereavement. Few of us would suggest it is a good idea to fly a plane the next day, for example, or

to do something that requires absolute concentration—I am pretty sure the military have quite strong provisions on leave or, at the very least, on excusing people from particular duties. If a person's mind is elsewhere, if they have had their life turned upside down, they will not be in the mood to do air traffic control, for example. It is appropriate that employers think about that when a bereaved parent comes back from leave.

It is hard to legislate for every instance, and thankfully many employers are very good and are fairly understanding. The Bill sets a legal minimum.

10 am

David Linden (Glasgow East) (SNP): The hon. Gentleman is making a good point about ensuring the Bill is as flexible as possible, and I support some of the amendments he has tabled. I support all the amendments made in Committee. One of my concerns—my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson) and I tabled an amendment on this in Committee—is that a person will not fall within the scope of the Bill if they have been with their employer for fewer than 26 weeks. The Bill is all good and well, but does the hon. Member for Torbay (Kevin Foster) share my concern that a person who has been with their employer for, say, 25 and a half weeks will not be covered? Would he support the Bill being extended to people who have been with their employer for fewer than 26 weeks?

Kevin Foster: Bereavement leave should be a day one right, and I am reasonably supportive of the hon. Gentleman's idea, or at least of having an idea of how an employer should approach leave for employees who have worked for them for a very short period of time. I accept it is probably slightly different for people who have worked for their employer for a very short period of time, but I think we would all hope and expect an employer to behave reasonably, because clearly this is not something a parent will have planned. This is not a provision of which any parent wants to take advantage, far from it. I am sure every parent in the Chamber would hope they never have to take advantage of this provision. I am interested to hear the Minister's response on how we set that limit.

Again, we do not want the ludicrous situation in which a person, for the sake of argument, has worked one day short of the limit—for example, the death happens at 11 o'clock at night and they would have been covered if it had happened at 1 o'clock in the morning. We do not want such a cliff edge. I will address another such issue in relation to other amendments.

I support the broad thrust of what the hon. Member for Glasgow East (David Linden) says, and it will be interesting to hear the Minister and perhaps the promoter of the Bill, my hon. Friend the Member for Thirsk and Malton, outline how they feel it should work so we do not have cliff edges. The whole point of the Bill is to have a position that reflects the devastating impact on people.

I am conscious that I have been on this theme for a little while, so it is probably time to move on to the fourth theme of my amendments. I touched on cut-offs in my response to the hon. Gentleman's intervention, and I am also concerned about the cut-off created by a child's 18th birthday. My amendments 6 and 24, and amendment 21 tabled by my hon. Friend the Member for Mid Dorset and North Poole, would change the definition of a child so it refers not only to sons and daughters aged under 18.

I think we would all feel that losing a child is hard at any age. Sadly, in my own family, my grandmother Beryl lost her son Mike. Mike was 59 and, by that point, my grandmother was in her late 70s, but the impact on her was just as strong as it would have been had Mike been 12 and had she been 30. Of course, due to her age, she did not need to worry about time off work—she was already a pensioner—but the impact on her was just as significant. She had lost her son.

The law does not view a person aged over 18 as a child. The law rightly views them as an adult—they are able to make their own decisions and are able to participate in life—but the parent still views them as their child. Sadly, my grandmother outlived not only her son Mike but the two children of her second husband, Cyril, my maternal grandfather. Both my mother and my uncle died before my grandmother, both passing away in their 50s. The impact on my grandmother was quite profound. My mother was the last of the three to pass away, four years ago. My grandmother said, "Here's me sat here at 85 with all the children"—as she viewed them—"gone."

It makes logical sense that a child aged under 18 should clearly be covered by the Bill. That is unarguable, and it is absolutely right that the provisions also apply to stillbirths.

Michael Tomlinson: My hon. Friend is making a powerful point. Does he agree that amendments 6, 21 and 24 would not widen the scope too greatly? His powerful example shows that many people in this situation will already be retired, so removing the age restriction of 18 does not widen the scope. When looking for a balance between employers and employees, which of course we must do, the amendments would not widen the scope too much.

Kevin Foster: The amendments would widen the scope a bit. An employee aged 61, 62 or 63 might lose a relative in their early 40s but, yes, by the point children are in their 50s or 60s, their parent is almost certain to have retired, or at the very least will only be in part-time employment. Monica Bulman, a nurse who recently retired in Torbay, did nearly 60 years in the NHS, which is remarkable. She was in her 80s when she retired.

For me, it is about the principle and about how the Minister and my hon. Friend the Member for Thirsk and Malton think employers should reasonably act in circumstances where, for everyone else, an adult has passed away but for the employee it is their child. The employee will remember their child as a baby, and that will have an emotional impact. I am concerned that we do not create a cliff edge at 18.

Will Quince (Colchester) (Con): My hon. Friend is making a powerful point. I do not usually disagree with my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson), but the amendments would change the remit quite significantly. They would increase the number of potential recipients fivefold. At the moment, as we know, there is an element of fragility in getting private Members' Bills through the House. We have the support of the Treasury Bench, which is based on financial calculations on the existing number of potential

[Will Quince]

recipients. If we were to increase that fivefold, I fear we would lose Government support because they would have to go back, redo the calculations and get Treasury support again. However well meaning, I encourage him to think about the implications of these amendments.

Kevin Foster: I thank my hon. Friend for his intervention, and I take on board what he says. Perhaps my hon. Friend the Member for Thirsk and Malton will cover this in his speech, but it will be interesting to hear how we would expect employers to react in this circumstance. I am particularly thinking of people aged over 18 who have particularly special needs because of, say, Down's syndrome. In the past, those with Down's syndrome sadly lived relatively short lives. We now have examples of those with Down's syndrome reaching retirement age with very elderly carer parents. That presents its own challenge to local authorities in how to provide care to a parent who is absolutely devoted to caring for their child who is now perhaps in their 30s or 40s. As the parent develops their own care needs in their 70s and 80s it can be difficult to manage them without breaking the special bond the family have had for many decades.

Hearing what my hon. Friend the Member for Colchester says, I may be minded not to press the amendments if they might prevent the Bill from progressing. It would be interesting to hear from the Minister what thoughts the Government have on such cases and how we might expect employers to react. I do not want a situation in which the Bill applies if a person loses a child aged 17 years and 364 days but does not apply if they lose a child aged 18 years and one day. We must ensure there is no such cliff edge, which I do not think is the intention of the Bill.

Will Quince: I totally agree with the points that my hon. Friend is making. The key thing is getting the Bill on to the statute book; once that has happened, we can consider secondary legislation and amendments, but this is about our getting there. We discussed all these things in Committee. There are other issues, covering spouses and other relationships, that people would understandably wish to be included in the Bill. Unfortunately, we cannot do that; we are unlikely to get it through if we do. Everyone in this House would like us to look at the legislation in the future, with a view to amending it, but we have to get the Bill on the statute book as a starting point.

Kevin Foster: I take the points my hon. Friend is making. As I said at the outset, I fully support the Bill—I have no intention of giving a five-hour speech as an attempt to talk it out. When it comes to the key moment, I will not seek a decision on these amendments if that would endanger the Bill. However, it is right that we have this discussion today so that Ministers can listen to the opinions of the House. Sadly, tribunals and courts will be called on to interpret the Bill, but our discussion means they will be able to see clearly that Parliament was not setting a maximum and saying that the provision should stop there, but deciding where the floor—the minimum—should be.

Kevin Hollinrake: My hon. Friend is making some excellent points. The Bill has an impact on the Treasury, with an annual cost of about £3.2 million, because the taxpayer—not the Treasury itself, clearly—will be picking up the tab for the statutory pay element. We have to take that key consideration into account. We must also consider costs for businesses, especially small businesses, as they will suffer the effects more than larger businesses. Small businesses find it much more difficult to cater for absence. As there is already a predicted cost of £2.6 million a year for small businesses, does my hon. Friend agree that we need to strike a balance by taking into account the interests of both business and the individuals who suffer these tragedies?

Kevin Foster: Obviously my hon. Friend is right to say that a balance needs to be struck. On issues such as how much leave there should be, who this applies to and how it applies, we need to strike a balance against cost, particularly to small businesses. It is worth pointing out, as my hon. Friend the Member for South Suffolk (James Cartlidge) rightly mentioned, that many small businesses are likely to be the most reasonable with their employees in any case.

My hon. Friend the Member for Thirsk and Malton is a great champion of small businesses in this Chamber. Sometimes we rightly talk about not wishing to impose this cost or that cost, but a lot of the time we find that some of the worst examples of poorer employment practice are in one or two larger employers, where a rigid rule is applied fiercely to try to squeeze the last pound out, whereas smaller businesses work more as a team. If we walked into the room and were asked to guess who the owner of a small business was, we would not be able to do so, as the business works as a collective. I can think of hotels in Torbay where the owner of a hotel that is worth millions can be found serving the spuds, as the hotel does silver service—they do literally every job in the hotel, as well as being the owner and manager. However, I accept that there is a balance to be struck.

James Cartlidge *rose—*

Kevin Foster: Given that I referred to my hon. Friend, I had best let him intervene.

James Cartlidge: Surely the key point is the difference between rigidity and clarity. The fact that management and staff will know where they stand, as opposed to there being a general reliance on reasonableness, is surely a huge benefit that works to the advantage of both sides.

Kevin Foster: We are introducing the Bill to set out in law more clarity on what Parliament expects. We have touched on the fact that we should not create a set of rules that is too rigid, particularly on this 18th birthday issue. We do not want to end up with a bizarre situation in which a doctor putting on the death certificate "five minutes past midnight" means that the Bill will not apply, whereas it would apply had they put "two minutes to midnight". I understand that we need to be specific, rather than relying on reasonableness, and we that we have to give some guidance. What each of us thinks of as a reasonable expectation in a particular moment will differ, as we are all individuals, with different views and in different circumstances. Some of our constituents rightly take the view that it is not unreasonable to wait a day or two for a reply to their email, whereas others who email at 11 pm will ask why they have not received a reply by 9 o'clock the next morning.

Michael Tomlinson: Yes, why not?

Kevin Foster: It must be wonderful being one of my hon. Friend's constituents—we will all be emailing him at 3 o'clock tomorrow morning and waiting for the reply. As I was saying, I accept that there is a need for balance, but I do not want the process to be too rigid.

10.15 am

I am conscious that time is moving on and others wish to speak, so I shall deal with a couple more amendments. My amendment 4 would increase the minimum time off from work from two to four weeks. I accept that two weeks is an improvement on the current statutory provision, but it seems too short, and I was looking more towards a 28-day period. In response to the intervention made by the hon. Member for Lincoln, I touched on the fact that people might want to take bits of time off over a longer period to reflect the impact of losing a child, perhaps because of a particular birthday or event that they were looking forward to. For example, someone who had lost a child who was studying at college may find that date of the certificates night would be difficult for them. We should explore why we have opted to provide for a fortnight rather than 28 days. If the promoter of the Bill wishes to advance an explanation, I will be interested to hear it, either in an intervention or in his speech. The Minister may also wish to reflect on this point. It is not unreasonable to consider a minimum of 28 days, and I would be interested to hear from my hon. Friend the Member for Thirsk and Malton the rationale as to why—

Kevin Hollinrake *rose—*

Kevin Foster: I think that I am about to hear it now, so I happily give way.

Kevin Hollinrake: I am happy to come back on this point. We are clearly dealing with a minimum here. We expect employers to be—our evidence absolutely supports the fact that they are—generous and sympathetic in such situations. Many of them give full pay and provide whatever time is needed for the parent to try to recover—or to move on—from the tragedy. We are trying to cater for the isolated numbers of employers who do not take that approach. We believe that one in 10 does not provide a sympathetic and generous policy when these things happen. So we are trying to strike a balance while sending a signal to those employers that they should be generous and sympathetic in such situations.

Kevin Foster: I take on board my hon. Friend's point, but legislating is not just about sending a signal—we can do that by tabling a motion, making a speech or putting a question to a Minister. This is about setting down a piece of law that is not signalling what employers should do, but telling them what they must do. He is right to say that the Bill will not make much difference at all to 90% of employers. The small business that works as a team and the larger employer that values its staff will be able to sit back and think, "This is pretty much what we do already," with the exception that the Bill provides for statutory parental bereavement leave and for the taxpayer to make certain payments. The Bill is about dealing with that 10%.

Will Quince: My hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) makes a good point. The Bill enshrines in law the minimums—it is about a floor, not a ceiling. The House should make it clear that on pay and time off, we are providing for statutory minimums. We know that most employers will want to offer more time—the time that their employees need. Likewise, although we are talking about amounts for statutory paternity and maternity pay, I would like to think that most employers will recompense their staff at full pay. I hope that the Government, as a good, compassionate and sensitive employer, will consider ensuring that civil servants are paid at full pay, because that would send a clear signal that the Bill sets out a minimum and there is an expectation that the provision will be greater.

Kevin Foster: I thank my hon. Friend for making the point that this is about the minimum rather than the maximum. I take on board what he and my hon. Friend the Member for Thirsk and Malton have said. I certainly do not want to endanger these provisions, but I will be interested to hear what the Minister says when he responds to the debate. It would be useful to hear his views about the policy that will be adopted in the civil service. If he wishes to intervene now, I would be happy to let him, but he might find it easier to cover that when makes his speech.

This is an appropriate point for me to move on to amendment 7, which relates to the pay level. It would make it clear in the schedule that the minimum pay level will be statutory parental bereavement pay, rather than contractual pay. Like my hon. Friend the Member for Colchester, I hope that most employers will be flexible, but the amendment would make it clearer in the Bill that the minimum is the statutory pay. Of course, if employers wish to pay more—if they wish to treat the period as normal paid leave—they can, but the Bill will set out the minimum.

Chris Philp: I congratulate my hon. Friend on his extremely detailed and thoughtful speech. Will he confirm my understanding of how the process will work: the statutory pay element would be reimbursable by the taxpayer—the Treasury—but any excess over and above that level that the employer might choose to give would not be reimbursable by the taxpayer?

Kevin Foster: I think that my hon. Friend's interpretation is correct, but perhaps the Minister will cover that when he sums up so that we are absolutely clear about the Treasury's position. My understanding is that the Bill makes clear the minimum—the statutory pay—but that employers are of course welcome to pay more. As we have heard, most employers—some 90%—are doing the right thing. I should be clear that most employers are already doing exactly what we want them to; we are legislating for the 10% who do not.

Michelle Donelan (Chippenham) (Con): I echo hon. Members' comments about the Bill setting the minimum, but it is important that we also recognise that some very small businesses and microbusinesses simply cannot afford to continue to offer full pay because they have to get somebody else in to do the job in the interim. The statutory element is about giving them the ability to be compassionate and let their staff take the time off with some kind of income. It is not just about some employers not getting it; it is a "needs must" thing, too.

Kevin Foster: I recognise that for some employers, particularly microbusinesses in which there might be only two, three or even four employees, it is not about wanting to be nasty, but about the position of a business that is operating hand to mouth incurring the costs of agency staff and so on. That is why it is right that the taxpayer is involved in supporting people at a difficult time. I do not think that any of us object to the taxpayer sharing some of the costs of this provision, rather than it all being loaded on to employers. I accept that there is a balance between what we expect employers to do and what the taxpayer should be asked to pay for.

Having discussed microbusinesses, perhaps this is a good time to move on to amendment 8. I will be interested to hear the thoughts of the Minister and my hon. Friend the Member for Thirsk and Malton about what type of job will be covered. Many people might think, "Really? You have a job and you get paid. That's simple enough." Unfortunately, it is not quite that simple in the modern economy. It is not like the situation in decades past when it was perhaps quite easy to identify someone's employer.

The Bill refers to jobs of a kind specified by regulations, and I am particularly keen to know that there will not be a sort of shopping list of the jobs covered such that if someone delivers milk in the morning, they are be fine, but if someone works on a farm milking a cow, they will not be covered because that job is not listed. My amendment deals with the question of whether someone is employed, and we have a good definition of that in law. Her Majesty's Revenue and Customs is only too keen to define people as employed so that they can be taxed appropriately on their income from their employment.

I hope that we can explore exactly how we will cover some of the new models of employment, in which someone may not have a job with one employer but regularly works for a group. I am thinking particularly of the gig economy, in which someone might be working irregular shifts, but are to all intents and purposes an employee of an employer. How do we deal with different types of employment model? I accept that we will not be able to cover absolutely every single situation in which someone is paid to do something on someone else's behalf. There will always be debates about how we treat self-employment. Indeed, the debate about national insurance contributions and what the self-employed are eligible to claim from the welfare and benefits system showed the difficulties with these things.

Kevin Hollinrake: My hon. Friend makes a strong point. The world of work is certainly changing. He will be aware of the Matthew Taylor review, which has been examining issues relating to the gig economy and how we define someone as an employee or a worker, as well as all the different categories of employment and self-employment. We want to keep options open in the Bill so that we can mirror the outcomes of the Taylor review when those issues are settled. We therefore will not have measures in the Bill that we cannot change; we will have flexibility to make sure that people who deserve to be covered by the Bill are covered.

Kevin Foster: I thank my hon. Friend for helping to bring some clarity to the matter. I did not want to get back to the old idea of what a "proper job" is that some of us used to hear at school. It is amazing how many people thought that certain things were proper jobs, and it has to be said that it was mostly men and that a proper job was one that was traditionally male orientated—surprise, surprise—and other things were just basic jobs. However, the sorts of jobs that were once dismissed—in care, healthcare and other areas—are vital in today's economy, and we need people to be doing them and to see them as the type of job and career that they want to go into.

While exploring the Bill, I was concerned that we should not end up with Parliament in effect asking the Minister to draw up a list of every job he could possibly think of and every type of employment activity that could ever be done for an employer, so amendment 8 is about targeting whether someone is employed. I am conscious that we have to make sure that our language and intentions are fairly clear. We should bear in mind our brief debate on another private Member's Bill, the Unpaid Trial Work Periods (Prohibition) Bill. Most of us would think that a trial was a very short period—perhaps an hour or two, just to see how someone mixed with a team—but the hon. Member for Glasgow South (Stewart Malcolm McDonald) gave an example of a place that had interpreted a trial as several weeks of working for nothing. Clearly, none of us would view that as a trial; the process was just about trying to dodge minimum and living wage legislation. We need to make sure that there is no opportunity to misuse what we all might think are reasonable words in the English language.

I am conscious of time and wish to give others the opportunity to speak. I shall listen carefully to the arguments made by the Minister and the Bill's promoter, my hon. Friend the Member for Thirsk and Malton, when they speak about my amendments. I have been reassured by some of the interventions I have taken from my hon. Friend, and I thank my hon. Friend the Member for Colchester for his interventions, which have helped to clarify some points. To be clear, I will support the Bill even if my amendments are not accepted. It would not be beneficial for anyone if the Bill was not passed.

This welcome Bill will help many in the darkest times of their lives. My hon. Friend the Member for Thirsk and Malton can take great pride in the difference that his Bill will make to those people, and my hon. Friends the Members for Eddisbury and for Colchester can take great pride in how they have used their personal experience to help others who end up in the same position. I support the Bill wholeheartedly and hope that the discussion of my amendments will help to make it even better.

Patricia Gibson (North Ayrshire and Arran) (SNP): It is a pleasure to follow the hon. Member for Torbay (Kevin Foster).

I thank the hon. Member for Thirsk and Malton (Kevin Hollinrake) for bringing forward this Bill and for the consensual and sensitive approach that he has demonstrated as he piloted the Bill to this stage. I appreciate all the work that he has done to ensure that, finally, the anomaly and the injustice of bereaved parents not having any protection in employment law is addressed. I also thank the members of the Bill Committee. I make special mention of the hon. Members for Colchester (Will Quince) and for Eddisbury (Antoinette Sandbach), with whom I have made common cause on this issue.

10.30 am

I am quite sure that the Bill is warmly welcomed by everyone in this House and across the United Kingdom. Many of us in the Chamber today have had the tragic and life-changing experience of having to bury our own child. As we talked about that in Committee, the thing that we all understood and appreciated was that this Bill was not for us; it is for all those other men and women who, in the future, will have to undergo this agony themselves. We in public life, especially those of us who have gone through this terrible experience, have a duty—a sacred and moral duty—to improve the situation for those who, in the coming years, will suffer the same terrible fate of losing a child.

My colleagues and I approached the Bill in a non-partisan manner; some things go far beyond political affiliation, and cannot be treated in that manner. My amendments have been drawn up to work with others. It is about doing the best that I can with my colleagues to ensure that we have the best Bill possible.

I am glad that I have been able to contribute to this Bill as it has made its passage through Committee. The care that we have all taken has ensured that this very fragile thing—a private Member's Bill is like holding a piece of very fragile china—made it to this very important stage, and that is thanks in no small part to the hon. Member for Thirsk and Malton. This Bill rights a wrong. It corrects the injustice that bereaved parents who bury their son or daughter are, under the law, do not have any paid, or unpaid, specific entitlement to time off work. That means that any leave that is taken in such circumstances is entirely at the discretion of employers. We have heard today that, although most employers will be sympathetic to a member of staff facing such a loss, not just as an employer but as a fellow human being, others, as the hon. Member for Eddisbury reminded us this morning, may not be. We have heard anecdotal evidence of such cases, particularly in Committee.

Kevin Hollinrake: May I put on record my thanks to the hon. Lady for her work on this Bill, particularly during Committee stage. Earlier, she said that we had worked together to improve this Bill. I and my hon. Friend the Member for Colchester (Will Quince) were delighted that the Government were willing to accept her amendment on stillbirth. That is a clear sign of how cross-party working can improve legislation as it goes through the House. That particular amendment will always be attributed to my hon. Friend the Member for Colchester and the hon. Lady.

Patricia Gibson: I thank the hon. Gentleman for his kind words. What the Bill has shown, across this House, is the best of what the House of Commons can be. It is unfortunate that we cannot work in a more consensual manner on many more issues. On an issue such as this, when it is about human beings, compassion and feelings for our fellow man, this House has come out today looking much better than it often does. I thank the hon. Gentleman for his words.

To face the death of a son or daughter with no entitlement to paid leave under the law is a terrible injustice that generations of people before us have suffered. I am proud to say that, today, we will correct that. The Bill sets out a minimum leave period of two weeks. I know that that is not very long, but given that currently there is no entitlement at all, it offers a start and provides legal recognition that the response to such a life-changing event can no longer be—and should no longer be—a matter of discretion for employers. This is one of those days when, whatever criticism people make of the House of Commons, either justified or unjustified, we can feel that we are making a real and practical difference to people's lives as they face the worst circumstances imaginable—the death of their child.

Let me turn to amendments 22 and 23. We know the trauma that accompanies the death of a child. The first reaction is shock and disbelief, especially in the case of a sudden death. A parent may initially refuse to accept the loss and try to continue as normal, blocking out the experience, which is a common feature of trauma. For some parents, going on as far as possible as though the death is not "real" will be a reaction that helps them cope. Keeping busy is a coping strategy that many use and one that, to a great extent, my own husband used when our baby was stillborn at full term. People cope with the devastation of losing a child in a variety of ways. As the hon. Member for Torbay pointed out, there is no right or wrong way to do this. That is why the amendments are important. If they are passed, they will provide a signal to bereaved parents. The Bill is saying, "We recognise the trauma of your loss and we recognise its life-changing nature, but it is important that you take your leave between these particular weeks, from this date to that date." I do not believe that that is really what we wish to do; it is not the message that we want to send out, which is why flexibility is so important.

Edward Argar (Charnwood) (Con): It was a pleasure to serve with the hon. Lady on the Bill Committee. She is absolutely right to highlight the importance of flexibility and also of respect that each person is an individual and that each family copes in different ways. In some tragic cases, there are also practical reasons why greater flexibility is needed. For example, if there is an inquest or an inquiry into a death, that may come significantly later, and that may be a period when leave is needed to cope with the trauma of that event.

Patricia Gibson: The hon. Gentleman makes an excellent point, and I was just about to move on to that. I agree wholeheartedly with his insightful remarks.

It is simply not appropriate or desirable to set an early time frame as to when bereavement leave should be taken. Some parents may feel the need for leave only when they have had time—it can be months later—to deal with the enormity of the loss, and when the reality of the loss has sunk in.

Much of the discussion around this Bill seems to be predicated on the loss of a child after illness. Yes, it is true, far too many families are devastated by watching a child ravaged by some terrible, unforgiving disease against which they have so few resources to defend themselves, but let us not forget that children die in a variety of circumstances. The sudden and unexpected loss of a child is no less traumatic. When a parent loses their child in dramatic and sudden circumstances, they will have had no idea that the last time they saw their child would be the last time that they saw them alive. Then there is some horrific accident—perhaps a car accident or some other type of accident—and in a moment, families are destroyed by grief and the cruel random nature of events.

[Patricia Gibson]

We need flexibility not just to allow parents to grieve in their own way in their own time, but, as the hon. Member for Charnwood (Edward Argar) said, to deal with a fatal accident inquiry, which is what would happen in Scotland, or a coroner's inquiry in England. There may be a court case; perhaps even a trial. We have to consider all of those circumstances. There may be a significant gap between the loss of the child and the burial. There is a whole host of reasons why leave for bereaved parents must be flexible. If it is not, I fear that bereaved parents, whose employers—a small minority of them—are not as sympathetic as they might be, may face losing their jobs as well as losing their child. Bereaved parents must have the full protection of the law. I urge the Minister to consider this carefully. I am sure that he will, because he is a reasonable fellow.

Amendments 24 and 25 seek to recognise that the loss of a son or daughter is traumatic and life-changing no matter how old, or what age, that son or daughter may be. I think we all understand that it is against the natural order of events for any parent to bury their own child. We have the opportunity to recognise that in this Bill. I am sure that everyone in this House, and beyond it, would agree that losing a son or daughter aged 17 is a tragedy that should not and must not be treated differently from losing a son or daughter aged 19, 21, 23 or 25—we can pick whatever age we like.

Patrick Grady (Glasgow North) (SNP): I pay tribute to the hard work that my hon. Friend has put into this Bill and the passion with which she is speaking. She has had very personal experiences that have led to her commitment to taking all this forward.

This amendment is important because the relationship between parents and their offspring is changing. Nowadays, children may go back to live with their parents at much later ages—indeed, well into their adult lives—due to a range of changing societal circumstances. Those wider societal changes make the amendment much more important and relevant to the modern world. I hope that the Minister will consider that.

Patricia Gibson: My hon. Friend makes an excellent point. We have to bear it in mind that the relationship between a parent and a child, even as the child grows up and becomes an adult themselves, is rather special. As he says, the traditional picture of young people growing up and moving out is no longer borne out in the statistics, for a variety of reasons. The relationship of parents and children living in the same house has to be recognised at any age, but also even when they are not living in the same house.

I understand why the Government have put this into the Bill, but drawing the line at the age of 18 when we are talking about the death of a child appears to me to be quite random and artificial. I do not think that such a distinction is appropriate in the context of the loss of a son or daughter. Loss is loss, whether or not someone's son or daughter is their dependant. I ask the Minister and the whole House to keep it in mind that this Bill's focus and starting point—we need only look at the title—is the bereaved parent, not the child. It is not about the circumstances of the age at which the child is lost—it is about protecting parents.

When a son or daughter is lost at an older age, the discussion—in relation to this Bill, at least—becomes more academic. As the hon. Member for Torbay pointed out, the older a parent is when they lose their son or daughter, the more likely it is that they will be retired anyway and will not need the protection of this Bill.

Kevin Foster: The hon. Lady is making some powerful points. She is right that this is about the impact on the person. As I said, my grandmother was into her late 70s and her son was 59, but his death still impacted her very strongly emotionally.

Patricia Gibson: I thank the hon. Gentleman for that intervention. I listened very carefully to the personal example that he gave us from his own family, which makes the point very well.

I ask the House to consider some other examples, such as that of a daughter aged 24 with a young child of her own whom she is perhaps bringing up on her own. As the Bill stands, if she were to die, her bereaved parents would not have any of the support that it could offer, even though there may be a thousand reasons why they will need bereavement leave—for example, the support that their grandchild might need if she had been bringing the child up on her own. I put to the House an interesting example that is completely, and sadly too often, within the realms of possibility. What about a son aged 25 who would not be covered by this Bill? Let us say that he is serving abroad in the British Army in a fragile region, and loses his life during a tour of duty. Do his parents not deserve the protection that the Bill offers because he happens to be 25 and not a dependant? I do not think that the intention of the Bill is really to exclude such parents, and that is why I have tabled these amendments.

I remind the House that this Bill was introduced in the first place because of the particularly unnatural order of circumstances in which someone buries their own child. I do not presume to judge whether one kind of grief is worse than another, but we can all agree that it goes against nature for someone to bury their own child. It does not necessarily go against nature to have to bury one's husband or one's wife. That, sadly, is in the normal scheme of things that we ultimately all have to face, but nobody—nobody—expects to bury their own child. A child is a parent's investment—their stake in the future.

10.45 am

I very much hope that the House will reflect on this matter and consider these amendments a worthy addition to the Bill. The benefits both social and emotional will surely outweigh any financial costs, which I really do not think will be significant in terms of overall Treasury spend. In Committee, the Minister pointed out that such a change to the Bill would increase the cost to the taxpayer fivefold or sixfold, with the cost rising from about £2 million to about £12 million. I accept that, as the hon. Member for Thirsk and Malton said, the taxpayer is picking up the tab for the statutory pay, but there is a cost to employers as well because they will have to cover the person's time off. I think that in Committee the cost was quoted as £1.4 million or £1.5 million, possibly going up to £15 million.

It seems that those costs, sadly, could be enough to stop the Bill in its tracks. I find that deeply disappointing. It is all the more disappointing because the loss of a son or daughter can very often—too often—lead to the breakdown of a marriage. About 50% of marriages end in divorce in the normal scheme of events, but some studies show that the death of a child means that the bereaved parents are eight times more likely again to divorce than other couples. We know that divorce has a social cost as well as a cost to the state. We also know that bereaved parents are more likely to develop depression and other mental health issues. Some turn to drink or other forms of self-medication. Some drop out of the workplace altogether and become economically inactive.

Apart from the wider scope that could and should be given to the Bill to support bereaved parents who might otherwise be excluded from it, it also—I say to the Minister—makes sense from a purely financial perspective to offer as much financial and employment support as we can during the early, critical days following the bereavement.

Antoinette Sandbach: I remember speaking at an event on child loss at which a solicitor who had acted in many, many cases where negligence had been involved told me that it was exceptionally rare for the parent to go back to the workplace because of the trauma. That would be less likely, as the hon. Lady says, if the parent had the ability to take some time out to deal with the grief. There is also action on the national bereavement care pathway that is at a pilot stage at the moment. These two things combined are likely to give parents a level of support that simply has not been there so far.

Patricia Gibson: The hon. Lady's point is very well made, and I could not agree more. The initial input at the early stages through the level of support that can be offered in the workplace under the law is so important if we are going to help people to recover in any form from the trauma. It is better than having them parked out of the workplace, economically inactive and floundering alone in their grief with no support, as has been the case up until now. We lose too many marriages, and too many potential contributors to the workforce and society, because people do not get the support that they need.

The amendments I have tabled are extremely important. I will not press them to a vote, because a private Member's Bill is such a fragile thing, and nobody wants to do anything that will take the entire matter off the table, but I urge the Minister to give those matters serious consideration and really reflect on including them in the Bill.

Michael Tomlinson: What a pleasure it is to follow the hon. Member for North Ayrshire and Arran (Patricia Gibson). She spoke with clarity and passion and from experience, and it is clear from other interventions that she has made a real difference to the Bill. I thank her for her words and for her work.

I pay tribute to my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) for his work in guiding the Bill through the House, as well as my hon. Friends the Members for Eddisbury (Antoinette Sandbach) and for Colchester (Will Quince). I have piloted a presentation Bill through the House, and I got it all the way to Third Reading before it fell at the last hurdle, so I completely appreciate the fragile china that is a private Member's Bill. I well remember my hon. Friend the Member for Eddisbury speaking in the very first Adjournment debate that I attended as a new Member of Parliament, and what a powerful experience it was to sit close to her. I think that I appeared in a number of leaflets distributed by my hon. Friend the Member for Colchester, because I was sitting just behind him when he was making one of his powerful speeches. That had a double benefit: me hearing his wise words and the people of Colchester seeing my face in his leaflet.

I will come back to amendments 24 and 25 in due course, because the hon. Member for North Ayrshire and Arran struck a raw nerve, and her words were very prescient. My hon. Friend the Member for Torbay (Kevin Foster) has spoken in great detail to all his amendments, which I have signed, so I do not feel the need to bang on at length, but I want to address two or three areas.

First, amendments 1 and 2 relate to primary care givers and grandparents. While those amendments may not be necessary because of how the Bill is drafted—it is clear that the Secretary of State will lay regulations and that there will be a definition of a bereaved parent—it is important that we debate in this place at some length what we expect that definition to include. At a time when we need more foster carers and adoptive parents, it is right that we use the term "primary care giver", rather than just "parent".

Kevin Foster: If someone adopts a child, they become the parent as far as the law is concerned. There are also foster carers or those who have taken in a child in certain circumstances—for example, when there are potential child protection issues. We must be clear that this applies to the primary care giver, not necessarily only the person who is legally or biologically defined as the parent.

Michael Tomlinson: My hon. Friend is absolutely right, as he often is. That is why I was so delighted to add my name to his amendment.

It is the same with grandparents. My hon. Friend the Member for Mid Worcestershire (Nigel Huddleston) led a powerful debate in Westminster Hall just last week on the important role that grandparents play in the family. I agree with him that we should give far more credit to the possibility of grandparents having care for and access to grandchildren. That is why I was delighted to sign amendment 2, which shows the important role that grandparents do and should play in the family.

Let me move on briefly to one or two other amendments before I get to my main point. On amendment 23, I completely agree with the hon. Member for North Ayrshire and Arran about the need for flexibility. That is fundamentally right. We heard that from the hon. Member for Lincoln (Karen Lee), who quite rightly said that we do not know how grief will strike any of us—we just do not know. Some people will want to go to work immediately the next day. To be—dare I say it?—a little bit stereotypical, it is probably more often the man who will want to go straight back to work, throw himself into it, try to forget what has happened and put it to the back of his mind and just get on with life. That is not always, but quite often, the case. Flexibility is key.

[Michael Tomlinson]

We have talked before about the fact that these are minimum standards. We are not talking about good employers. These provisions are there to safeguard employees who are not fortunate enough to work for a good employer. I completely agree with the hon. Member for North Ayrshire and Arran and the thrust of amendment 22 on the need for flexibility.

That brings me to my main point, which is on amendment 21, which I have tabled, and amendments 6, 24 and 25. It seems entirely arbitrary and faintly ridiculous that we are saying that these provisions only apply when the child is up to the age of 18. It is simply not right to say that a parent acts any differently if their child is 17, 18 or 19. My brother died aged 24, and I know that it did not affect my parents any less or any more because he was 24, rather than 17 or 18.

I am incredibly proud of my brother. He used to claim that he was the first Oxford student to have been president of both the Oxford Union and the Oxford University Conservative Association since my noble Friend Lord Hague of Richmond. I think he was wrong in that, but he was very proud to claim that he did that double. Sadly, he died out in Beirut. He was on a gap year in Lebanon—he was not fighting—and was learning Arabic. There were increased tensions between Israel and Hezbollah in Lebanon, but he died of a very mundane cause: carbon monoxide poisoning. It was such an innocent tragedy, and it just should not have happened.

My father had just retired the summer before, and I know that had he still been in work, he would have found it incredibly difficult to carry on and to turn up to work the next day. My mother was still working. She had the good fortune of having a brilliant employer. She was a teacher—many of my family are teachers—and her headmaster effectively gave her that term off, so she had from April to September, because there are the long summer holidays. Imagine a scenario where a parent does not have a decent employer and does not have the protection of this law, and arguably the protection of these amendments as well.

I maintain, as did the hon. Member for North Ayrshire and Arran and my hon. Friend the Member for Torbay, that extending this beyond the age of 18 would not widen the scope that much. We have heard evidence that it may increase the burden fivefold. It is probably my fault, but I have not seen that evidence, and I want to know what it is based on. My instinct is greatly that the older the child, the more likely it is that the parent will be in retirement and therefore that this will not widen the scope. I ask the Minister to consider and perhaps set out in some detail the evidence why the burden would be so much greater if the definition of "child" was opened up to beyond the age of 18.

The final set of amendments that I want to touch on is amendments 9 to 11, in relation to the regulations. My hon. Friend the Member for Torbay is right that the regulations laid before Parliament by the Secretary of State in due course should not be onerous in relation to notice periods. We are talking about parents who are in an incredibly difficult position, at an incredibly sensitive time. We do not want to be shutting off people who are entitled to this parental leave just because they happen to have failed to give some minor notice, because the letter has gone missing or the email was not sent. We need to be sensitive at a time of grief.

Kevin Foster: My hon. Friend is making a very good point. Does he agree that the bonus of his amendment 17 is that someone could easily provide notice in any way; it would not have to be a handwritten letter delivered in a particular way? As long as a reasonable effort has been made to get the notice to the employer about the circumstances, that should be enough, regardless of exactly which form that notice took.

Michael Tomlinson: My hon. Friend is absolutely right. He has the benefit of being a lawyer and will therefore have studied notice periods and all the ancient texts about contracts and contractual arrangements. It is just nonsense to say that this should be construed that tightly and with that much regulation. We need reasonable notice periods, while being perfectly understanding of the situation that these parents are in.

I strongly support the Bill. I congratulate once again my hon. Friends for their work, and I look forward to hearing the responses from the Minister and my hon. Friend the Member for Thirsk and Malton to the points I have raised.

11 am

Bill Esterson (Sefton Central) (Lab): This is an important and sensitive issue. I am acutely aware that some Members who have been involved with the Bill throughout its passage have direct experience of losing a child, and I commend the bravery with which they have used their personal experiences to do good for others. In my family, my mum experienced the loss of my older sister who I never knew. She died some years before I was born, and for the rest of her life my mum was unable to speak about the loss of her daughter—I know that others have mentioned such experiences. It is something that has been present throughout my lifetime, unmentioned but always there in our family in the background. My sister's name was Rebecca, which is also the name that my other sister gave to her daughter in her memory.

This Bill can only be a positive step. I am aware of the anxieties about it, but I am sure that none of us wish to do anything to scupper its progress. All those who are going through the ordeal and trauma of losing a child should at least be able to have some paid time away from their employment to deal with the practical elements of a bereavement, as well as the undoubted grief and pain associated with the death of a child.

Families, family relationships and caring relationships in our society are beautifully diverse, and it is right that legislation that offers entitlement to leave because of someone's relationship with a child reflects that diversity. Often, those who are primary carers are not the biological mother or father of the child. They could be grandparents, other members of the extended family, or those who have opted to care for the child through formal means such as fostering, in a residential care home, or through adoption—my wife and I have gone through that experience and we have two adopted children.

In this country we—including under this Government—encourage foster carers to build loving relationships with children in their care, and rightly so. It is therefore only right and proper to make provision in law, so that people who are caring for a child, in whatever circumstances,

are given paid leave if that child dies. That is in recognition of the fact that although those people may not be biological parents, they will often be parents, perhaps even legally, and they will form deep and meaningful relationships with the children in their care. They will suffer pain if they lose that child, and they will need time to make practical arrangements, including a funeral, and of course time to grieve.

How and when grief hits a parent can vary, as does the time at which practical arrangements associated with bereavement are needed. Arranging a funeral is just one of a huge list of responsibilities in the wake of the death of a child. There could be involvement with a coroner, and an ability to take the leave entitlement at varying points and not all at once would be welcome. People may need a day off to register the death, and they may need more time off weeks later because they are too low or upset to attend work. Grief does not come and go in a neat two-week period; it is something that stays with people, as I described with my mum's experience. Although it is not practical to extend the leave entitlement to an undefined period, that entitlement should be valid for a sensibly long period of time—a year seems reasonable. It should also be possible to take the leave at more than one time.

Kevin Hollinrake: The hon. Gentleman is making good points and speaking very movingly. Does he accept that this is principally a signal to employers? There are many different circumstances involving this kind of tragedy, and everybody's situation is different. Fundamentally, we are trying to ensure that all employers are generous, sympathetic and flexible in how they treat such situations, and that they provide leave and pay that is fair in all different circumstances. However, we cannot necessarily provide for all those things in legislation.

Bill Esterson: The hon. Gentleman is right and I commend him on promoting this Bill. I would like to pick up on some of the points he made about employment, self-employment, and the impact of the Bill on businesses. A good employer would certainly want to look after its staff—indeed, it is in its interests to do so. If an employer wants to retain staff, it should look after them, and that is also the right thing to do more generally. As we have heard, the vast majority of employers already do what is set out in the Bill in practice, and the Bill rightly ensures that all employers have a minimum set of standards to follow.

I take on board the point about whether this is the right time to consider broadening the provision to cover adult children, but we are talking about a relatively small number of people who would qualify for an entitlement to leave. We are talking about someone who loses a child, whether that child is under or over the age of 18—the hon. Member for Mid Dorset and North Poole (Michael Tomlinson) described losing his brother who was 24. It does not matter at what age this happens; it is an extremely painful situation for family members, and I understand that my hon. Friend the Member for North West Durham (Laura Pidcock) reminded the Committee of just that point. In the mind of a parent the pain never ceases, whatever the age of the child.

Although an older child might have a family of their own to help with practical arrangements, that is not always the case. Indeed, some older children are dependent on their parents—for example, parents may still care for a disabled adult. It is perfectly possible that a worker aged 60 could have a daughter or son who dies aged 30 or older, and it is reasonable for them to be afforded paid leave for all the reasons given for younger children. Lifting the age limit of what it means to be a child could be done either in the Bill or later, in recognition of just how exceptional these circumstances are.

Out of all the employment rights currently written into law, parental bereavement leave and pay is something that no one in the Chamber would ever want to apply for. Increasing leave entitlement from zero days and no pay to two weeks' paid leave at a statutory minimum rate is a welcome step, although I am sure that many people who have lost a child would tell us that two weeks is nowhere near long enough, and perhaps a longer period of leave might be right. However, for purposes of the Bill we are discussing two weeks' paid leave, which would be a significant and important step forward.

It is crucial that bereavement pay is paid immediately after the death of a child. A parent or carer should not have to worry about whether they can afford to take time off, and that should not be another thing added to the extreme stress that bereavement often creates. The statutory minimum rate is certainly better than nothing, although I fear, having had to take a hit on pay, that if pay is not given in full that may still exclude some from taking leave. Certainly the statutory minimum is better than nothing, and a step forward for those employers that currently do not provide such support.

Kevin Foster: Does the shadow Minister agree that this is about setting a floor, not a ceiling?

Bill Esterson: Yes, I agree. I believe that bereavement pay rightly has the support of the whole House. It is important that it is state funded and that HMRC is liable. That will minimise the risk of people not being paid—the point was made by my hon. Friend the Member for North West Durham in Committee—which is necessary because of the exceptional nature of the leave and the pay that needs to come with it. For those reasons, I also agree that there should not be a qualification period before a bereaved parent is qualified to receive the pay.

I want to pick up on some of the points raised by the hon. Member for Torbay (Kevin Foster). There is a challenge in ensuring that everybody benefits from the Bill, for example self-employed people who are currently not able to receive social security. This week the Federation of Small Businesses pointed out that it often takes two to three years to fully establish a business. The current rules on universal credit, which apply for only one year, are a very real concern in supporting self-employed people. There is a similar challenge here in supporting self-employed people through parental bereavement pay.

The flipside, of course, is the impact on employers. As someone who has run a small business, I can say from experience that when a key member of staff is not available it impacts the business. That is also true for larger businesses, but it is easier for them to make alternative arrangements. We need to recognise the impact on small businesses. This is about getting the balance right. It is only right that members of staff receive

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bereavement pay and that the statutory minimum is recoverable by the employer. The ongoing challenge will be how smaller firms in particular are supported when a key member of staff is absent.

My hon. Friend the Member for Lincoln (Karen Lee), from her own very sad experience as a nurse, demonstrated just how difficult it is for a member of staff who has suffered a bereavement to return to work and to carry out their normal duties. It is not straightforward to say that for a smaller firm staff should have to get back to work. Sometimes it is simply not possible for people, when they have suffered a bereavement, to return to work and carry out their duties. The challenge is very difficult for both the employer and a bereaved member of staff, and I hope the Minister will pick up on that point in his response to the debate. I do not say that there are any easy answers, but it is right that we are able to discuss the issue.

It was surprising to see the contradiction between some of the amendments tabled by the same Members. One asks that no notice be necessary for leave, while another asks that reasonable notice be given.

Michael Tomlinson: I am grateful to the hon. Gentleman for giving way. I remember serving on my very first Bill Committee when he was my equal and opposite. Is it not often the case that amendments are tabled to be probing? Alternatives are put forward that would be equally suitable and that is a perfectly logical and rational way to have a sensible debate.

Bill Esterson: If the hon. Gentleman thinks that by doing so he can waste time and delay the debate on the next Bill, and that that is a reasonable way to proceed, he is entitled to his opinion. I will give him this: it is logical to do so for the reason he outlines, but I sense from Government Members that my suspicions have been confirmed. I understand there is a reason to have a discussion on some of the points raised in the amendments, but I think it is a shame if they are being used to delay or scupper the next Bill. It is very important that we get the notice period right and I am sure the Minister will pick up on that in his response.

11.15 am

The Minister will have listened to the points that have been raised by Members during this debate. He will be aware of what was said on Second Reading and in Committee on how the Bill might be improved. I am sure he will have taken on board points about flexibility in taking leave, what it means to be a parent or a carer to a child, and how long the entitlement to paid parental leave should be. I look forward to us passing the Bill after a short period of time today and to its proceeding into law as soon as possible.

Michelle Donelan: I am delighted to have the opportunity to speak. My heart goes out to everybody who has been affected by a bereavement. I take my hat off to all Members who have contributed to the debate who have personally endured loss themselves. It is a very brave and remarkable thing to share with the House. Their experience will enable others to have a better experience.

I cannot imagine going through parental bereavement, but if my constituents or I were to do so, I would expect employers to be generous. The Bill is meant to ensure the minimum of what employers should give to their employees. It is important to note, however, that some microbusinesses or small businesses just do not have the capacity to pay staff for a period of leave, and a member of staff might not be able to afford unpaid leave, so the provision of a statutory element is a great step forward. It will give employees more freedom to take the time to grieve and to deal with their loss. It will also give employers the benefit of knowing that they will be able to facilitate that while keeping their business afloat. I think that that is the right thing to do. It is right for taxpayers to be contributing. We have heard today that the cost will be £3.2 million, and I would argue that this is a very good use of that money. I know that my constituents will be delighted as I have already received a number of pieces of correspondence from them echoing that view.

Antoinette Sandbach: For those who lose a child in childbirth or before birth—for example a stillbirth—there would have been a cost to the taxpayer, had the pregnancy gone as planned, through payments for maternity or paternity leave. I would therefore argue that although the Bill will involve a small additional cost for the taxpayer, the burden would have been borne by the taxpayer had there been a birth without complications. This measure is a very important way to support parents during an utterly tragic time in their lives.

Michelle Donelan: I completely agree. The state and the taxpayer have a responsibility to contribute. If someone is given the amount of time they need to recover, the long-term benefit for businesses and the economy will more than pay back any financial cost.

The Bill is a modern and compassionate measure. It is surprising that most countries do not already make such provision. The Lullaby Trust says that the UK will lead the way with this legislation, and I hope that other countries will follow suit, because this is the right thing to do.

James Cartlidge: I have been looking for information about international comparisons, and the reason why there is not much of it is because no one else does this. It is heartening to think that we will be leading the way, and that will be in no small part due to those Members on both sides of the House who have fought so hard for these changes.

Michelle Donelan: I completely echo my hon. Friend's comments. I pay tribute to my hon. Friends the Members for Thirsk and Malton (Kevin Hollinrake) and for Colchester (Will Quince), as well as everybody else in the House who has contributed to the Bill, including all members of the Public Bill Committee. The Bill commands cross-party support, as well as support from the public, who will note today's debate and see that Parliament sometimes really is in touch with people and their needs.

I echo comments about the fact that when employers are very generous towards their employees, it fosters a sense of loyalty and respect among them. I am sure that employers' ability to offer this additional support will

go some way towards developing that even further. Some of the amendments relate to the amount of leave that can be given. I honestly think that we can never quantify the length of time that it takes to get over a loss—in fact, we never really do get fully over a loss, be that of a child or anybody else who is significant in our lives—so I question whether the time being allowed is enough, although it is a good start. The whole point is that the Bill is supposed to set out the minimum, and we might revisit this and look to increase the time through secondary legislation.

We have discussed when people can take leave. There is a strong argument that an eight-week period is too arbitrary and very strict, because of such things as inquests, anniversaries and the dates when it really hits home. We must also remember that the Bill offers statutory pay, and people who only get that might not be able to afford to take time within those eight weeks. They might have to save up or make provision as a result of debts or the unexpected bills that people have to pay when someone dies. They might also not be ready for those losses. We cannot expect that somehow their financial burdens will suddenly disappear—that can take time.

We have heard an interesting discussion about the age of the child. It is important to remember that no matter how old someone's child is, they are still that person's child. Whether someone is 18 or 40, the loss is still huge, and Members have mentioned their personal experiences of that today. There is an argument for increasing the age from 18. We might not be able to do that in this Bill, but perhaps we can look at the position again. I echo the comment from my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) that the burden would probably not increase fivefold, because a lot of people will be retired by the time their child is lost. It is important to remember that not everybody will take up the offer, and some employers would offer their own scheme, so their employees would not be looking at the statutory benefit. We can explore this area more, and I think that further research and investigation needs to determine the cost to the taxpayer if the provision were extended.

Kevin Hollinrake: My hon. Friend is making some excellent points. As I am sure she is aware, there is a consultation on many of the issues to which she refers. I absolutely accept that we need to consider the eight-week window, for example, and that is one matter that is subject to consultation. I urge her and any Members who may have an interest in this, as well as constituents and charities, to submit evidence to the consultation, which I believe expires at 11.45 pm on 8 June.

Michelle Donelan: I thank my hon. Friend for his intervention and for clarifying that very specific time of 11.45 pm. I will urge all my constituents to contribute to the consultation, especially those who can bring their own experience to it.

Kevin Foster: Does my hon. Friend agree that the priority is that the provisions do not become a cliff edge, meaning that we do not have people's 18th birthday as the absolute marker? Actually, when we read the Bill, we see that it could apply not only to someone under 18, as the parent of someone who dies on their 18th birthday may end up qualifying. However, the issue is making sure that this age is seen as a bare minimum, not a ceiling.

Michelle Donelan: I thank my hon. Friend for his contribution. He made that point earlier and he is right that we need a law that is compassionate yet workable so that we can interpret it in an orderly fashion and implement it for everybody.

The consultation will also look at the definition of a parent. That is needed in today's society more than ever before, as we have different types of families and family dynamics. Sometimes people have more than one mother and more than one father, and we need to be flexible when defining parents and understanding of the different roles that people play as primary care givers.

Another important area is the self-employed, and I know that we will look at that as part of the Taylor review. I regularly speak in Parliament about making provision for the self-employed because although they are the lifeblood of our economy, they are too often forgotten and missed out from these types of benefits. Self-employed entrepreneurs are driving our economy forward, so it is important that we show just as much compassion and understanding to them.

I hope that this fantastic, modern, forward-thinking Bill will inspire other countries to follow suit. I hope not only that its provisions will set out the minimum that we expect from companies, but that we will revisit the Bill in the future and try to expand and build upon it.

Chris Philp (Croydon South) (Con): It is a great pleasure to follow the hon. Member for Chippenham (Michelle Donelan) and to speak in such an important and moving debate. I start by congratulating my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) on piloting this private Member's Bill through the Commons—I hope it will conclude today—with such skill and deftness, which we have come to expect from him.

I also pay tribute to members of the Bill Committee, who clearly improved the Bill with such diligence and thoroughness. I gather from comments that have been made today that the hon. Member for North Ayrshire and Arran (Patricia Gibson) served on it, along with my hon. Friends the Members for Eddisbury (Antoinette Sandbach), for Torbay (Kevin Foster), and for Colchester (Will Quince). I apologise if I have missed any Committee members out—*[Interruption.]* How could I possibly forget my hon. Friend the Member for Charnwood (Edward Argar), who is certainly nothing if not unforgettable. I thank and congratulate those hon. Members for their work, and my hon. Friend the Member for Torbay has clearly given this matter extremely careful and diligent thought in tabling so many detailed amendments.

Before speaking to some of those amendments, I observe that the measures are extremely welcome. They strengthen protections and rights. One occasionally hears people claim, particularly as we think about leaving the European Union, that there may be some sort of race to the bottom on regulation and that we somehow plan to have less stringent employment rights in this country than in the rest of Europe. This Bill proves conclusively that that is not the case, and that this Parliament is willing and eager to legislate to strengthen employment rights and the rights that our citizens enjoy in ways that

[Chris Philp]

go far beyond anything contemplated by European Union legislation. This Bill is evidence that we are doing more, not less, when it comes to employment rights and other rights.

I turn to the first group of amendments—amendments 1, 2, 12 and 14—tabled by my hon. Friend. Amendment 1 would extend the definition of parents in this context beyond simply biological parents to include people who are acting as the deceased child's principal guardian. Amendment 2 would include grandparents when they act as the child's principal guardian. Those amendments are absolutely right in spirit. I am interested to hear whether the Minister thinks that these things need to be in the Bill—these amendments would do that—or whether they can be dealt with in regulations. Whichever approach is adopted, the spirit and thrust of my hon. Friend's amendments are absolutely right. It is clear that whoever is caring for the child—the biological parent, a grandparent or a foster parent—they have an equally close connection to the child and would suffer the same level of anguish as a biological parent would. I therefore agree very strongly and wholeheartedly with the amendments that my hon. Friend has wisely tabled.

Kevin Foster: I appreciate the comments that my hon. Friend has just made about the amendments. Does he agree that we must focus on not ending up with a scenario in which a primary care giver—someone who has been a parent in almost all senses of the word—has no access to leave, while, in theory, an estranged biological parent could suddenly have that access? We must reflect the impact on the person who has been doing the parenting.

11.30 am

Chris Philp: My hon. Friend has put it extremely well, far better than I did. It is, of course, right for us to focus on the primary carer, whoever that may be.

Amendment 21, tabled by my hon. Friends the Members for Torbay and for Mid Dorset and North Poole (Michael Tomlinson), would extend the definition of a child to a son or daughter beyond 18. The hon. Member for North Ayrshire and Arran has tabled similar amendments—24 and 25. I must say that I was undecided on the merits of the amendments, but, having heard what was said by those Members—as well as the hon. Member for Sefton Central (Bill Esterson)—I can see the force of the argument.

I had initially thought that a line must be drawn somewhere when it comes to these rights, and that if a child of any age is to be included, it might equally be suggested that the same should apply to a deceased sibling, or, indeed, a deceased parent or spouse. The emotional attachments to those other relations are, in many cases, just as strong as the other attachments that we are discussing. Wherever the line is drawn, there will be relations just on the other side of it, with equally strong attachments, to whom the provisions do not apply. The fact that there is a line somewhere does not suggest that there should be no line at all; the question is simply where to draw it. However, I was powerfully moved, in particular, by what my hon. Friend the Member for Mid Dorset and North Poole—who is not currently in the Chamber—said about his brother. I appreciate that there are very powerful arguments on both sides.

James Cartlidge (South Suffolk) (Con): My hon. Friend is making a very good speech. Some powerful arguments have been made on both sides about the 18 threshold. Is my hon. Friend at least reassured that, as I understand it, parents of those over 18 would be covered by the "reasonableness" provisions?

Kevin Hollinrake *indicated assent.*

Chris Philp: I see that my hon. Friend the Member for Thirsk and Malton is indicating his agreement with my hon. Friend's point, and that is certainly good enough for me. I do take comfort from the fact that the "reasonableness" provisions would apply for children over 18. However, it is a difficult question, and we have heard some powerful commentary on it from Members on both sides of the House.

As my hon. Friend the Member for Colchester has just returned to the Chamber, I want to comment on an amendment that he tabled in Committee, which was passed unanimously and which extended the Bill's provisions to stillborn children born after 24 weeks of gestation. I know that my hon. Friend has had a very tragic personal experience of that. I strongly welcome and support that extension, and I congratulate him on the amendment, but let me observe in passing—to the Minister in particular—that, perhaps not in this Bill but on some future occasion, we might also consider entitlement to parental leave for the parents of very premature children who are lucky enough to survive.

I am one of those parents. My twins were born after 25 weeks and one day, which is extraordinarily premature. They were very lucky—blessed, in fact—to survive. I remember that night in the intensive care unit, where, as the Minister can imagine, there were so many parents who were extremely distressed, whatever the precise circumstances that their children were in. I ask the Minister to consider providing for extra parental leave in the case of very premature births, although this Bill may not be the right place to do it, and it may be too late to introduce amendments. The experience of parents with children in neonatal care units after 20-something weeks of gestation is very difficult. However, the amendment tabled by my hon. Friend the Member for Colchester at least improves the Bill in that regard.

Amendment 7, also tabled by my hon. Friend the Member for Torbay—he has clearly been working extremely hard—makes it clear that, while the employee could receive additional pay from the employer above and beyond the statutory minimum, only the statutory minimum would be reimbursed by the taxpayer. My hon. Friend pointed out in interventions on the hon. Member for Sefton Central that the statutory minimum is just that: it is a floor, not a ceiling. Although that is the extent of taxpayer support, I am sure that Members on both sides of the House would strongly encourage employers to reimburse employees at their full rate of employment during periods of compassionate leave, for that or for any other reason. I hope that any employers who are listening to the debate or reading the report of it will take careful note of that exhortation. As one who set up and ran businesses for 15 years before being elected, I know that my businesses would always have taken such action without question.

Kevin Foster: I can confirm that my hon. Friend's interpretation is correct. I wanted to make clear what the statutory minimum was, but this is, of course, about a floor and not a ceiling. Employers would be welcome to go further: the amendment would not change that.

Chris Philp: I am grateful to my hon. Friend for his additional clarification. We are in complete agreement.

Speaking of complete agreement, I want to make one more point about the amendments. It relates to amendment 9, also tabled by my hon. Friend the Member for Torbay, assisted on this occasion by my hon. Friend the Member for Mid Dorset and North Poole. The amendment proposes the introduction of a test of reasonableness in relation to notice periods, to which a number of Members have referred.

Clearly, in circumstances of probably unexpected bereavement, requiring parents to comply with potentially quite prescriptive and very detailed notice periods would not be appropriate. As other Members have said, it would present the risk that a bereaved parent might inadvertently fall foul of one of those notice periods. I think that there is a strong case for a general requirement—either in the Bill, which is the aim of the amendment, or in subsequent regulations—for employers to act reasonably in this context. Such a catch-all would, I think, provide a general level of protection and reassurance for bereaved parents.

I know that other Members want to speak. Again, I congratulate my hon. Friend the Member for Thirsk and Malton: I am delighted to be here today to support this excellent Bill.

Robert Courts (Witney) (Con): It is a great pleasure to speak in the debate. I have been greatly moved by what has been said by Members in all parts of the House. Others may agree that the House is shown at its best when it works on a cross-party basis—when it listens to Members who speak about their individual experiences and who speak with passion and knowledge. I salute all those who have done so today: their speeches have made a great impact on me and, I am sure, on my constituents and the whole country.

We are debating a very important piece of legislation, but perhaps one of its effects will lie outside legislation. As anyone who has experienced bereavement will realise, one of the initial feelings is isolation—the sense that friends or family are not coming to see them or a feeling of distance from their employers. I hope that those who are watching the debate or who read the report later realise how much they are not alone. They are listened to, and many Members on both sides of the House have their interests firmly at heart and are doing everything they can to help.

I warmly welcome the Bill, and I pay tribute—as others have, but it bears repetition—to all those who have argued this case so compassionately and for so long. My hon. Friend the Member for Colchester (Will Quince) has been one of the leading lights, and he introduced a version of the Bill that sadly did not make it past the general election. The Government have picked the issue up and support the Bill—it was in the Conservative party's manifesto—and I thank them for doing so. My hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) has, in the words of my hon. Friend the Member for Colchester, picked up the baton—a nice way to put it. It is important to remember that this is very much a team effort, and several Members supported it in the recent Westminster Hall debate and the baby loss awareness debate some months ago, in which I was deeply honoured to speak. I thank everyone involved enormously, because many people in West Oxfordshire will be feeling grief and loss but be heartened to see that so many people in this House are seeking to help them.

I am also pleased that, while some other countries have similar rights, we will be world leaders in introducing this level of rights and protection. That makes it sound a little too inhuman—it will be a level of reassurance and human compassion that will be world leading. I am proud to be able to make a few brief comments in support of the Bill and on the amendments tabled by hon. Members on both sides of the House to attempt to improve the Bill, which is of course to be highly commended.

Amendments 1, 2, 12 and 14 deal with definitions and whether we should be dealing solely with literal parents. I do not think that we should be prescriptive and that only biological parents should be the beneficiaries of assistance under this legislation. Clearly, as we will all know from our constituents, many people can be involved in caring for a child: the biological parents or foster parents, or others who it is difficult to foresee in legislation but who may be deeply involved in a child's upbringing and be devastated by its loss. We should be as flexible as we can to ensure that people, however they are connected—whether they have a caring responsibility in a formal sense or in more of a moral sense—are equally protected and assisted by this legislation.

We will need some clarity, and the Government are consulting on this and listening carefully. It is a drafting issue and we will have to ensure that the Bill is phrased to provide breadth and width, but also clarity. We must make it clear in passing the legislation that we are seeking to help those who are bereaved having cared for a child and that we do not want to be prescriptive about particular classes of carer.

Kevin Foster: Does my hon. Friend agree that the firm message that we want to send to the Minister is that the definition of "parent" is about parenting, not biology and blood lines?

Robert Courts: As so often, my hon. Friend makes the point that I was seeking to make, but more succinctly and eloquently. He is right: it is parenting, not being a biological parent, that I am seeking to stress, and I am sure we all agree on that.

Amendments 3, 5, 22 and 23 deal with when leave can be taken and for how long. I am humbled to speak in this debate, as I have heard so many moving stories from those who understand only too well the nature of grief. I hesitate to express my thoughts, but I do so with the intention of being as helpful as possible. Grief is not a predictable phenomenon. People cannot know how long they will grieve for or what form their grief will take. Perhaps most strikingly, they have no way of knowing when it will strike. It may be immediate. However, as we have heard, people often find different coping methods. They may decide to carry on. Going back to work and immersing themselves in the hubbub of everyday life makes them feel better for some time, but sooner or later grief hits and they may then need leave from their employer.

11.45 am

I was very struck by the intervention from my hon. Friend the Member for Eddisbury (Antoinette Sandbach): we would hope that all employers would act with compassion in such circumstances and that we would not have to legislate in this area, but sadly a minority of employers—it is only a minority—are not so compassionate and that is why it is appropriate for us to legislate. We therefore need to be flexible in considering when grief may strike and when leave needs to be taken and for how long. It is my view that it should be possible for someone to take leave at a later stage, months or even years later. We will not achieve what we seek to achieve with this Bill if we cannot be flexible in that regard.

I appreciate that this is meant to be a minimum standard, not a maximum. I am grateful to the Government for supporting the Bill, and I would not wish to do anything that would delay it or put a spanner in the works; nor would I wish to over-complicate it so much that it cannot be brought into force, but it is important to have the maximum flexibility for those affected and for employers, not just in when leave is taken but for how long. We are looking at a minimum standard, not a maximum, and it may be that for some people taking a relatively short time away from work before getting back into things will help. Of course, one of the aspects of the human condition is that we are all infinitely different, and it is impossible to legislate prescriptively so that we cover everybody. That is why maximum flexibility is to be commended.

To my mind, amendments 6, 21, 24 and 25 are grouped together under the heading of age and whether being a child ends at 18. I have listened with great care and interest to the arguments that have been made, and I was particularly moved by some of the comments from the hon. Member for North Ayrshire and Arran (Patricia Gibson). The argument essentially is that somebody does not cease to be a child just because they go over the age of 18; when they are 18 and one month old they are still just as much somebody else's loved one and child as someone aged 17 years and 11 months would be. We have also heard about cases where the people concerned were very much older. My gut reaction and desire is that, if a parent is affected, they ought to be able to avail themselves of the assistance given in this Bill regardless of the child's age.

Mrs Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): I commend those who have brought this Bill forward and those who have suffered personal loss. Among the friends of mine who have suffered such a loss, the line has always been, "It's just wrong to have to bury a child; nature didn't intend it that way." Therefore, regardless of whether we are 80 years old and burying a child or 30 and burying a young infant, it is the wrong way around and the effects cannot be overestimated, so we must offer support in all cases.

Robert Courts: My hon. Friend powerfully makes the very point I want to make. For any human being, burying a child is profoundly distressing, as it goes against our very nature as humans. We therefore should not even countenance saying that people should not be able to avail themselves of assistance just because their child is older; that would go against what we are trying to achieve.

While that is my wish, however, I listened carefully to the interventions made by my hon. Friend the Member for Colchester, and my overriding desire is that this legislation gets on to the statute book. If it just sets a minimum level, we do not have to say that that is it, the story is closed and we can never amend it again. We can come back to it: we can either amend this legislation through regulations or come back and debate it again, and campaign, as we are so used to doing, to ensure that we provide a higher standard. I would not like any changes to be made now that mean either the Government are unable to support the Bill or employers feel that it is too onerous on them, and as a result we do not have these much-needed protections. It must be our foremost concern today to put these protections in place.

The last group on which I want to comment is those that address notice periods: amendments, 9, 10, 11, 15 and 17. I think that an element of practicality is intended here, and I would certainly not wish to see anything in this Bill that requires people, at a time of profound distress, when their world has been turned upside down and they cannot think straight, to have to worry about filling in forms or jumping through hoops or having to comply with something, which, as my hon. Friend the Member for Croydon South (Chris Philp) said, might mean they inadvertently fall foul of a regulation.

We are seeking to provide legislation that is compassionate and sensitive. The requirement for any notice period to be given must be very light touch and amount to nothing more than people simply telling the employer that this tragedy has occurred and they would like to go off for a certain period. That is reasonable to enable the employer to provide some cover for the job they are undertaking at that time, but I certainly would not want to see requirements put in place—perhaps involving training—and people having to worry about whether they have complied with them. That would be running completely counter to what we are trying to achieve here.

Kevin Foster: Does my hon. Friend agree that that is the benefit of saying the notice must be reasonable or, as amendment 17 from my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) proposes, giving as much scope as possible about how this notice can be provided, so that there is not a written form that people must be aware of and fill in?

Robert Courts: My hon. Friend rightly draws my attention to amendment 17, and the fact that I have not referred to it directly is perhaps a drawback of dealing with the amendments in groups in the way that I have done. The amendment says:

> "Employers must accept notice given in writing, face to face, by telephone or through a third party on behalf of the bereaved parent."

Therefore, it makes clear that a low level of notification is required. I think that is along the right lines, and I ask the Minister to consider it and respond.

Similarly, in providing evidence, people should not be required to find and supply to an employer a death certificate or a coroner's report, because that is the very last thing they would want to deal with at such a time. I appreciate that some people might use legislation to accrue a benefit to which they were not entitled, but my mind boggles somewhat at that happening in such

circumstances, and legislation already exists to deal with anyone who takes such an extreme course of action. My overriding concern is to ensure that bereaved parents and carers are looked after and helped. That must be what we are seeking to do here, rather than setting up bureaucratic hurdles for them at a time when they really do not require them.

I am grateful to the House for listening to me. Suffice it to say that I support the Bill, which, although overdue, is very welcome. I wish it a speedy passage, and I congratulate once again those who have taken the standard forward and taken the Bill through the House. I commend all those who have spoken with such total bravery today. It is not easy for them to stand up in public and explain things that are so personal, but the Bill shows the enormous impact that they can have when they do so. I salute all hon. Members who have done that today and on other occasions.

Nigel Huddleston (Mid Worcestershire) (Con): It is a pleasure, as always, to follow my always eloquent hon. Friend the Member for Witney (Robert Courts). I rise to speak briefly to amendments 2, 3, 5, 6, and 22 to 24. I should like to thank the hon. Member for North Ayrshire and Arran (Patricia Gibson) and my hon. Friend the Member for Torbay (Kevin Foster) for being so diligent in tabling so many amendments that are clearly intended to improve the Bill. As others have said, however, we need to be careful not to let the perfect be the enemy of the good, and it is the clear consensus of the whole House, and indeed the country, that we have to get the Bill passed.

I thank my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) for bringing forward the Bill in such a considered manner, and for working so closely across the House and with the Government to ensure that we really make this happen. Like others, I also want to pay a sincere tribute to my hon. Friends the Members for Eddisbury (Antoinette Sandbach) and for Colchester (Will Quince), who have championed this cause, and related causes, for so long and with such eloquence and passion. Their truly heartfelt speeches have shown this House at its best, today and on many occasions over the past few years.

I have a few constituents—I am glad to say that the number is relatively small—who have had direct experience of child bereavement. However, a large number of my constituents have contacted me to say that they support the Bill. Although a relatively small number of people have experienced the pain of losing their child, everyone can sympathise with the pain and anguish that such an occurrence brings. The loss of a child is an unbearable experience—perhaps the worst form of bereavement that a person can suffer—and we must ensure that parents are supported throughout what must be one of the hardest periods in their lives.

I want to talk about the numbers, because they are important not only for the amendments but for the overall Bill. Sadly, thousands of parents each year suffer the devastation of losing a child. The Office for National Statistics data shows that 4,300 children under the age of 18 died in Great Britain in 2016, affecting 8,000 employed parents. However, using that data and taking into consideration the assumption that some separated parents may have new partners with direct parental responsibility, the Bill's impact assessment estimates that as many as 11,500 people will have been directly affected in 2016. So we are talking about more than 100,000 parents or carers being impacted over the course of a decade. That is not an insignificant number, and we need to consider that carefully.

There are three groups or areas that I wish to speak to today. The first, covered in particular by amendment 2, deals with extending the Bill to cover not only parents but grandparents and others with caring responsibilities. This is an important aspect, as my hon. Friends the Members for Croydon South (Chris Philp) and for Chippenham (Michelle Donelan) have mentioned. We need to think carefully not only about parents but about all those who have parenting responsibilities in the modern age. The situation is not the same as it was 30 or 40 years ago. We need to think particularly about grandparents, as my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) has said. Grandparents are a group of people whom I champion, as I believe that they are underserved by legislation in this country today. It is important that we show them proper recognition in law.

The second grouping of amendments relates to the period in which the leave can be taken. This is addressed in amendments 3, 5, 22 and 23. The Bill allows for a minimum of two weeks' bereavement leave for eligible employees, but how those two weeks may be taken—all in one go, for example, or perhaps in various non-consecutive blocks—has been left undecided. I have great sympathy for the sentiment behind amendment 22, which calls for flexibility on when entitled leave can be taken. Grief affects each of us differently, and while it may suit some bereaved parents to take two weeks off in one go, that will not be true for everyone. After all, the Bill intends to provide additional support to parents mourning a loss, and to be truly beneficial there should be some flexibility in the entitlement so that parents can use it to best suit their individual needs.

12 noon

As my hon. Friend the Member for Torbay mentioned earlier, there are events or certain days—birthdays, anniversaries, holidays and so on—during which the mourning and the emotional toll must be greater than on other days, and it is important to show some consideration of that reality in what we are doing today. Similarly, the length of time between a death and the funeral can vary significantly between different religions, and mourning parents may want not only to take leave in the immediate aftermath of the death, but to set time aside to be away from work around the funeral. I am mindful that that desire must be balanced against giving employers reasonable certainty for planning and minimising disruption to businesses, but I am confident that that can be worked around. As was said earlier, most employers in this country are reasonable, and I hope that that will continue.

The next grouping of amendments that I want to discuss relates to the age and definition of a child, which is addressed in amendments 6 and 24. Nobody expects to bury their son or daughter, and it goes against nature for a parent to lose a child. That is true whether a child is of school age or grown up with children of their own, but there is something different about the loss of a child, because the number of years of life lost is greater—the number of years that they

could have contributed to the joy of a family or enjoyed a family themselves. Things are slightly different if the child is younger, but I do not want to understate the loss of a child at any age; we all feel something innate and instinctive about such a loss. How we reflect that in law, or whether it should be reflected in law, has been debated with great care today, but my instinct is still that the age of 18, which is currently recognised in law as the age of adulthood, seems to be the right age if we need to draw a line and include some parameters.

David Linden: From evidence given to us by CLIC Sargent, we know that the NHS provides cancer treatment for young people up to the age of 25, so there is a bit of inconsistency in Government policy, and hon. Members should be mindful of that.

Nigel Huddleston: The hon. Gentleman makes a valid point. We need to factor in other considerations, which is why I said "if" we need to include a cut-off point. One argument in favour of restricting the age in the definition of a child is that the financial burden on the Exchequer may be considerably greater if we extended the definition beyond the age of 18. My hon. Friend the Member for Croydon South asked about siblings, and there is some logic to being careful about how far we extend the provisions. However, the Government will spend over £800 billion this year, and the estimated cost to the Exchequer of this legislation is around £3 million. We must be careful about saying, "That's a drop in the ocean compared with total Government expenditure," but it is true in this particular case.

If we do extend the definition to beyond 18, how much more would it cost? Five times more has been mentioned but, again, that means £15 million. Spending £15 million out of some £800 billion of Government expenditure to do something compassionate that is so widely supported is worthy of further consideration, so I ask the Minister to examine that carefully. I understand that the matter is subject to further consultation, so I encourage people to contribute to that debate.

As I said at the beginning, this is one of those topics that shows the House at its best. I will not delay proceedings further by repeating the comments made by others, but I will encourage those who have tabled amendments not to push them to a vote, as I think they have indicated, if that might jeopardise the overall vote.

I completely support the Bill. I have never had to go through, and hope never to have to go through, the anguish and pain of losing a child, as far too many of my colleagues and constituents have. It is right that we pass this law today to show that we stand with them, and with anybody who suffers this huge pain in the future, and to show that the Government are on their side.

James Cartlidge: It is a pleasure to follow my hon. Friend the Member for Mid Worcestershire (Nigel Huddleston), who made an excellent speech. I join him and others in congratulating my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) on introducing the Bill.

While this has been a cross-party effort—I congratulate everyone who has contributed—I am particularly proud to be part of a cohort of heart-on-sleeve-wearing compassionate Conservatives who have done their constituents and their country proud by delivering change in an area that really matters to people. The cost of the Bill is tiny, as we have heard, but the cost to people who experience bereavement is immeasurable. I hope that I never experience such bereavement. Indeed, I regard myself as incredibly fortunate to have had four healthy children.

I rise to speak to amendments 22 and 8, and briefly to amendments 21, 24 and 25 on the cut-off point. On amendment 22, the hon. Member for North Ayrshire and Arran (Patricia Gibson) and my hon. Friend the Member for Torbay (Kevin Foster) spoke extremely well about the way in which the period of leave will be taken and the need for flexibility.

I have four children, and I was a self-employed company owner. When I had the first two, the company was basically just me, so I did not really take leave. When I had Nos. 3 and 4, I was fortunate that the company had a few more staff, so I was able to take proper leave—Nos. 3 and 4 came at the same time, meaning there was somewhat more need for my support. That period soon ran into the selection process for my constituency and a lot of time pressure, so I was pleased to be in that position, but of course many people are not.

The consultation, entirely reasonably and rationally, says that in considering the structure of the time block for this leave, we will consider the existing arrangements for maternity and paternity leave. Whenever we legislate, it is entirely rational that we look at existing measures so that we do not reinvent the wheel. Page 13 of the consultation says:

> "The Bill has mirrored existing provisions for family related leave and pay rights where possible and, in particular, Paternity Leave and Pay. But where the detail is left to be set in regulations, the regulations could be different to those for existing rights."

This is the key point:

> "Paternity Leave and Pay cannot be taken in separate blocks of a week: a father or partner is merely able to choose whether to take just one or both of the weeks available."

I have been particularly moved by the arguments made today that underline why bereavement leave is very different from paternity leave, and why the circumstances could require extra flexibility.

The hon. Member for North Ayrshire and Arran gave good examples of why we might want flexibility. She talked about court hearings—I think there is a different phrase for inquiries in Scotland—and the fact that more flexibility might be needed in such circumstances. It is important that what we do in this place mirrors what happens in the real world.

In contrast, when I think back to being a new dad, it seems rational that paternity leave is taken in a single block, ideally when the child is born, when help is most needed. With my first child—my daughter—I well remember the intensity of those early days, when I prayed every hour that the baby would at some point sleep through the night. There is an early period of intensity that a parent sincerely hopes will reduce, which is why there is sense in taking the block together. That is a rational position. We have heard powerful examples from hon. Members about the need for flexibility on bereavement leave, however, so I hope that the Minister will respond to them.

Kevin Hollinrake: My hon. Friend is making some excellent points. It might not seem that we have best reason for taking this approach; as he rightly points out, the flexibility required in the circumstances of

bereavement is entirely different from that needed in the case of paternity leave. However, the difficulty we are dealing with relates to processes in Her Majesty's Revenue and Customs and its ability to deal with statutory pay. The bureaucracies that support the decisions we make in this House should not necessarily drive our thinking, but they are a consideration to which we must pay due regard.

James Cartlidge: I thank my hon. Friend for clarifying the point. Indeed, I did note that from the consultation document, which referred to that fact that the benefit itself limits the flexibility. We all know how difficult it is to change systems, and we can well imagine the difficulty in the social security system, with employer software and so on, in giving out the benefit on the basis of sporadic days. However, there would still be merit in someone having the ability to take unpaid one-off days. I think most people would rather have that freedom, even if it is not possible for it to be covered by the statutory pay they would receive because of the limitations of HMRC's and other systems.

Kevin Hollinrake: My hon. Friend makes a good point. Underpinning all this are the general principles and our expectation that employers would be understanding, sympathetic and flexible in how they deal with this situation. We are setting out the minimum requirements, but we would expect employers to show that compassion and flexibility when dealing with how people take the leave.

James Cartlidge: I am grateful for that intervention and do agree with it. If we were to have the single block but there was an exceptional reason to grant an additional day—or even that—at a future point, most employers would be prepared to do so. In most cases, employers will act reasonably as long as a reasonable request is made.

Amendment 8, which was tabled by my hon. Friends the Members for Torbay and for Mid Dorset and North Poole (Michael Tomlinson), is important as it touches on defining the employment status that someone must have to be eligible for these new rights. Proposed new section 80EB (1)(c) of the Employment Rights Act 1996 states:

"an employee who is absent on leave under that section is entitled to return from leave to a job of a kind prescribed by regulations".

That prescription therefore relates to the type of employment, with the word "employee" being crucial. The issues arising from the Taylor review and the changing nature of employment have already been mentioned, and we have to discuss the extent to which these rights would be available to employees in those newly growing, ambiguous areas.

My hon. Friend the Member for Chippenham (Michelle Donelan) referred to the self-employed, but of course we are not talking about a homogenous group. Before the general election, when I served on the Work and Pensions Committee, we held an inquiry on the gig economy—this growing army of the self-employed. We heard evidence about cases in which people are, to all intents and purposes, employees. On this amendment, my question for the Minister is: in defining jobs and defining people as an "employee", are we able to award these benefits—these rights—to those defined now as "workers"? I refer to those people in between employment and self-employment. Are we able to do that, or do we need to introduce separate regulations to do so?

That is an important point, so it is handy that I have a copy of the Taylor review. The Bill amends the primary piece of legislation to which it relates—the 1996 Act—and we are dealing with the important distinction between an employee and a worker. I remind the House that the 1996 Act states that an

"'employee' means an individual who has entered into or works under…a contract of employment."

I will not go into the detailed definition in the report, but a worker is someone who has some form of contract.

12.15 pm

The Work and Pensions Committee heard evidence about a key case. Four large firms appeared before us, including Amazon and Hermes. The person giving evidence about gig economy workers at Hermes referred to a case in which a shift worker—someone who was driving delivery vans—had to have somebody available to cover for them if they were unable to work, yet they were meant to be in self-employment.

Antoinette Sandbach: We heard similar evidence on the Business, Energy and Industrial Strategy Committee, and it is a real concern.

James Cartlidge: It is a real concern. This whole subject of the changing nature of work is fundamental, and it matters because it gives rise to this question: if someone has been "working" for one of these companies—possibly as a gig economy worker, but certainly in that grey area between employment and self-employment—and they suffer the terrible tragedy of bereavement, are we really saying, particularly if they have been working primarily for one company for many months, that they should not enjoy this right? That is a key question; it is what the whole Taylor review boils down to.

When we talk about the nature of someone's work, most of us have an instinctive understanding of what employment looks like. The review puts it well:

"Ultimately, if it looks and feels like employment, it should have the status and protection of employment."

In other words, those people should have these sorts of rights. That is incredibly important.

I shall not stray from the subject, Madam Deputy Speaker, but there are a whole load of issues, including auto-enrolment, relating to how we bring greater security to those who are caught up in a flexible and dynamic workforce in which the need for flexibility can sometimes mean that people are exploited. To all intents and purposes, they have given their employment to one firm, yet they have not been given the same security and rights that they would expect for having reduced their own freedoms. That is the exchange that underpins an employment contract.

I hope that my hon. Friend the Member for Thirsk and Malton will be able to give further information on the extent to which the Bill will benefit those in the specific category of worker. They are not the normal self-employed—if someone starts a business, they would not expect to have the same rights—but the 1.3 million people whom we know of in the gig economy. If they have offered their work on a pseudo-employed basis for

[James Cartlidge]

many months and then suffer bereavement, my view is that there is a strong case for suggesting that they should have the same rights as the employed.

Finally, on the amendments relating to the cut-off point, which is a difficult issue, the moral argument that was set out very well by the hon. Member for North Ayrshire and Arran is very hard to argue with. Who knows precisely what the cost would be of her amendments and those tabled by my hon. Friend the Member for Torbay on the cut-off point—my hon. Friend the Member for Mid Worcestershire made an estimate, and I am sure it would not be many, many millions—but I want to understand the extent to which those who would suffer from the cut-off point because their child was over 18 would still be protected under the provisions on reasonableness. After I intervened on my hon. Friend the Member for Croydon South (Chris Philp), he confirmed that his understanding was that they would be protected, as did my hon. Friend the Member for Thirsk and Malton, but I would be grateful if the Minister would confirm that someone would still be protected, even if their child was above the cut-off point, because that is very important.

In conclusion, this is a powerful Bill, and our proceedings are a classic example of Parliament coming together to deliver changes that appear small in terms of the legislation and the cost, but that will be enormously beneficial to those struck by a pain that is, for me, beyond understanding. I have nothing but the greatest sympathy for those who suffer bereavement. We should all be proud of this work. I hope that the Bill proceeds and encourage everyone in the House to support it.

Edward Argar: It is a pleasure to speak at this stage of the Bill's progress. I very much enjoyed my time on the Bill Committee, and pay tribute to all my colleagues who served on that Committee. Indeed, it was also a pleasure and a privilege to speak on Second Reading of this Bill.

As many hon. and right hon. Members have said during the passage of this Bill, we are, to a degree, righting a wrong. Although many businesses do the right thing, as we would wish them to do, in looking after and supporting bereaved parents in the dreadful circumstances of having lost a child, there are some, as we have also heard, who have not done that. What this Bill does is not only to send a very clear message to all businesses but to provide a basic level of protection.

I pay tribute to my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake). I think that this is his second private Member's Bill and, like his previous one, it stands a very good chance of success. He is always someone to have in one's corner when taking a cause through the private Member's Bill process. I also pay tribute to my hon. Friends the Members for Eddisbury (Antoinette Sandbach), for Colchester (Will Quince), and, although she is not in her place today, my hon. Friend the Member for Banbury (Victoria Prentis) and, of course, the hon. Member for North Ayrshire and Arran (Patricia Gibson), all of whom have spoken extremely movingly, at different points, about their experiences and why this piece of legislation is so hugely important.

Let me turn to the specific amendments before us today. I can understand why each of them is hugely important, but we must also be careful that we do not try to make the perfect the enemy of the good. The key must be to get this legislation through the House. Amendments 22 and 23, tabled by the hon. Member for North Ayrshire and Arran, are essentially about flexibility, which was also highlighted in the amendments tabled by my hon. Friend the Member for Torbay (Kevin Foster). She makes an extremely valid point. If I recall, there are organisations, such as Together for Short Lives and Cruse Bereavement Care, which have all made the same point about the need for flexibility. Individuals and families cope and grieve in different ways, at different paces and at different times. Some will want to go straight back to work, while others will want time to grieve quietly. Equally, as we have touched on in previous comments, if there is an inquest or if the death has been sudden and unexpected that may well also increase the need for flexibility, because no one will know when they may need that time off.

Although I entirely take on board what the hon. Member for North Ayrshire and Arran said—I will be interested to hear whether the Minister will allude to this—it may be that the most effective way of addressing the points on flexibility is to feed them into the consultation, which is due later this year, and to use that as a mechanism to address them, rather than necessarily putting them in the Bill. I am entirely sympathetic to the points that she makes. I would be grateful if the Minister could say what he thinks is the best method by which to achieve that outcome.

We then turn to amendments 24 and 25, which were mentioned by my hon. Friend the Member for South Suffolk (James Cartlidge), about where the cut-off point should be. He was absolutely right in what he said. The hon. Lady made an extremely powerful moral case for her amendments. My hon. Friends the Members for Thirsk and Malton and for Croydon South (Chris Philp) were clear that the reasonableness test would address the issue, but, again, I would welcome clarity from the Minister on his interpretation of that.

Finally, let me address amendments 1, 2, 12, 14 and others on the definition of what a parent is in the context of this Bill. I argue that that is one of the hardest parts of getting this Bill right—how do we define the scope of what is a parent. There will be biological parents, and there will be the partners of someone who is not the biological parent, but still feels the bereavement as acutely. I believe that, in Committee, my hon. Friend the Member for Thirsk and Malton mentioned the case of Mandy Ruston who talked on Facebook about the fact that, while she was able to get support from her employer, her partner, a non-biological parent, was told by his employers to return to work.

It is extremely difficult, particularly in the modern age, for us to define who is a parent. Perhaps, rather than looking at a legalistic or biological definition, we should look at it in terms of caring responsibilities. The challenge is to try to find a legal definition for the purposes of legislation. This Bill goes a very long way towards doing exactly that. It is not perfect, but I have yet to see, in my short time in this place, any legislation that I believe is entirely perfect as it passes through this House, or indeed as it emerges at the other end. There

are always things that can be tweaked to reflect the changing nature of society or changing circumstances as the world moves on.

Throughout the passage of this Bill, we have heard a number of extremely moving, thoughtful speeches and contributions. As Members on both sides of the House have said, all those contributions have been made in a spirit designed to allow the Bill to progress and to work together to come up with the best legislation we can. With that in mind, the key for all of us must be to get the Bill on to the statute book. Where there are issues that still need to be ironed out, we should not shy away from that and we should continue to look at them, but the key must be not to let that slow down or impede the passage of the Bill. We should get the Bill on to the statute book and then we can, as necessary, refine and tweak by regulation or through the consultation.

The Parliamentary Under-Secretary of State for Business, Energy and Industrial Strategy (Richard Harrington): I thank colleagues on both sides of the House for the moving speeches that they have made. As you may know, Madam Deputy Speaker, I usually try to start my addresses to this House with a quip or a humorous comment, but I am afraid that today is not an occasion for that. This is a very serious Bill. I am the third Minister to have had the honour of working on it. That is not because no one can be bothered with it, but because it is very important. Every human being, let alone every Member of Parliament, will have every sympathy with it.

Colleagues have made it clear that the Government fully support the Bill, and I reaffirm once again that it very much has our backing. Despite the public reading, quite rightly, of the system of opposition—some say that it is opposition for opposition's sake and some say that people are being partisan—this is a very good occasion when the reality is not that.

I was in business for most of my adult life before first coming to this place, and I did not really think about this issue. When I first started to consider the Bill, I remembered an occasion when it was brought to my attention that someone had had a bereavement. I just said, not because I am particularly humanitarian or perfect but as anyone would say, "Take as much time as you need." I think that the vast majority of employers do say that. Before there was statutory sick pay, statutory holiday pay and so on, I am sure that a lot of employers, even in the 19th century, just did what they thought was the right thing—for example, the non-conformists building houses in Bournville and elsewhere. Employers always have been, and certainly are in the present day, far more responsible than just relying on the minimum in law. However, it is our place to make laws to provide that basic minimum—not to insult those who do the right thing but to provide a safety net, or catch-all, for the employees of those who do not. Quite clearly, there are those who do not, and they should be ashamed of themselves, frankly.

Not every employer is like BT or a firm with tens of thousands of employees. My hon. Friend the Member for South Suffolk (James Cartlidge) mentioned that he had a business with only two or three employees. That makes things much more difficult and employers have to be much more flexible. Big firms can make proper arrangements, and often do indeed have them. I have come across many cases of companies that have very responsible policies on this kind of thing, far and above what the law would provide, because that is the right thing for their employees.

12.30 pm

The political bit, I suppose, is that this was a manifesto commitment, but I think we all agree that it is the right thing to do. The navigation, as it is called, of the Bill has been by my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake). He and I are latterly baton holders, to use an expression used before. I have not been known for my skill in relay races, but I am doing my best.

A number of amendments have been tabled for discussion, and I want to try to add to that discussion and give my response. Members have been very responsible in their contributions, saying that they have tabled amendments but explaining that they do not want to endanger the Bill by making anything other than constructive suggestions. I have learned through experience with my own private Member's Bill and with Bills that I have dealt with as a Minister that everything is more complex than it first appears. Things might seem simple and we can all agree on them at the beginning, but when Members of this place and the other place consider them, we find that the devil is in the detail. That is the problem that Government and Parliament have to face all the time in a democracy. It would be easy just to have edicts and say, "That's it—that's what you're doing," but we have to try, through consultations and listening to both sides of the House, to improve the Bill without endangering what was originally intended, which is the most important thing.

I will begin with amendments 1, 2, 12 and 14, which concern the definition of a "bereaved parent" for leave and pay. On the surface, a bereaved parent is a bereaved parent. Without having to go into the detail of an Act of Parliament, it is very clear what a bereaved parent is. Of course, it is much more complicated than that. Amendments 1, 2, 12 and 14 address similar points, so I will try to cover them all together.

It is important that the Bill is seen as an enabling framework, which has the advantage of allowing time to be taken to get the necessary details right. That is not to say that time is wasted in considering those details, or that Government should merely wait to see what happens with the passage of the Bill before we take further steps—quite the opposite. In Committee, my colleague the Under-Secretary of State for Business, Energy and Industrial Strategy committed to publishing a consultation to look at key aspects of this policy. Consultations have got a bit of a bad name. Some of the more popular press say that it is just an excuse for the Government not to take a decision.

Bill Esterson: Surely not!

Richard Harrington: The shadow Minister makes a good sedentary comment, but I detect a note of sarcasm.

The serious point here is that consultations in which charitable bodies and other institutions make points based on their experiences are an important part of the legislative process, because that is where the detail comes in. I can assure Members on both sides of the House that this is not a can-kicking consultation or a formality.

[Richard Harrington]

It is very important. Anyone who is interested can submit a response, and the consultation is open until 8 June, so there is not long to wait. I feel that it is necessary. Sometimes consultations are formalities, but I do not think this is one of them.

Kevin Foster: I am reassured by some of what I am hearing from the Minister, but can he be clear that the Government will look at the results of that consultation with a view to being clear on primary care givers, rather than parents who are purely defined by biology?

Richard Harrington: My hon. Friend makes a good point, as is typical. He asked me whether I can be clear, and I can be clear that that is the case.

The definition of a bereaved parent will be the same in respect of both leave and pay for the Bill. We must not forget that this involves the two minimum rights, as I call them, of the leave that can be taken and the pay that goes with it. Those are the minimum rights, and I think many companies now fully exceed that. We have been clear all along that we want to introduce a system that prescribes clearly, based on the facts, who is eligible, for the benefit of employees and employers.

In some areas of employment law, legislation has been the right course of action. Legislation has set the principle, which employment tribunals interpret for particular cases, fleshing out how it should be applied. In this case, however, we do not want claims to reach an employment tribunal to establish whether an individual counts as a bereaved parent for these purposes, and it would not be right to expect people dealing with that tragic loss to muster the energy and time to follow that course of action. That issue came up on Second Reading and in Committee, and each time it became clear that the question who should count as a bereaved parent, which on the surface seems very simple, is not easy to answer.

The consultation seeks to get that right, so that when the regulations are published—this is not a case of regulations being published so that Ministers and not Parliament take control—they are correct. The regulations must be simple, but they must also be comprehensive and include all circumstances. That is a difficult balance to get right, but we are doing our best. I agree with the spirit of the amendment, but it is not appropriate to accept any measure that will effectively pre-empt the outcome of that consultation. We must allow the process to run its course.

David Linden: Can the Minister say when the Government will respond to that consultation? Have they set a timescale for that? We cannot just go on waiting for a consultation response—I would not be so bold as to say that that has happened before—so can he say when the Government will report back?

Richard Harrington: I fully accept the hon. Gentleman's point, and we cannot allow this to go on and on. I think that it was Mrs Thatcher who said she was going to "go on and on", but this is not one of those cases—well, it was not in her case either, as the hon. Gentleman will know. In all seriousness, I cannot give a direct answer, not because I do not want to, but because we must see how much information there is and process it. If I say "weeks", perhaps he will hold me to that. I know that "weeks" could mean 5,000 weeks, but that is not what I intend. I hope that will give him a rough idea, but we cannot just hold the consultation one day, have a knee-jerk response and finish it, as I hope that he understands. There is no intention to stall. I have seen the spirit of the House today, and I hope that no one will think that this is a governmental stalling mechanism—far from it.

Amendments 3, 5, 20 and 23 consider the window within which leave and pay can be taken, and amendment 22 concerns the flexibility with which leave is taken. Given that this measure will join a fleet of others related to family-related leave and pay, we must maintain consistency. That is the genesis of the eight-week window and the ability to extend that through secondary legislation. We cannot have a situation in which the enabling framework is inconsistent with frameworks for other family leave provisions, thereby adding complexity and potential confusion.

Today, we have heard the view that the current eight-week window might not be enough. I have heard that message. That is one key element explicitly considered in the current consultation, and it is legitimate to ask people other than politicians for their views on this issue. The decision that leave could be taken at a later stage, while retaining a minimum timeframe of eight weeks in the Bill, is not unreasonable. We cannot accept any of the proposed amendments without waiting for the outcome of the consultation and then making a decision in view of the responses. Hon. Members and their constituents must engage in the consultation process, because we need the evidence base on which the Government can take responsible decisions. We need as broad a base of representative evidence as possible.

Kevin Foster: May I clarify for my benefit and that of other Members that the idea is for eight weeks to be the minimum timeframe and that the leave can be broken? This is not about a solid two-week period.

Richard Harrington: That is exactly what the Government are trying to find out. It may be that that is not appropriate, but my instincts are that what my hon. Friend says is right. Bills like this are strange. The natural thing would be to have as much flexibility as possible for almost anything, because these circumstances are different—of course they are. Each is a terrible tragedy, and we have heard speeches from hon. Members across the House about their own experiences, and those of their families and constituents. Everyone is different. We do not want to have to force everything into a narrow hole.

Employers have to know where they stand, however, otherwise we are just asking them to be nice people and to behave humanely. We do say that, of course, but it is not enough. We have to provide a framework and a balance must be struck. I think that we all agree that we need to provide employers with a simple set of rules, not an over-complex set of rules. The odd time—thankfully, it is just the odd time—that such a terrible bereavement happens, we do not want employers to be rushing around looking for papers, laws and guidelines. If an employer has only three or four employees, that is very difficult to do. I am sure their answer would be, "Take whatever you need," but we have to provide the rules. I

am absolutely clear that the amount of leave and pay is a minimum entitlement, so that all families who lose a child are given the bereavement support they need. I believe it is the absolute minimum.

The Bill was never about making sure that each parent who finds themselves in this situation has all the time off they need, because grief is different for each person. Grief is never time-limited and I am sure any reasonable employer would not or could not give people enough time off to deal with their entire grief—grief will happen over the rest of their lives. The intention is to set a minimum entitlement that employers must provide and to encourage a culture of support to develop around child bereavement. I am sure many employers would take into consideration the mental health needs of parents after bereavement, or extra time to deal with other children affected. This is the minimum; it is not everything. I hope that employers do not think, "Well, that's all we have to do. That's enough." It never is. I am sure all responsible employers know that.

We have to consider employers' rights. They have to have a clear framework. They need to know, in a way that is easily understandable, the minimum the law entitles them to. This may be obvious, but most employers will never come across this situation. When it does happen to an employee in a smaller company, employers will not have experienced the situation before. They will not have a file in a human resources department to tell them what their rights are. We found a consensus among employer groups for the minimum leave period of two weeks. It is sensible to continue with that, as long as it is known that it is the minimum entitlement in the Bill. Bigger, more organised employers will develop their own enhanced bereavement policies, as big firms often have very clear policies for almost every possible contingency.

On removing the age limit for a child, I cannot imagine how difficult it is to lose a loved one. The point was made, I think by my hon. Friend the Member for Chippenham (Michelle Donelan), that a child is a child. My mother is 89, but I am still her child. That may be obvious, but when we think of children for the purposes of the Bill one can assume that we mean little children. As my hon. Friend said so eloquently, to lose any child is not what nature intended but unfortunately it does happen. I can well understand why amendments seeking to remove the age limit for a child have been tabled. Having a sick child is understood easily by people. The way things are changing mental health, thankfully, is spoken about more now. However, people do not come across child bereavement very often, so it can be more difficult to speak about. The numbers, however, are not insignificant.

We have tried to get the balance right between those affected and those who need to administer this provision. It provides the minimum level of entitlement, but it does not prevent employers from enhancing their policies. I do not like the idea of having to consider costs in these circumstances, but they are unavoidable. There is a cost to employers and to Government, and the broader the scope, the higher the cost, so it is important to focus on the fact that this is a framework and a floor, providing a minimum. However, in so many areas of life employers go far beyond what the law sets the minimum for. Holiday pay and sick pay are good examples, and I am absolutely certain that the bereavement pay should be too.

12.45 pm

Michael Tomlinson: The Minister is absolutely right: this is a statutory minimum. So many employers do so much better and I am sure that we all hope that they will continue to do so, but there has been this figure of a fivefold increase. It seems odd to be talking about money and financial costs in these circumstances. Can he explain, perhaps in more detail, the evidence that we have heard about a fivefold increase? Is it right that widening the scope and extending the age limit of 18 would increase it fivefold? If that is right, can he explain how?

Richard Harrington: I would like to consider my hon. Friend's point. Perhaps I can drop him a line next week, or perhaps we can meet up and have a chat about it, because I do not want not to give a knee-jerk answer to a very complex question.

Kevin Foster: May I suggest that a letter with the information could be placed in the Library, given that we have discussed the issue on the Floor of the House?

Richard Harrington: Yes, I thank my hon. Friend very much for that suggestion. I would be very happy to do that and to correspond directly with my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson). We have to focus on the fact that this is a floor, as I think I have made clear. This is really about changing the culture around bereavement in general. It is my heartfelt belief that this Bill is not the be-all and end-all but that it will be a powerful driver of that culture change.

Alan Mak (Havant) (Con): My hon. Friend mentioned the desire for a culture change among businesses. Will he continue to engage with the many business representative organisations to make sure that that message from this House is clear and spreads out across the whole country?

Richard Harrington: Yes. As ever, the good citizens of Havant are very well served. I make the point clearly that I meet business representative organisations, such as the Confederation of British Industry, the EEF, the Federation of Small Businesses and chambers of commerce, on a weekly basis. They are very responsible and I shall be bringing it up with them. This is a culture change, but culture changes do not happen instantaneously.

On remuneration, I really believe that the Bill again provides the minimum standard for employers. Hon. Members on both sides of the House have spoken about the level, but this is a minimum level, and bereaved parents have to know what the minimum is and what the entitlement is. However, it is not something that they should be negotiating with their employers. I am sure again that employers will be clear, and most will have a policy that is greatly in excess of that.

While I am on the subject, I turn to a point made by my hon. Friend the Member for Torbay. When we were discussing the amendment that deals with remuneration, I was asked about the civil service and whether the Government will provide leadership. I am pleased to

[Richard Harrington]

announce today that we have decided that civil servants should receive full occupational pay for the one or two weeks that they take off under the Bill's provisions. [Hon. Members: "Hear, hear!"] Many civil servants already take special leave when they find themselves in tragic circumstances, and we obviously want that level of support to continue when the Bill is implemented. I do not think that that makes the civil service particularly special. It should be standard, but I think we should lead by example. I have seen—not to do with child bereavement, but with sickness and other things—that the civil service is very flexible, and we as Government are very responsible employers in that way.

Will Quince: I thank the Minister for that very welcome announcement. It sends a very clear message to employers up and down the country that this is the gold standard and very much what we expect them to aspire to.

Richard Harrington: My hon. Friend is right: we must lead by example. Offering full pay to our own employees who lose a child means that we are a good employer, but it also provides a best-practice model for other employers to follow.

In relation to amendment 7, my hon. Friend raised an important point about consistency with other family-related leave entitlements. The Bill as drafted makes clear which contractual elements are applicable to parental bereavement leave or pay.

Let me now turn to amendment 8. I will begin with words that you have heard already, Madam Deputy Speaker: I agree with the comments made by many Members. It has been made clear that there is no desire to deviate from frameworks supporting existing measures in the landscape of family-related leave and pay, but that must not be at the expense of fairness and proportionality. Someone may be on family-related leave for many different reasons, and the forms of leave involved are a variety of lengths. They can be taken back to back. Sometimes it is natural for that to be the case, but sometimes it is not.

If the amendment were accepted, it might be possible for a bereaved parent who had been on leave for an extended period—perhaps consisting partly of maternity leave and partly of parental bereavement leave—to be entitled to return to the job that they had before going on leave, whereas a colleague who had been on other forms of family-related leave for the same period of time would not have quite the same right to return. We would not want a fixed "right to return" that was out of kilter with the other, existing "rights to return".

The Government need the flexibility to set all this out through regulation after they have had time to consider all the various forms of leave and how they could interact with each other. I know that that sounds pedantic. Earlier this week, the hon. Member for Barrow and Furness (John Woodcock) accused me of being a nit-picker—there should probably be a Royal Society of Nit-pickers—but in this instance we have to nit-pick, because the detail is critically important. We should set out the rules only after we have considered the issue. That is, after all, the approach taken in the existing legislation on family-related leave and pay rights.

My hon. Friend the Member for Croydon South (Chris Philp) suggested the extension of leave to parents of premature babies. As I have said, all family leave provisions represent a floor. Employers are encouraged to go beyond the minimum when they can. Last year the Government worked with ACAS to produce new guidance on support for staff who have premature babies. The UK offers generous maternity-leave entitlements —some of the best in the world—and I think that they provide for a variety of circumstances. Parents also have access to other types of leave, such as shared parental and annual leave.

Chris Philp: I appreciate the Minister's response to my earlier comments. I would point out, however, that the parents of very premature babies have additional caring responsibilities—particularly when the babies are in a neonatal intensive care unit—over and above the ordinary parental requirements involving a normal newborn baby. I therefore ask the Government to consider, at some future time, an additional leave right, over and above the normal one, for parents in those circumstances, when it is necessary for them to be present with the baby as much as possible.

Richard Harrington: I know that my hon. Friend has personal experience in that regard, as his twins were born prematurely. I was born quite prematurely myself. Some of us look as though we were not born prematurely. My hon. Friend has made a serious point, however, and I will definitely consider it.

Amendments 9 to 11 and 15 to 17 deal with notice requirements. In this context, we have to stop and think about what the word "reasonable" means. It looks sensible in drafting and in amendments, because people think, "Well, what's reasonable is reasonable", but it is very subjective. It is a word that remains open to interpretation and genuinely means different things to different people. If I was challenged on the grounds of reasonableness—for example, on the length of this speech—what would the outcome be? It is a serious point with a number of scenarios and thought processes, with the usual outcome that something can be considered reasonable or unreasonable for any number of reasons when viewed from multiple perspectives.

The amendment might inadvertently make it difficult for those who seek to rely on the provision to know exactly what it means for them. We cannot create a situation in which the issue of reasonableness ends up being a sticking point between employer and employee. Then we would have questions of whether it should go to an employment tribunal or how would it be arbitrated, when that would be the last thing that anyone wanted on top of dealing with the terrible tragedy of a child's death. It would be the worst of all outcomes and I am sure that no Member would want to see it.

I understand the aim of the amendment, however, and I sympathise with its spirit. But given that we are dealing with such a delicate issue, in which clarity is key, we should keep the text of the schedule as it is.

Kevin Foster: I take on board some of the points that the Minister is making, but does he accept that "reasonable" is a word that has been in the law for a long time in various circumstances? For example, Lord Denning famously talked, in the language of his time, of the man

on the top of the Clapham omnibus. One of the reasons we picked the word is because it has been decided on in the courts many times.

Richard Harrington: I thank my hon. Friend for that point and in my brief time not as a lawyer but doing a law degree I remember the Lord Denning case, which was about being subjective about reasonableness. It was fine for Lord Denning, as the Master of the Rolls, to opine on the issue, but we have to consider a system that will not, we hope, go to an employment tribunal or a court—that is the last thing that anybody would want. Although "reasonableness" seems a fine test on the surface, this is such a delicate issue that we need to keep the text of the schedule as it is, with due respect to Lord Denning and my hon. Friend, although I agree with him about the "reasonable" test generally in English law and other systems.

As for the eligibility for pay, I look at this from my business background. Keeping the qualifying period for the pay element aligned with family leave provisions avoids questions arising at this sensitive time about who is entitled to take both parental bereavement leave and pay, because employers are already familiar with how it works. If employers are able to follow the legislation easily it will, in turn, enable them to act in a way that reduces the stress and uncertainty of the bereaved employee. ACAS has opined a lot on this subject and my officials have worked with it to establish how the Government can best support employers when an employee suffers child bereavement. Much of it will have to do with guidance and support to reflect the new provisions after Royal Assent and once the regulations have been made.

In supporting the Bill, the Government want to ensure that employees and employers are both involved in managing child bereavement, in the context of existing family leave and pay legislation. So I think it better that we leave the Bill as it stands in this respect—consistent with existing family-related pay entitlements when it comes to eligibility for statutory pay.

On amendment 18 and the liability of HMRC, the point has been covered a lot in the proceedings on the Bill, and I believe we need to ensure that protections are in place in the event an employer does not fulfil his legal obligation.

To allow time for Third Reading, I would just say that this is as good a time as any to reiterate the Government's full support for the Bill, and my appearance as the third Minister to represent the Government is not a signal of wavering commitment. It is a signal that we are trying to get it right and treating the subject with the importance it deserves. I hope that after today's important stages the Bill will make a swift transition for consideration in the other place, so it can proceed and receive Royal Assent at the earliest convenience.

1 pm

Kevin Hollinrake: I thank the Minister for his very clear representation of the Bill and his responses to the amendments, which I will not cover in great detail because he did an excellent job of that. I also thank the small business Minister, my hon. Friend the Member for Burton (Andrew Griffiths), for all his work in taking this Bill forward. He cannot be here today, but I know he very much wanted to be present to see the Bill, hopefully, through its final stages.

I also thank all Members who have contributed today and throughout the passage of the Bill. We have heard excellent speeches that have helped to shape the Bill. I thank in particular those Members who have been willing to share their personal experiences; there is nothing better to make sure that the Bill is fit for purpose as it goes through this House and the other place than hearing from Members from both sides of the House who have suffered such experiences. I have been lucky in my life, as I have four very healthy children. We have had a few mishaps along the way, but nothing along the lines of a stillbirth or the loss of a child. It amazes me—I find it inspirational—that Members are able to talk about their experiences in this Chamber.

I have had experiences from another relevant perspective—as an employer. Prior to entering this House I was an employer for 25 years, and I am still associated with the business. A number of people who worked for us have suffered these terrible tragedies, and I cannot think it ever entered our minds that we would not give people the leave that they needed for as long as they needed it, and to pay them without any deduction from their normal pay. That is the approach we have always taken, and I absolutely believe that it is the approach that the vast majority of employers in this country take, too. It is important to recognise that all the proposals and amendments are, understandably, trying to deal with the minority—the one in 10 who do not do the right thing—but those contributions are nevertheless incredibly important.

I want to thank a number of people individually. The first of them must be my hon. Friend the Member for Colchester (Will Quince). I am definitely the baton-carrier—if that is the right expression—for this Bill, as he brought forward a very similar Bill in the last Parliament but could not get it through in time. We absolutely would not have this Bill without him. Thousands of parents every year suffer these tragedies, so this is a hugely important proposal.

I also thank my hon. Friend the Member for Eddisbury (Antoinette Sandbach) for all her contributions, and my hon. Friend the Member for Banbury (Victoria Prentis), who cannot be here today but I know would have wanted to be.

Madam Deputy Speaker (Mrs Eleanor Laing): Order. I hesitate to interrupt the hon. Gentleman, but I am listening carefully to what he is saying, and while of course he can thank his colleagues and other hon. Members as often as he wishes—I have no objection; that is perfectly in order—I gently remind him that at the moment he should be addressing the amendments that we have been dealing with since 9.35 this morning. Once he has done that and we come to the end of this process, we will go on to Third Reading, when it is customary for the thanks to come, but of course the hon. Gentleman may wish to make his thanks more than once, and there is nothing wrong with that. If he does so more than twice or three times, I will have to say he is being repetitive, but I never discourage courtesy in this place—I am merely pointing him in this direction.

Kevin Hollinrake: I am very grateful for that informative interruption to my remarks. I was going to move on to the amendments, but the contributions of my colleagues and Opposition Members have helped to inform the

[Kevin Hollinrake]

discussion around them. However, of course I will respect your views, Madam Deputy Speaker, and move on now to the amendments themselves.

The principal amendments on which most of the debate has been focused are those dealing with the definition of a bereaved parent: amendments 1, 2, 12 and 14. My hon. Friends the Members for Torbay (Kevin Foster) and for Mid Dorset and North Poole (Michael Tomlinson) talked about primary care givers and grandparents. We have had a number of contributions on this matter, not only from hon. Members but from charities and individuals who have contacted me on Facebook. We had a Facebook debate on the issue, in which Nicky Clifford said that she wanted the measure to extend to grandparents when they were the child's primary carer. Mrs Clifford felt that the grandparents had suffered a double loss when her son died. The charity Together for Short Lives said that the right to leave should be extended to legal guardians, as did the Rainbow Trust, which also mentioned foster carers. There is certainly a wide breadth of opinion on how the regulations should be set, hence the need for a consultation. The Government are consulting on these issues now, and the consultation should come to an end at 11.45 pm on 8 June. I urge all Members to make submissions to the consultation on the definition of a parent before that is set in regulations.

The other key amendments were amendments 3, 5, 20 and 23, which relate to the window during which leave can be taken. The hon. Member for North Ayrshire and Arran (Patricia Gibson) talked about the shock and disbelief that is felt when these things happen. Of course every case is entirely different, so it is absolutely right that we should be flexible. The same point was made by my hon. Friends the Members for Torbay and for Mid Dorset and North Poole. This was the principal area into which charities had an input. Faye Williams said on Facebook that her partner had been allowed two weeks leave, but that the funeral was not arranged in time within that window. Louise Wright said that her son's inquest was in October, five months after he had passed away. Cruse Bereavement Care said that the leave entitlement should be spread over a longer period of 52 weeks. Interestingly, one of the bereaved mothers who made a submission to the consultation through Cruse stated:

"When my child was born, I was entitled to a year off, but when he died I wasn't entitled to a day off."

That is an excellent reason for bringing forward this Bill.

We need to take all these things into account. It is right that there should be a baseline minimum—amendment 5 would take out that minimum—but it is also right that we should look to increase it. I am certainly sympathetic to increasing it from eight weeks to a longer period of perhaps six or 12 months. I am sure that the Minister will listen to such representations. However, we also need to keep the legislation simple for reasons of administration, and for the sake of the businesses that deal with these problems.

My hon. Friend the Member for South Suffolk (James Cartlidge) talked about whether the leave needed to be taken as a two-week block. This is really about HMRC's systems, but we would expect employers to be more flexible. On the point about extending the period of pay from two weeks to four weeks, we would need to look at the costs involved. The Bill has been carefully costed, and the cost to the Treasury will be £3.2 million per annum. The taxpayer will pay for the statutory pay, but employers will pay as well. The annual cost to businesses will be around £2.6 million, and we need to take that into account.

Amendments 6, 24, 21 and 25 focus on the age limit, and we had some good contributions on this point. From a parent's perspective, there is no difference between the grief for someone who was 18 and that for someone who was 19. I quite understand that, and we had a number of similar submissions from the charities on this point.

My hon. Friend the Member for Croydon South (Chris Philp) mentioned this, but we need more discussion about the 24-week cut-off point between miscarriage and stillbirth, and the private Member's Bill of my hon. Friend the Member for East Worthing and Shoreham (Tim Loughton) seeks to consider that issue. There must be a cut-off somewhere, and our friends at the Treasury certainly want to know exactly what the proposals will cost. We have already passed the money resolution, so I suggest to hon. Members that now is not the right time to try to amend the Bill in that way.

I thank hon. Members on both sides of the House for their constructive, informed and human contributions. I politely suggest that Members do not press their amendments to a Division so that we ensure that the Bill can proceed.

Michael Tomlinson: My hon. Friend mentioned the consultation and invited us to withdraw our amendments. Does he agree that it would be otiose—unnecessary—for us to repeat the suggestions that we have already made? This debate should be formally submitted to the consultation so that Members of Parliament do not need to write further submissions. Those involved in the consultation could simply read the *Hansard* reports of Second Reading, our Committee proceedings, Report and, hopefully, Third Reading.

Kevin Hollinrake: I was pleased that my hon. Friend explained what otiose means. He is absolutely right that the Bill has been shaped as it has passed through the House. The consultation is a key part of that, and it is fair to expect that some of the Bill's provisions will be different from those that we see today. Finally, I politely ask Members not to press their amendments to a Division and to allow the Bill to pass through the House and on to the statute book as quickly as possible so that we help more parents who suffer these terrible tragedies in their hour of greatest need.

Kevin Foster: It has been fascinating to listen to the past few hours of debate, and I am pleased by the discussion of the amendments tabled by my hon. Friend the Member for Mid Dorset and North Poole (Michael Tomlinson) and I. I was reassured to hear the Minister's comments about the consultation, particularly that this is about setting a minimum, not a ceiling, and about practice in the civil service. I hope that the matters we have discussed today will be automatically included in the consultation, as my hon. Friend just said, without us having to write another letter stating, "As I said in the House of Commons on Friday 11 May, these are

my views." I look forward to the matter coming back for debate after the consultation has concluded, when I am sure there will be opportunities for discussion on the Floor of the House. Having listened to the Bill's sponsor and the Minister, I beg to ask to leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Third Reading

Queen's consent signified.

1.13 pm

Kevin Hollinrake: I beg to move, That the Bill be now read the Third time.

With your leave, Madam Deputy Speaker, I want to thank hon. Members from both sides of the House. I thank the hon. Member for Glasgow East (David Linden) for his contributions in Committee and his forbearance in the process, because I know that there are things that he would have liked to have taken forward. I thank the hon. Member for North Ayrshire and Arran (Patricia Gibson)—a constituency almost as beautiful as Thirsk and Malton. I also thank the shadow Minister, the hon. Member for Sefton Central (Bill Esterson), and those who played their part in Committee, particularly the hon. Member for Swansea East (Carolyn Harris), who spoke so powerfully.

It is remarkable what we can achieve when we work across parties, so it has been a fantastic experience for me, and I am sure for other colleagues, to be associated with this Bill, which is about not just a new automatic entitlement to two weeks' leave but, as we have discussed many times, a cultural change among some employers in this country to make sure everybody steps up to the mark when people suffer these tragedies.

From our research and from third-party contributions, we know that nine out of 10 employers do the right thing, but we must make sure that all employers do. We must continue to raise the bar to ensure that our employers do more and more to respect people when they have significant difficulties and are in their hour of greatest need.

This kind of debate and this kind of legislation brings out the best in this House. The debate on 10 October 2017 on Baby Loss Awareness Week was attended by Members on both sides of the House, and my hon. Friend the Member for Ludlow (Mr Dunne), who was the Minister on duty that day, described it as the most moving experience he had ever had in this Chamber. It was incredible to be here to listen to those speeches from Members on both sides of the House.

Again, Members spoke movingly on Second Reading of this Bill on 20 October 2017, including my hon. Friends the Member for Eddisbury (Antoinette Sandbach) and for Banbury (Victoria Prentis) and the hon. Members for Swansea East and for North Ayrshire and Arran. My hon. Friend the Member for Mid Dorset and North Poole (Mr Tomlinson) told the touching story of his own experiences and how well such experiences can inform debate in this House. At times this needs to be a more human Chamber, and today the Chamber has been more human.

Principally, of course, I thank my hon. Friend the Member for Colchester (Will Quince) for his inspirational leadership and steadfast commitment. As he knows, I think this Bill should be called Will's Bill as a result. I also thank the individuals and charities that have informed this debate, and certainly my constituents Annika and James Dowson, whose stillborn baby Gypsy was my first experience, as a Member of Parliament, of some of the difficulties that people experience. I am delighted to be able to stand here to represent the Dowsons today.

Members on both sides of the House have improved the Bill. We made some important amendments in Committee to include stillbirths, and those amendments were a result of the contributions from the hon. Member for North Ayrshire and Arran and my hon. Friend the Member for Colchester.

I thank the Government and Ministers for their support, and I thank the Under-Secretary of State for Business, Energy and Industrial Strategy, the hon. Member for Watford (Richard Harrington) for his excellent words. I also thank his officials for their tremendous service—they have made all this possible.

I very much hope this Bill will proceed from this House and swiftly pass through the other place. I am delighted to help move this issue forward, and I am keen to see Will's Bill become Will's Act.

1.18 pm

Bill Esterson: I congratulate the hon. Member for Thirsk and Malton (Kevin Hollinrake) on the fine way in which he has piloted the Bill to its Third Reading. I endorse everything he says about the contribution of hon. Members on both sides of the Chamber to the Bill.

This is a subject that unites Members on both sides of the House, and this Bill is an opportunity for the House to demonstrate what we can do when we recognise that we have more in common than that which divides us. We have seen that displayed extremely well today. I thank those who have, no doubt with some difficulty at times, explained their own personal experiences of the tragic situations they have faced, and I commend them for their inspiring contributions to this debate on Second Reading, in Committee and today.

It has been said many times, but it is worth repeating that parental bereavement leave and pay provision did not exist and had not been considered until this Bill was introduced. Astonishingly, ours is the first country to have got this far in the provision of this correct support for those suffering bereavement. At one of the worst periods of someone's life, it is only right that employers and the state do all they can to make that time a little easier to bear.

Many employers are extremely compassionate, and go above and beyond what is expected of them. This Bill does not seek in any way to undermine employers who do the right thing; it seeks to ensure that those who do not do the right thing have to catch up with everybody else. The Bill helps to reinforce the employers who are doing the right thing and to make sure that those who do not are not in a position to gain an advantage by undercutting, whether deliberately or otherwise. It is right that we rectify that position on something so important, and that there is no prospect of employers, deliberately or otherwise, being obstructive or unhelpful during the grieving process.

This legislation provides for the bare minimum; it is not perfect, but it is welcome and necessary, and it moves matters forward. It is right that bereavement

[Bill Esterson]

leave for the loss of a child is the first way in which bereavement pay and leave is addressed. We heard discussion about the fact that bereavement affects us when we lose a partner, a family member or a close friend, but it is right that we put the loss of a child first, because the special connection between a parent and a child is different from other relationships and so this is different from bereavement on the whole.

This Bill has the support of the CBI, the Chartered Institute of Personnel and Development, the TUC and many other major organisations. We heard about the challenges for those with poor employment rights—those on zero-hours contracts or minimum-hours contracts, and those who are self-employed. These are all challenges to come, and I hope that when the Government respond to the consultation we will start to address some of these areas, along with some of the challenges faced by businesses when a key worker is absent.

Fundamentally, the Bill is the right thing to do. It makes a great start in providing support for those who have suffered the loss of a child, and it addresses the problem where the minority of employers—and it is just that—are not doing what they definitely should be doing. So I look forward, as a matter of some urgency, to seeing the Government's response to the consultation. I very much welcome the fact that we have reached this point and we will be passing this Bill on Third Reading in a few minutes' time. I hope that as this Bill is passed, with all of our support, it gives all those people who are experiencing the traumatic and devastating loss of a child one less thing to have to worry about.

1.23 pm

Scott Mann (North Cornwall) (Con): It is not often that we get to our feet in this place to ask the question: why was this not done before? It is abundantly clear to me that we are doing the right thing today. It is a pleasure to follow the shadow Minister, and I congratulate my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) on introducing this important Bill and getting it to this stage. I also congratulate my hon. Friend the Member for Colchester (Will Quince), who originally introduced this Bill in the last Parliament. He has been a big voice in this place for bereaved parents.

Losing a child is the most traumatic thing that can happen to a parent, and it is right that we introduce safeguards for bereaved parents going through such a painful and unimaginable experience. Parental bereavement has been brought into sharp focus since the start of the 2015 Parliament, notably by my hon. Friends the Members for Colchester and for Eddisbury (Antoinette Sandbach), who have both shared their experiences in a number of debates. I remember when my hon. Friend the Member for Colchester led an Adjournment debate on maternity units and bereavement care in November 2015. The accounts that he and my hon. Friend the Member for Eddisbury gave then significantly raised the profile of parental bereavement.

Since then, my hon. Friends and many others have taken part in debates and continued to campaign in support of bereaved parents. I have no doubt that that campaign led to the Conservative manifesto commitment to ensure that all families who lose a child are entitled to bereavement leave and pay. There has clearly been a lack of support for bereaved parents. I have no doubt that the campaigning on the issue by Members from all parties—including, notably, my hon. Friend the Member for Thirsk and Malton—has led to the introduction of this Bill.

Currently, if someone loses a child, they have to rely on holiday leave, or compassionate leave, at their employer's discretion. Alternatively, they could take unpaid leave for a reasonable amount of time, as permitted under the Employment Rights Act 1996. This situation is clearly inappropriate. A bereaved parent should not have to use holiday pay or take unpaid leave at such a traumatic time in their life.

Bob Stewart (Beckenham) (Con): It strikes me that we should also pay great tribute to the employers who give people as much time as they possibly can, fully paid. That happens so often these days, so only a small percentage of people will require the statutory two weeks' leave.

Scott Mann: My hon. Friend is exactly right: we are dealing with only a small proportion of employers. Many great employers throughout the country would make such provision for their staff.

ACAS has advised that employers should have a duty of care, taking account of instances of bereavement, but it is right that we back that up with statute and give everyone a legal right to bereavement leave. That is why I wholeheartedly support the Bill. I am very pleased that the Government have introduced it and that it has cross-party support. It is a pleasure to be here to see the Bill make progress.

Statutory bereavement leave is a reasonably common right throughout Europe and among many other countries. I welcome the fact that the Bill goes significantly further than the rights that other countries provide for employees. It is right that the UK leads the way on this matter. I particularly welcome the provision of two weeks' minimum bereavement leave, which will give parents sufficient time away from work to grieve with their family. It will also make easier the unenviable task of planning a funeral. It is a minimum period, and it is hoped that many employers throughout this great country will be able to afford to give people more than two weeks to get their affairs in order.

I welcome the fact that an employee who has been employed for 26 weeks will have a statutory right to bereavement pay, as well as bereavement leave. I also welcome the fact that employees who take parental bereavement leave will have the same employment protections that apply for other types of family-related leave, such as maternity and paternity leave. They will be protected from dismissal and detriment as a result of taking bereavement leave, which would be wrong.

One question before us today has been about the definition of a parent, which my hon. Friend the Member for Torbay (Kevin Foster) talked about, and how it should be covered by the legislation. It is right that the Government will take some time to consider that question and consult on it.

I welcome the amendment that was made in Committee to ensure that the definition of a child includes stillborn babies after 24 weeks' pregnancy. Stillborn births are extremely traumatic for an expectant couple, and it is right that they should be afforded the same bereavement leave as those who lose a child in other circumstances.

It is important that parental bereavement leave works for employers as well as for employees. I am glad that the Government are currently consulting on the definition of a bereaved parent, on how and when they can take the leave and on notice and evidence requirements. I hope that some of my constituents who have either experienced the loss of a child or who own a business take part in this consultation to shape the bereavement leave policy.

I welcome and support this Bill today. I once again congratulate both my hon. Friend the Member for Thirsk and Malton on getting the Bill to this stage and other Members who have campaigned on this issue. Bereavement leave should be in place for all families who lose a child, and I will support the Bill on Third Reading today.

1.30 pm

Patricia Gibson: I will test your patience for a moment, Madam Deputy Speaker, by repeating some of the earlier remarks that I made in thanking the hon. Members for Thirsk and Malton (Kevin Hollinrake), for Eddisbury (Antoinette Sandbach) and for Colchester (Will Quince). We have seen, over a number of months, real examples of constructive cross-party working. When that happens in this House—it does not happen very often—it can be quite a beautiful thing, so we should treasure it when it does happen.

The Bill is not perfect, but its passing today is hugely welcome and enormously significant. In passing this Bill, Parliament will do something good, which will help parents in their darkest hours. Today, Parliament has recognised that a parent burying their child is such a life-changing and such a traumatic event that it should be recognised in law. How it is dealt with in the workplace can no longer be left entirely at the discretion of employers—however well-meaning many, many employers may be. As the Minister said, if something is important and it matters, it is right that the law should recognise that fact.

The consensus across this House today is a testament to how important this Bill's provisions are. We can easily imagine that they command the same consensus right across the United Kingdom. It is no secret that I would have liked more flexibility on when leave can be taken, and I would have liked the age restriction removed, but we have made a start. As the Minister said, it is hoped that the consultation will bring in many of the improvements that Members across the Chamber have talked about today. There is more to do, but this Bill sets a tone and a cultural shift.

I wish to extend my thanks to the hon. Member for Mid Dorset and North Poole (Michael Tomlinson) for sharing his own very personal story with us. I was particularly impressed by his eminently sensible suggestion that the comments, speeches and remarks that have been made today should definitely form part of the consultation, which we all hope will allow further improvements to be made to the Bill.

The Bill, as we have heard, sets out only minimum provisions, and we know that there is more work to do. Again, I pay tribute to the work that has been done so far, which will make such a difference to the lives of parents who find themselves bereaved. We have made a start, and I believe that we can and that we will go further in the future. I very much support the Bill.

1.33 pm

Will Quince: This is indeed a great day. I did not come into politics with the thoughts of being a baby loss campaigner, or a campaigner for bereaved parents. It is tragic circumstances that has brought me, and so many others who work so passionately in this field, to this position. I remember the first journalist whom I spoke to on entering Parliament in 2015—she will know this when I reference the story. It was Isabel Hardman of *The Spectator*. She said, "If you could achieve one thing in Parliament, what would it be?" I said that it would be paid bereavement leave for parents who sadly lose a child. We are getting very close to that point. It has been an enormous team effort. I repeat the comments made by my friend, the hon. Member for North Ayrshire and Arran (Patricia Gibson), when I say how brilliant the cross-party working on this issue has been.

It has shown Parliament at its best. More than that, what we have seen over the course of the past two or three years is a seismic shift in the way that we approach bereavement, particularly bereavement for parents. We now have the national bereavement care pathway, which is launching nationwide at the end of this year. That is largely owing to the work of the all-party group on bereavement support. Again, we saw some brilliant cross-party working. We have seen the fantastic work of the hon. Member for Swansea East (Carolyn Harris), who I also call my friend, with her child funeral campaign. Now we have this Bill, which will give us one of the best workers' rights in this area in the world.

I should like to say some thank-yous. The first goes to all the charities that have played such an important role through all the work that they have done in feeding into this process. This is not a new campaign—it is about something they have been calling for some time.

I pay tribute to all the bereaved parents who have contributed to all the consultations and thought processes that led to the Bill. It is really hard for bereaved parents to share their stories and talk about their own tragic loss, but they are willing to do it if they know it is going to make a difference to people who sadly find themselves in similar circumstances. I encourage the Minister, as this process continues, to continue to engage with bereaved parents. I encourage all bereaved parents who might be listening please to get involved in the consultation.

I thank the all-party parliamentary group on baby loss for all the work that has been done, again cross-party, to feed into this process. Lucy Herd, a bereaved mother who set up Jack's Rainbow, has campaigned tirelessly on this subject. Someone who has not yet been mentioned, but who absolutely deserves it, is Tom Harris, the former Member for Glasgow South. He is another person who has passionately campaigned on this subject, first as an MP back in 2013, and since then as a journalist. I worked with him very closely behind the scenes on my incarnation of the Bill, and I know that he has continued to follow the path of this Bill very closely.

I thank parliamentary colleagues for all the work that they have done across this House to help to publicise the Bill and to get the word out there in supporting it. I also thank all the parties. After my Bill failed at the end of the last Parliament, all three major parties put this into their manifestos as a policy. That was a huge achievement. At the start of this Parliament, regardless of who ended up forming the Government, this was a

[Will Quince]

manifesto commitment—a pledge—by all three major parties, and it was supported by all the smaller parties too.

I thank the Government and the Minister, because this has been, from the very beginning, like pushing against an open door. These things are never easy. We always look at it and think, "Well, of course it will be an easy thing to do", but it never is—there are always complications and added consequences for any piece of legislation or change that we make, particularly on something as complex as employment law. But from the very beginning, the Secretary of State for the Department for Business, Energy and Industrial Strategy, the then Minister of State, and Ministers subsequently have all been so supportive of pushing this agenda forward. I thank all the civil servants who supported it too.

There is one person who I have to single out for the biggest thanks, and that is my hon. Friend—my very good friend—the Member for Thirsk and Malton (Kevin Hollinrake). When the ten-minute rule Bill failed at the end of the last Parliament, my hon. Friend, who has twice been lucky in the private Member's Bill ballot, took it up. It is easy to underestimate the number of people, charities, organisations and colleagues who would have been lobbying him to put their Bill forward—hundreds and hundreds. Yet it only took one call to him. He did not even say, "I'll think about it and call you back"—he immediately said, "Yes, of course I'll do it." That is to the credit of the man. He has passionately, committedly and determinedly put forward this Bill with great steadfastness and commitment. It is a huge credit to him that we have got as far as we have, and I hope that today we will be sending the Bill up to the House of Lords.

It is important when we consider a Bill of this nature to look at where we are now. Numerous Members have said that the vast majority of employers already do the right thing, and yes, they do. The vast majority act with compassion, kindness and sensitivity, and recognise that this is the most emotionally difficult period that their member of staff has had to, and probably ever will have to, come to terms with. But we are not legislating for them. We are legislating for the tiny minority of employers that do not do the right thing—the ones that act without compassion and with complete insensitivity and carelessness.

I had lots of anecdotal evidence before, but ever since the Bill was presented, a number of people have been in touch to say how disgracefully their employers have acted—and we are not just talking about small employers; we are talking about big ones too. I even heard from one individual who was working in our NHS. That should not be happening. People are being told that they have to come back to work or take it as holiday or unpaid leave, and some are not even given time off to go to their child's funeral. It is an absolute disgrace. If it is just one person who is affected—if just one person has to go through the huge ordeal of questioning, "Do I go back to work even though I'm not ready and my family need me and I'm going through this horrendous ordeal, or do I lose my job and get sacked and therefore not be able to provide for my family?"—this legislation is worthy and right. That is why I wholeheartedly support the Bill and we have to act.

We have discussed grief a lot today. I have had an experience of grief, and I know what my grief was like. I have a small understanding of what my wife's grief was like, but we all grieve differently. That is why it is so important that we ensure there is flexibility in the Bill and its future incarnations, as we potentially tweak it. We have put two weeks' leave in the Bill, but we want there to be flexibility in when that can be taken, because not everyone grieves in the same way. One person's grief will not be the same as someone else's. I know mine was different from my wife's. I wanted to get back to work a lot quicker, as a coping mechanism.

It is not just about grief. It is also about the huge amount of administration and processes that you have to go through, whether it is simply going to register the death or dealing with the hospital and, in some cases, coroners and inquiries. There are other things people do not think about, like going home and having to think about the bedroom upstairs that your child used to sleep in. Who is going to do that? Who is going to go through their wardrobe? We do not necessarily think about those things when we have not gone through that tragic experience. It is important that we give parents who go through this emotional tragedy the time to grieve in peace but also to make those all-important arrangements that only they, as parents, can do. That is why the Bill is so important.

We have talked about some of the issues with the Bill. We would like it to be more than two weeks' leave, but that is very much a floor, not a ceiling. I would like all employers to say to their staff, "You take what time you need." I was really reassured by what the Minister said he did when he was an employer, and I hope all employers would take that approach. As other Members have rightly said, it not only builds loyalty, but we know the social and economic cost of the mental health issues and family and marital breakdown that happen when parents lose a child and are not properly supported. It is in the employer's interest to do the right thing. Through the Bill, we will ensure that all employers that are already doing the right thing are supported and recompensed via the statutory paternity or maternity leave process. We are not rewarding employers that are already doing the right thing, but ensuring that they see a benefit from it. This is more about employers that are not doing the right thing.

This is very much meaningful change. A number of Members have talked about the fragility of private Members' Bills; I remember mentioning it in Committee a lot. At one point, I was not sure we would get to this point, because of the number of amendments, which are all worthy in their own right. I would like to see many of them included in future incarnations of the Bill, but we have to ensure we do not make the perfect the enemy of the good—and this Bill is fundamentally good. It will do good. As I said, we are introducing one of the most advanced workers' rights in this area in the world. This is world-leading stuff, and we should all be very proud of it. Some members of the public who have a bit of disdain for politicians say, "You MPs do nothing. What do you do for us?" Today, we are doing something for tens of thousands of bereaved parents up and down the country. We know the good that this Bill will do.

My hon. Friend the Member for Thirsk and Malton kindly and generously referred to this as Will's Bill. It is not. All my work in this area is only as a result of my

late son Robert, so if anything, it is Robert's Bill. I cannot thank my hon. Friend enough, and I am hugely indebted to him.

1.44 pm

David Linden: What a pleasure it is to follow the hon. Member for Colchester (Will Quince), who made such a moving speech.

I will keep my remarks brief, because I want to ensure that the hon. Member for Hove (Peter Kyle) gets his important debate on votes for 16-year-olds. I pay tribute to the hon. Member for Thirsk and Malton (Kevin Hollinrake) and all members of the Bill Committee. I was conscious that the hon. Gentleman had a difficult task—indeed, he would meet me on a regular basis and try to temper me, as a new, naive young MP tabling all those amendments.

This is a good Bill, but it could have been even better. I understand the fragility of the private Member's Bill process, and I continue to be frustrated about the way such Bills are dealt with—I think we will find that when we debate the subsequent Bill. While I understand that the process is fragile, I regret that we have still not done anything for employees who have been with a company or employer for fewer than 26 weeks, and that the Bill does not cover those who are self-employed or on zero-hours contracts.

I welcome the consultation that the Government are taking forward, but it is vital that we get clarity on when that will report back and how we will move forward. I spoke in Committee about my own circumstances, which were nowhere near as grave as those outlined by other Members, including my hon. Friend the Member for North Ayrshire and Arran (Patricia Gibson), who has done a power of work on the Bill. I hope that the Bill's Third Reading indicates the beginning and not the end of a process that will give enhanced employment rights to people who have been through one of the worst things that anybody can imagine, and that the Bill will receive Royal Assent.

1.46 pm

Antoinette Sandbach: It is a huge pleasure to follow the hon. Member for Glasgow East (David Linden) and hear his support for the Bill, together with that of so many others. My hon. Friend the Member for Colchester (Will Quince) said that he spoke to Isabel Hardman of *The Spectator* about his aim to introduce parental bereavement pay. My aim when I spoke to Judith Woods of *The Telegraph*—probably in the same week—was to speak out so that we could have the best possible practice, support and information for bereaved parents.

I pay tribute to my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake). I had the honour of appearing—on the "Victoria Derbyshire" show, I believe—with his constituent, Annika Dowson, to discuss some of the issues of grief and bereavement facing parents. We have kept in touch ever since and, like so many parents who have been in our position, she has been stalwart in this area, raising huge amounts of money for her local hospital and its bereavement suite.

I pay tribute to other hon. Members who have supported the Bill but cannot be here today, including my hon. Friend the Member for Banbury (Victoria Prentis) and the hon. Member for Lewisham, Deptford (Vicky Foxcroft), who spoke incredibly powerfully in Baby Loss Awareness Week about her experience. The hon. Member for Washington and Sunderland West (Mrs Hodgson) has also been really helpful; again, she has spoken movingly about her experience of stillbirth. I had the pleasure of sitting on the Bill Committee with the hon. Member for North Ayrshire and Arran (Patricia Gibson). I had a friend who went through an experience similar to hers, and it was simply devastating to see.

The fact that all of us have spoken out and shared our experiences has meant that the issue has been looked at in a completely different way. As the hon. Member for North Ayrshire and Arran said, it has led to a real, cross-party political will to ensure that parents who go through this utterly devastating and tragic event get an entitlement to some form of support. It is historically significant that we are extending the benefit system in this way to give support to bereaved parents. It is also historic, as benefit extensions do not happen very often. I pay tribute to my hon. Friend the Member for Thirsk and Malton, who has acted throughout with honour and decency. He has worked assiduously across the parties to ensure that the Bill is in the best possible shape and, as the hon. Member for North Ayrshire and Arran put it, to carry the valuable and delicate china of a private Member's Bill to this point.

About 8,000 parents suffer the loss of a child each year. As we have heard, most employers understand how utterly devastating that is for the family involved, but not all of them appreciate that or have been willing to give their employees leave. Frankly, that is shocking in this day and age. We are making a real advance in the protection we give to employees. Hopefully, that will have an effect on the general approach to bereavement. The sandwich generation are looking after not only their children, but parents with very complex needs. I hope that the Bill sends a signal to employers to be compassionate, and to treat their employees with decency and understanding. That will be repaid in spades when they return to work.

I thank the Minister and the Government for the support they are putting in place for bereaved parents who have lost a child. Such time off is incredibly important, particularly as other children in the family will be affected, and will need their parents to support them and explain what is going on. They need to get through the fog of devastation and loss to try to find the parameters of where normality—*[Interruption.]*

Michael Tomlinson: I am very grateful to my hon. Friend for giving way. She is making such a powerful speech. I well remember the very first time I heard her speak so powerfully—during the Adjournment debate to which I referred a few moments ago. I have perhaps allowed her 30 seconds to compose herself before she concludes her remarks.

Antoinette Sandbach: I am very grateful for my hon. Friend's intervention. We are making history today. I hope that parents who face child bereavement in the future will feel there is a little bit of grace and a little bit of space for them to be able to deal with what is an utter tragedy.

1.53 pm

Mike Wood (Dudley South) (Con): It is a real pleasure to be able to speak in this debate and to follow the moving contributions of my hon. Friend the Member for Eddisbury (Antoinette Sandbach) and many other Members.

[Mike Wood]

I thank the many Members on both sides of the House who have supported the Bill and worked so hard to bring it to where it is today. I thank my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) for driving the Bill this far and my hon. Friend the Member for Colchester (Will Quince) for his work on his ten-minute rule Bill in the previous Parliament, which I was very proud to co-sponsor. I am delighted to see that Bill's important measures included in this Bill, which I hope the House will endorse this afternoon.

Before I was elected to Parliament, I was a trustee and treasurer of a small bereavement counselling charity in the midlands. Our counsellors worked very closely with people from all backgrounds who had lost loved ones, including a large number of bereaved parents. They had lost children to illness, to accident and, in one case, to the Lockerbie bombing. The emotions and experiences of parents in such circumstances are wide-ranging and completely individual to each specific parent, regardless of what happened. For some, the early emotions were anger. There was despair and in some cases even a sense of guilt about what could and could not have been done differently, even when it was clear that nothing that they could have done would possibly have made any difference.

All bereavements cause grief. The loss of a loved one leaves a sense of emptiness and places strains on mental health. However, when someone loses their own child, it is particularly devastating, as a number of hon. Members have said, including my hon. Friend the Member for Chippenham (Michelle Donelan) in particular. It is completely the wrong order—it is not the natural way things should be. That does make such losses particularly damaging and painful. Children should not die before their family.

From the moment when a person learns that they are going to be a parent, their life and the way in which they see the world changes. They start to plan for what the future will bring for their children, and when those children's lives are taken away, of course it has a huge impact on them. The whole world as they know it can be changed in quite literally a heartbeat. While all these losses are hugely and unimaginably painful, sometimes it can almost be even worse for the parents who lose a sick or disabled child. They may feel that they somehow get less support and sympathy from the community. They may almost feel as though people are suggesting that it is somehow for the best whereas, of course, this is their son or daughter who they will never see again.

It is absolutely vital that we do anything we can as a Parliament—as lawmakers—to make the process even the slightest bit easier at a time when people are experiencing particularly horrendous and acute pain. The pain does not go away, but of course there are times when it is particularly sharp. It is then that people should be allowed the time and space that they need to grieve in their own way and in their own time, because the impact on families can be terrible. There is often a very deep marital strain. The tragedy of losing a child can be compounded by the further tragedy of family break-up, so we need to allow parents the time to grieve together. If the Bill allows that, at a time when people are ready to grieve—it may not be in the week or two immediately after a child's death—it will achieve a great thing.

A number of the details will be dealt with in the regulations on which the Government are consulting. I hope that all those with views on the how, what, when and who will submit their views to the Government's consultation, and I also hope that the Government will interpret the definition of a parent broadly. The Bill says that the regulations may interpret that either wholly or in part on the grounds of caring responsibilities. That is clearly the logical way of interpreting who is a parent.

This is a necessary and important Bill but, more than that, it is the right thing to do. The sooner that we can get these measures on the statute book, the sooner they can start to make a little bit of difference to parents at a time when they need it most.

1.59 pm

Richard Harrington: I will not go through the long list of speakers, because other Members have already done so. Let me merely endorse what they have said.

Bills such as this give rise to two types of emotion: one prompted by our political views or policy ideas; and the other due to our personal experiences or those of our constituents. We have felt a great deal of the second type of emotion today. It would not be right for me to single out individual Members' moving and emotional speeches. In my eight years in the House, I have never experienced anything quite like them—certainly not as a Minister responding to a debate.

I covered most of the points on Report, but I should mention some of the voluntary and other organisations and people who have taken part in this whole process: Rainbow Trust Children's Charity; Together for Short Lives; and Lucy Herd of Jack's Rainbow. I hope that they are pleased with the progress that we have made today. People campaign, they lobby their MPs and MPs campaign, but in the House today, MPs have spoken on the basis of their own personal and, I am afraid, tragic experiences. That is different from normal politics.

Being present, as the Minister responding to the Bill, from 9.30 am until 2 pm has meant more to me than just being on duty. It has been an experience that I will not forget. I am very pleased and very proud to be, in my small way, a part of this process, and to reconfirm the Government's commitment to the Bill. I look forward to the speedy progress of consultation and secondary legislation, and I am sure that the other place will be as supportive as we have been today.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Representation of the People (Young People's Enfranchisement) Bill

Second Reading

2.2 pm

Peter Kyle (Hove) (Lab): I beg to move, That the Bill be now read a Second time.

Let me begin by paying tribute to the many people and organisations that have been campaigning for a very long time to enfranchise 16 and 17-year-olds. There are too many to mention, but I want to single out the work of one organisation, the Association of Colleges, in recent months. The AOC represents further education colleges and sixth forms across the country, and while it often campaigns on matters of policy, this is the first time it has spoken out about such a politically charged issue. Like so many other youth organisations, it understands that young people have become disempowered, and, as a community, are losing out as a result.

Investment in post-16 education is lower than investment in post-18 education, and young people today emerge into an economy that is far more complex than any before, an economy that requires them to have a wider set of social as well as technical skills in order to thrive. The challenges that our country faces are increasingly long-term, from paying off our national debt to picking up the pieces from the Brexit referendum. Those are the challenges that our generation will hand down to the next, yet our political system locks out the very people who will be living longest with the consequences. It is time for that to change. There are many technical, practical, political and even emotional reasons for the change to happen, but for me it always comes down to one thing. Our politics is missing out on the wisdom and insight of young people. Many other Members throughout the House have come to the same conclusion.

I am extremely grateful to the right hon. Member for North Norfolk (Norman Lamb) and the right hon. Member for Loughborough (Nicky Morgan) for sponsoring the Bill. Their sponsorship illustrates perfectly that this is not a partisan issue but one that has support from senior Members on both sides of the House.

David Linden (Glasgow East) (SNP): I am sure that the hon. Gentleman will get the usual excuses from the Government today, but does he accept the view of Ruth Davidson, the leader of the Scottish Conservatives, who said that until the Scottish independence referendum in 2014 she had opposed votes at 16, but after that process—for which the voting age was lowered—she was a convert? Does he hope that hon. Members will get their act together and support the Bill?

Peter Kyle: I am grateful to the hon. Gentleman for those comments. He will not be surprised to know that I intend to come back to the point that he makes in a few moments.

The hon. Member for Worthing West (Sir Peter Bottomley), who is not in his place, has been a solitary voice on this issue on the Conservative Benches, but he has been joined by a new generation of Members who are speaking out with real passion and commitment to delivering votes for 16 and 17-year-olds, in particular the hon. Members for East Renfrewshire (Paul Masterton), for Berwickshire, Roxburgh and Selkirk (John Lamont), for Ochil and South Perthshire (Luke Graham)—who is in his place—and for Ayr, Carrick and Cumnock (Bill Grant). They have been a powerful voice for change on their Benches, and we should celebrate that across the House. It is no surprise that they represent Scottish constituencies, because Scotland is the perfect illustration of why the present settlement is simply not fit for purpose.

Some people ask why 16 and not 15? There are two reasons. First, I believe that education to GCSE level equips young people with all the knowledge and critical thinking that is needed. Secondly, we have the practical experience in other parts of the United Kingdom that shows that it simply works. A 16-year-old in Scotland can vote in referendums, in local elections, and for their preferred candidate standing for the Scottish Parliament, but they have no say in who gets sent to Westminster. I do not believe that there is a Member in this Chamber willing to make the argument that the capacity needed to pick a representative for this Parliament is in any way different to that needed for the Scottish Parliament or indeed a local authority.

Layla Moran (Oxford West and Abingdon) (LD): My background is as a teacher, and I can certainly attest that 16-year-olds have more than the capacity to make these complex decisions. In fact, does the hon. Gentleman agree that in some cases they put much more consideration into such decisions than some adults?

Peter Kyle: The hon. Lady makes a powerful point, and reflects the sentiment that I have heard from teachers up and down the country since I launched this campaign.

Similarly, there is no evidence, and nobody making the argument that since 16 and 17-year-olds were enfranchised in Scotland, subsequent elections and the referendum were in any way negatively distorted as a result of their participation. Now that 16 and 17-year-olds are able to participate in Welsh elections and those in the Channel Islands, it leaves England and Northern Ireland as the democratic laggards of the United Kingdom. Britain has become a democratic postcode lottery and it needs fixing.

We should all pity the Tory candidate who has to speak at a hustings in a future English election. They will have to explain to a 17-year-old questioner why their party believes that English teenagers lack the intellect, experience and common sense of their Welsh and Scottish counterparts and cannot be trusted with the vote. It is politically unsustainable.

Danielle Rowley (Midlothian) (Lab): Does my hon. Friend recall the research that showed that during the Scottish referendum 16 and 17-year-olds looked at information from a greater variety of sources than any other age group?

Peter Kyle: I certainly agree. When I held a question and answer session with young people at Brighton Hove and Sussex sixth-form college recently, their questions were erudite, thoughtful and passionate, and rarely concerned their own lived experience in an educational establishment but addressed the big issues facing their community, our country and our planet.

Alex Chalk (Cheltenham) (Con): Does the hon. Gentleman think that the legal age for drinking should be reduced to 16?

Hon. Members: Oh!

Peter Kyle: I say to my hon. Friends that we have to engage with such points, and in fact I will come to them later in my speech. But I do not believe that we should link public health with voting. If we do, we need to do so in other areas too.

My Bill would not just enfranchise young people, it would embrace them. By auto-enrolling under-24s and placing polling stations in educational establishments, it would strive to get young people into the habit of voting. Evidence shows that it is a habit that lasts a lifetime.

Tracy Brabin (Batley and Spen) (Lab/Co-op): Does my hon. Friend agree with young people such as my constituents Hannah and Hawa, who have travelled to witness this debate and say that they have their own power and articulacy and should be listened to? They say that young people like them are ambitious about politics and want to express their views.

Peter Kyle: Of course I agree, and I welcome them on behalf of the Chamber to the House today. I know that they also enjoyed a good hour and a half of the previous debate and I hope that they learned a lot from that, too.

Returning to the point made by the hon. Member for Cheltenham (Alex Chalk), some people point to things that 16-year-olds are not allowed to do, such as drinking and smoking, but I urge Members not to link voting with public health issues. I think that would be perverse, not least because I look forward to banning smoking entirely. If public health and voting ages were linked, where would that leave voter turnout? We must look at this issue on its own merits, based on the formidable capabilities of today's young people; we must think about what kind of democracy we should be.

Karen Lee (Lincoln) (Lab): In the recent elections, the turnout was pretty abysmal—

Madam Deputy Speaker (Mrs Eleanor Laing): Order. If the hon. Lady faces the Chair, she will be better heard, and I will know who she is so I can say her name.

Karen Lee: Thank you, Madam Deputy Speaker; I am a new Member.

As is often the case, the turnout in the recent local elections was abysmally low. Does my hon. Friend agree that if younger people could vote, turnout might improve and the result might be more representative of what the general population thinks about issues?

Peter Kyle: My hon. Friend makes an important point, and if we had longer for this debate we would air such issues in more detail.

The Scottish experience in its referendum was that the proportion of 16 and 17-year-olds who voted was 20% greater than the turnout among 18, 19 and 20-year-olds. That shows that young people of 16 and 17 are enthusiastic, and when they get into the habit of voting and have the opportunity to do so, they grasp it with both hands.

Wes Streeting (Ilford North) (Lab): As an honorary president of the British Youth Council and a former president of the National Union of Students, may I give huge thanks and congratulations to my hon. Friend for introducing this Bill? What we have just heard about the enthusiasm with which 16 and 17-year-olds have so far cast their votes when able to do so has also been reflected in the enormous support that the BYC, the NUS and other organisations have given to my hon. Friend's Bill. That is another reason why Members on both sides of the House should support it.

Peter Kyle: I am grateful for my hon. Friend's intervention. I know that, as a former president of the NUS, he has been considering and campaigning on this issue, and listening to young people's views on it, for a long time—dating, indeed, back to the days when he was young himself.

Michelle Donelan (Chippenham) (Con): I take on board the hon. Gentleman's point about not comparing voting to other things, but we cannot gloss over it as simply as that. Is it not contradictory to say that those aged 16 cannot gamble, smoke or drink, but they can vote? In fact, it was Labour who said in 2005 that those under 18 should not be gambling online; have they changed their mind on that as well?

Peter Kyle: I simply say that we must look at this issue on its own merits. I simply do not recognise that there is a fundamental similarity in skills and intellect between gambling, smoking, drinking and voting. They are fundamentally different things, and some are public health issues while voting is about participation in our democratic process. We do need to look at these issues, but they must be looked at in the context of the Bill going through Parliament.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): Will my hon. Friend give way?

Peter Kyle: No, I am about to conclude.

These issues need to be ventilated, and I am grateful to the hon. Member for Chippenham (Michelle Donelan) for putting them on the record. At the same time as Labour was raising the age limit on the activities she mentioned, it also said that it was open-minded on giving the vote to 16 and 17-year-olds. I think we would find that this generation of 16 and 17-year-olds and this generation of young people are far more sensible about drink, drugs and gambling than previous generations, and I think their voice and experience should be heard as we make policies, not shut out.

We must think about what sort of democracy we want to be. Do we want to be a democracy that looks for reasons to exclude, or do we fundamentally want to be a democracy that looks to the future, and that judges citizens on their merits today rather than the prejudices of yesterday?

2.14 pm

Luke Graham (Ochil and South Perthshire) (Con): I am conscious that we are short of time, although we should be having a full and comprehensive parliamentary debate on this matter. I welcome the cross-party support on this issue. I have worked with colleagues across the House on it, and I stand in support of the Bill today. This is not about party politics; it is about civic engagement. I support the Bill not because I am under some misguided

belief that a 16 or 17-year-old would still consider me to be a young person but because of the evidence provided by the participation of 16 and 17-year-olds in the Scottish referendum and the subsequent Holyrood and local elections. So, what is that evidence? For anyone who was involved in the referendum in 2014, it was a pretty intense political process. One highlight of the campaign was going to the Hydro in Glasgow for a debate in which 16 and 17-year-olds came up with some of the most insightful and well-informed questions for our political leaders on one of the most important constitutional issues for our country.

This is not just about the standard of debate, however. The figures back this up as well. The Electoral Commission report on the 2014 referendum showed that 75% of 16 and 17-year-olds voted in the referendum, and the commission's report on the subsequent Holyrood election showed that 78% of 16 to 17-year-olds voted in that election. That is higher than the figure for the 18 to 35-year-olds. I can reassure my Conservative colleagues that those 16 to 17-year-olds showed a greater propensity to vote Conservative than the 18-to-35s, so there are no worries about the direction of travel.

One issue that has been raised is that of demand. Do 16 and 17-year-olds actually want the vote? Although Scotland has led the way, the NUS should also be applauded for the campaign it has been running in colleges up and down the country to assess the level of support for voting at 16 and 17. It has run a vibrant and proactive campaign.

Karen Lee: Does the hon. Gentleman agree that voting is an entirely positive thing, whereas drinking, smoking and gambling really cannot be seen in the same light?

Luke Graham: I thank the hon. Lady for her contribution. Voting is an incredibly positive engagement, although I have to say that I have derived some pleasure from drinking in the past.

Alex Chalk: On the important issue of civic engagement, does my hon. Friend think that 16-year-olds should be able to sit in judgment on their fellow citizens on a jury?

Luke Graham: That is a very good point, and it is one that we should certainly review.

Alex Chalk: Yes or no?

Luke Graham: If we are allowing 16-year-olds to vote and be part of the political process, yes, they should be part of the judicial process as well.

We have talked a lot about consistency today, and I want to turn to whether there is a difference between allowing 16-year-olds to vote and allowing them to drink, to smoke or to use sunbeds, which is a question that has been raised in Wales. The only thing that is consistent about the age-related laws in this country is their inconsistency. In pretty much every aspect of our age-related laws, we choose different levels at which to give people access. For a long time, people could vote at 18 but they could become an MP only at 21. That was changed in 2006. I see no reason why we should not have differentiated laws, allowing people to vote at 16 and run for office at 18. That is entirely consistent with saying that we want civic engagement. People would be allowed to vote before taking the next step of having the responsibility of representing 75,000-plus people.

James Cartlidge (South Suffolk) (Con): My hon. Friend is making an excellent speech. Does he agree that if we were to be completely consistent, we would have to raise the age of consent? In my view, that would lead to the creation of an awful lot of criminals. As the hon. Member for Hove (Peter Kyle) rightly said, in a cross-party spirit, each of these age limits has to be based on its own individual merits.

Luke Graham: I could not agree more with my hon. Friend. We do not need to have consistency right across the board. These different age-related laws are quite separate and they are not contingent on one another. We should not allow them to muddy the waters and clog up this debate.

Nigel Huddleston (Mid Worcestershire) (Con): My hon. Friend makes a perfectly valid point about the appropriate voting age, and I question whether 16 is the right one. I have just left a meeting with a bunch of schoolchildren in the education centre, where they were asking me the most sophisticated questions, some of which—dare I say it?—were far more sophisticated than the questions I get from their parents—*[Interruption]*—much as I respect the constituents of Mid Worcestershire, of course! I may have to dig myself carefully out of that one. My point is that there are some incredibly sophisticated children in this country, and they can be engaged in politics, but whether they should vote is a different question.

Luke Graham: As my hon. Friend's point proves, age and wisdom do not necessarily go hand in hand—*[Laughter.]* The UK Youth Parliament and Scottish Youth Parliament representatives from my constituency have strongly advocated for votes at 16 and 17, and I applaud them for their representations. I am fortunate to have visited schools across my constituency, from Morrison's Academy to Lornshill Academy, and the support for votes at 16 and 17 is there in the schools. Young people are engaged with the debate, and they are not only engaging within their age group, but challenging their parents and grandparents. We have a richer democratic discourse as a result.

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): As a new MP visiting schools, I know that 16 to 18-year-olds are angry that they are not getting a vote. The election last year could mean no vote for five years, which has changed the age gap. These kids are upset, and I fully support the hon. Gentleman.

Luke Graham: I could not agree more. Colleagues across the House need to remember that today's 16-year-olds will be reaching 20 come the next election, and they will probably have a bearing on our own electoral successes.

Patrick Grady (Glasgow North) (SNP): Another lesson that can be learned from Scotland is how the Scottish Parliament takes forward private Members' Bills. This is the second Bill on votes at 16 this Session that is in danger of being talked out. The reality is that if such a proposal had the same amount of support in the Scottish

[Patrick Grady]

Parliament as it clearly does here, it would go through because Holyrood's system allows it. We need democratic reform, votes at 16 and to reform this corrupt, unfair private Member's Bill system.

Luke Graham: The hon. Gentleman makes a point about the Scottish Parliament, but at the risk of getting slightly party political, I would draw his attention to the fact only one such piece of legislation was put before the Scottish Parliament in 2016-17, so its legislative example is not exactly leading the way. I will not take lectures on that from him in this place.

Mr Peter Bone (Wellingborough) (Con): Whatever Members may think about the current private Member's Bill system, does my hon. Friend agree that the suggestion that it is somehow corrupt is wholly reprehensible?

Luke Graham *rose—*

Patrick Grady: On a point of order, Madam Deputy Speaker. I believe that the word "cruel" has been used in the past because the system can be so unfair on Members, but I withdraw the word "corrupt".

Madam Deputy Speaker (Mrs Eleanor Laing): I am glad that the hon. Gentleman has made his point of order. I did not like the use of the word "corrupt", but I appreciate that he was not calling any Member corrupt, so I did not call him to order. He has recognised that moderation is best, and I thank him for his point of order.

Luke Graham: Returning to votes at 16 and 17, I was about to talk about the risk of having different standards across the United Kingdom, which should not be the case. As a base minimum, we should allow 16 and 17-year-olds in England to vote in their local elections, as they can in Scotland.

Education was present in the previous private Member's Bill on this topic, but it is absent from this one, so I want to highlight the importance of civic engagement across the UK and to tackle those who say that 16 and 17-year-olds do not have the right level of education or world experience to take part in a democratic process.

Danielle Rowley: I thank the hon. Gentleman for his generosity in giving way and for his support. As a fellow Scottish Member, does he agree that young people in our constituencies often feel more disconnected from their MP than from their councillors or MSP because they can vote for them?

Luke Graham: As a fellow Unionist, I think that is something we constantly need to combat. We have to remember that Westminster is Scotland's Parliament, too. As MPs, it is incumbent on us to go into schools to make sure we are just as accessible as many MSPs or local councillors.

Jim McMahon (Oldham West and Royton) (Lab/Co-op): That is the point, is it not? If young people in Scotland already have the right to vote and if young people in Wales will soon have the right to vote, and if we believe in a United Kingdom, it is right that we have a united democracy in the United Kingdom, too.

Luke Graham: I could not agree more. As a basic minimum, we should make sure everyone can participate in local elections at 16 and 17.

On civic engagement, the previous private Member's Bill, the Representation of the People (Young People's Enfranchisement and Education) Bill, would have specifically provided for constitutional education across the United Kingdom. Obviously, education is devolved, so the exact delivery of such education is at the discretion of the devolved Administrations, but the content should be uniform across the United Kingdom.

I remind the House again that the United Kingdom would not exist without a Scottish king. The political Union that sees the unicorn side by side with the lion, and the thistle, the rose and the harp we see in every cornice and on every bit of woodwork in this building, is a reminder that this is Scotland's Parliament, England's Parliament, Wales's Parliament and Northern Ireland's Parliament together. We should make laws that bind us together and provide rights to us together.

We spoke earlier about consistency, and my hon. Friend the Member for Cheltenham (Alex Chalk) mentioned the judiciary. Again, I make the point that these laws are not contingent on each other. Like many in this House, I believe that 16 and 17-year-olds have the wit and wisdom to be able to differentiate between different rights and different activities. We should take each of those topics on its individual merit. If he wants to change the position on 16 and 17-year-olds serving on juries, I look forward to his private Member's Bill, which I am sure will be forthcoming.

Tom Pursglove (Corby) (Con): Often the argument is made that it would be helpful to have an overarching review of all the different qualification ages. Is that something my hon. Friend would welcome?

Luke Graham: I would more than welcome a review, but we have to be careful that we do not turn such a review into another royal commission and another formal debate. We need action. We usually ask for a review when we do not have any evidence, but we have clear evidence in Scotland on the participation of 16 and 17-year-olds, on how they are contributing to our democratic discourse and on how they are influencing and participating in local democracy. We do not need a review; we need more action.

Rachael Maskell (York Central) (Lab/Co-op): The hon. Gentleman is making an excellent speech. Does he agree that, as is evident, those people in our society who are most socially excluded would be more included if they could vote at the ages of 16 and 17?

Luke Graham: I could not agree more. When I go round schools and community groups to speak to 16 and 17-year-olds, as I am sure the hon. Lady does, they really are at an inflection point in their lives. They are coming towards the end of their education or course and will be deciding which area of work they want to go into, or whether they want to go on to further or higher education. It is an important moment for us, combined with some of the education measures I mentioned earlier, to engage with those individuals so we can tell them how important they are, how valued they are as British citizens and how their voice matters. It is essential that,

as MPs, we sit down with 16 and 17-year-olds, who are the primary users of our state-funded education system and are users of other public services, and look them straight in the eye and say, "I think your voice matters."

James Cartlidge: On public services, I recently tabled a written question to the Chancellor on the amount of tax and national insurance paid by 16 and 17-year-olds. Interestingly, the figure for those who are eligible is £2,247, more than every category of pensioner, which is perhaps not surprising. Does my hon. Friend agree that one of the key issues is taxation and representation? If people are expected to pay tax and national insurance, they should have a say in how that tax and national insurance are spent.

Luke Graham: My hon. Friend makes a valuable point, and I certainly was not aware of that figure. I would be grateful if he shared the figure with me and other members of the all-party parliamentary group on votes at 16. This House probably should have learned the lesson by now that taxation without representation can lead to unforeseen and unfortunate consequences, so I hope that we can seek to avoid that in future. Many speeches and column inches are taken up with how to engage with young people. A huge multitude of think-tanks, debate nights and academic pursuits—

2.30 pm

Madam Deputy Speaker (Mrs Eleanor Laing): Order.

David Linden: On a point of order, Madam Deputy Speaker. A number of Members have, unusually, come to the House on a Friday because they wish to vote in favour of this Bill, which the Government have blocked today by means of filibustering. [Hon. Members: "No!"]

Madam Deputy Speaker: Order.

David Linden: What methods are available to hon. Members to change the procedures of this House to allow us to have a vote and allow votes at 16 to become law, as is the will of the people?

Madam Deputy Speaker: I understand the hon. Gentleman's point of order. The first part of it alleges negligence on the part of the Chair, so I cannot allow that to stand. No filibustering has taken place in this House today, because if such a thing had occurred, I would have stopped it. It is the case that we had one Bill that went through two stages and it took a long time to do that. Therefore, this Bill has had only half an hour's consideration. That is perfectly proper under the rules of the House. His question about changing the procedures is a very good one that has merit, although I of course express no opinion as far as that is concerned. I suggest that he, and any other Members who feel as he does, should consult the Chairman of the Procedure Committee, who might wish to consider the points that he has made.

Lloyd Russell-Moyle: Further to that point of order, Madam Deputy Speaker. When we tried to bring this matter to a vote with the last private Member's Bill on the subject, you stated that you felt more time was need to debate this issue. Could you advise me on how much more time you think is needed to debate this issue before this House will get a vote on it?

Madam Deputy Speaker: It is normal for the Second Reading debate on a Bill to have some three, four or five hours on the Floor of the House. This Bill has had only 28 minutes this afternoon, but the matter is not up to me. It is normal to have considerably longer than 28 minutes to deal with very important matters.

The debate stood adjourned (Standing Order No. 11(2)).

Ordered, That the debate be resumed on Friday 26 October.

Madam Deputy Speaker: It will be resumed on 26 October—that is the answer to the question asked earlier. We shall hopefully then have another opportunity to discuss this important matter.

Business without Debate

NATIONAL HEALTH SERVICE (CO-FUNDING AND CO-PAYMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

LOCAL AUTHORITIES (BORROWING AND INVESTMENT) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

PRINCIPAL LOCAL AUTHORITIES (GROUNDS FOR ABOLITION) BILL

Motion made, that the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

COASTAL PATH (DEFINITION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

Madam Deputy Speaker (Mrs Eleanor Laing): I know that I said earlier that repetition was not in order, but at this point it is in order.

JUDICIAL APPOINTMENTS AND RETIREMENTS (AGE LIMITS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

REPRESENTATION OF THE PEOPLE (YOUNG PEOPLE'S ENFRANCHISMENT AND EDUCATION) BILL

Resumption of adjourned debate on Question (3 November), That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 October.

Madam Deputy Speaker (Mrs Eleanor Laing): So Members are to have two opportunities on 26 October.

UNIVERSAL CREDIT (APPLICATION, ADVICE AND ASSISTANCE) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 23 November.

MARRIAGE (SAME SEX COUPLES) (NORTHERN IRELAND) (NO. 2) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 October.

SUPERVISED DRUG CONSUMPTION FACILITIES BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 6 July.

HOSPITAL (PARKING CHARGES AND BUSINESS RATES) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

HOUSE OF LORDS (EXCLUSION OF HEREDITIARY PEERS) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 October.

PRIVATE LANDLORDS (REGISTRATION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 26 October.

BBC LICENCE FEE (CIVIL PENALTY) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

INTERNATIONAL DEVELOPMENT ASSISTANCE (DEFINITION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

BENEFITS AND PUBLIC SERVICES (RESTRICTION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

ELECTRONIC CIGARETTES (REGULATION) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

PEDICABS (LONDON) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

VOTER REGISTRATION (NO. 2) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

KEW GARDENS (LEASES) (NO. 2) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

RIVERS AUTHORITIES AND LAND DRAINAGE BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

WILD ANIMALS IN CIRCUSES BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

FORENSIC SCIENCE REGULATOR BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

ROAD TRAFFIC OFFENDERS (SURRENDER OF DRIVING LICENCES ETC) (NO. 2) BILL

Motion made, That the Bill be now read a Second time.

Hon. Members: Object.

Bill to be read a Second time on Friday 15 June.

Helen and Douglas House Hospice

Motion made, and Question proposed, That this House do now adjourn.—*(Rebecca Harris.)*

2.38 pm

Layla Moran (Oxford West and Abingdon) (LD): I am so grateful that the House has allowed me to speak about funding for the Helen and Douglas House Hospice in Oxford. It is an incredibly important matter, not least because Helen House was the world's first children's hospice, starting the children's hospice movement that spread around the world. It opened in 1982 to provide a home for terminally ill babies, children, young adults and their families. In 2004, Douglas House was opened by Her Majesty the Queen to provide care for 16 to 35-year-olds, not just in Oxfordshire but throughout the whole south-east. It provides specialist services for young adults, bridging that crucial gap between children's and adult hospices.

I am sorry to say that we have to be here today because those services are under threat. Indeed, 48,000 people signed a local petition—that is extraordinary for a local petition—calling on the Prime Minister to intervene to stop the closure of Douglas House and to make sure that those services are properly funded. That is a staggering amount of public support and I hope that the Minister takes that to heart today.

Let me start by outlining the value and importance of Helen and Douglas House. I think that it is best summed up by my constituent Alison, who is a volunteer in the hospice. She said:

> "Helen and Douglas House really is one of a kind, providing a lifeline both to those needing end of life care, and their families—from befriending and home support services, to The Elephant Club for bereaved siblings; to the annual remembrance service. Helen and Douglas House brings these families together, providing a support network to help them enjoy the time they have left together, and to face the future afterwards."

Families rely on the work of Helen and Douglas House and they are indebted, as we all are, to the dedicated army of staff, volunteers and fundraisers who go above and beyond, and also to the nurses and the medical team.

Robert Courts (Witney) (Con): The hon. Lady is making a very powerful and moving speech. Helen and Douglas House is not far from my constituency—it borders my constituency. I have visited it, and I am sure that she has, too. Perhaps she will agree with me that it is an oasis in the centre of Oxford. I wish to pay tribute—as I am sure that she does too—to everybody who works there, to all the volunteers, to the extraordinary therapy provided for the patients and to the support network that is provided for the family.

Layla Moran: I very much thank the hon. Gentleman for his intervention, and completely endorse what he says. The care that the hospice provides is world class and one of a kind. With the closure of Douglas House—I will get to this later—we will see hospices across the area having to deal with the extra need. Helen House is truly unique. I wish to pay tribute to some amazing fundraising efforts. Paul Townsend of Abingdon and Stuart Ryan of Farringdon are looking to raise £92,000 for Helen and Douglas House, and also for Sobell House in Oxford, with a tour of 92 football grounds in the 2018-19 football season—I suspect that there may

[Layla Moran]

also be an ulterior motive to their fundraising efforts, but I wish them well. Golfer Eddie Pepperell from Abingdon will wear a Helen and Douglas House cap for the televised BMW PGA championship in Wentworth later this month. He has also raised £7,500 via JustGiving.

Local businesses, including Stagecoach, radio station Jack FM—of which I am a huge fan—and Reed recruitment are just a few examples of the local businesses that have taken Helen and Douglas House into their hearts. The strength of feeling in the community across the whole of Oxfordshire is palpable.

Bambos Charalambous (Enfield, Southgate) (Lab): Does the hon. Lady agree that it is a real shame that many hospices, such as the North London Hospice in my constituency, have to resort to fundraising to provide palliative care, which is so massively under-resourced with the NHS?

Layla Moran: I absolutely agree with the hon. Gentleman. There is a more systemic issue that I will get to later in my speech.

I now wish to tell the story of Sienna, who very much exemplifies one of the children and many of the families who we know use Helen and Douglas House. She is six years old and lives in Wootton with her mum, Kay, and dad, Andy. Her brother, Jamie, is 13 and sister, Ella, is 12. Sienna was born with Dravet syndrome, a rare and catastrophic form of epilepsy. Kay said:

"Being Mum for Sienna is like having a new-born baby for life. She cannot do anything for herself and therefore requires 24-hour care and monitoring. Her health is fragile and she is constantly dealing with illness and seizures, which are worse when she gets a temperature. Looking after a child like Sienna can consume much of my time, so having help is essential so that I can also be Mum to my other two children."

She goes on to say:

"When Andy and I need a few days to spend time as a couple, or do something active with Jamie and Ella, Helen and Douglas House provides Sienna with a welcoming and safe place to go. Helen House is sensitive to the needs of our family and in that way it feels a lot like coming home; a safe haven. It makes me feel normal again and able to carry on."

That very much exemplifies what hospices across the country do.

Let us get to the crux of the issue, however. The hospice is now facing the closure of Douglas House. Why is this happening? First, we have a situation where more babies are being born earlier and therefore many of them have more severe issues, and also medical advances mean that they are living longer. That is fantastic, but there is a knock-on effect in the wider system because demand is increasing. This is a third-sector organisation that, when it was first set up, never wanted or asked for money from the NHS but now finds itself providing services that the NHS itself should be providing, and facing a shortfall of £3.6 million. It brings in a huge amount—£52.3 million a year—but its expenditure is £55.9 million.

That is why we are now facing the closure of Douglas House, with a loss of care for 90 patients and 60 job losses. These are specialist nurse and medical teams that I fear would disappear from our ecosystem in Oxfordshire and have to end up going elsewhere. The hospice is also considering a review of its 37 excellent shops, which I often shop in. It currently receives zero funding from the local clinical commissioning group. That is the crux of the issue. Some beds are brought in by the NHS—roughly 12%—but zero per cent. of its funding comes from the CCG. I would argue that that is partly why the deficit has built up over time. In a way, the NHS is abdicating some of its responsibility towards an organisation that has been very strong at fundraising in the past but is now struggling and still being asked by the NHS to provide this service.

It is worth noting with cautious optimism that in more recent times—literally the past couple of weeks—the CCG has told the hospice that it might be able to give it some money, in the order of £100,000. However, hospices in nearby areas such as Buckinghamshire and even Birmingham that are doing similar things are being funded in the order of 30% to 37% rather than the 12% that Helen and Douglas House gets from the NHS.

I would like the Minister to address some of the bigger systemic issues. Of course, if there were a magic pot somewhere that she wanted to announce, that would be lovely, because we desperately need the money, and if we could in any way avoid the closure of Douglas House that would obviously be the best option. Will she explain why children's hospices are funded less than adults' hospices? That is the top ask. We need to ask ourselves whether that is fair. Together for Short Lives, the fantastic charity that does work in this area, is calling on the Government to grant £25 million a year to bring in funding parity. I think that is a fair ask given the amount of work that the hospice does. I should point out that the Scottish Government have already earmarked £30 million over the next five years to do just that. I know that nobody in this place ever wants to fall behind the Scots, so let us make sure that we get this right.

In 2016, the Government's response to the review of choice in end-of-life care stated that to support high quality personalised care for children and young people, commissioners and providers of services must prioritise children's palliative care in their strategic planning. If that is true, then why did we get to the point where Oxfordshire's Helen and Douglas House received nothing from the CCG? While I appreciate that the Government are making the right noises on this, I am asking for some clarity on oversight. Are they checking and challenging the CCG, because I am not convinced that that has happened so far? It really should not take a petition of 48,000 people to get to the point where the CCG is finally starting to listen. That is ridiculous. Where else in the country is this happening? We have amazing organisations falling by the wayside.

There are some more specific things about Helen and Douglas House that I would like the Minister to address. The first is communication. The Government need to take some ownership of this. On 14 February, I wrote to the chief executive of Oxfordshire clinical commissioning group about the future of Helen and Douglas House. I was met with quite a lengthy waiting time and got a response—clearly a "cut and paste"—from the community and engagement team on 27 March. Their main argument was that Helen and Douglas House has the capacity to bid for contracts. Helen and Douglas House told me that the contract it was being asked to bid for was so vast, and the sort of care it was being asked to provide was so huge, that it did not feel it was the right fit for that pot of money.

It is a proactive organisation, so it reached out to the CCG and said, "We can't bid for this"—in fact, Barnardo's now has that contract—"but what we can do is this, that and the other. Can you help us? We're providing a great service," but it received radio silence from the CCG, with delay after delay. It had some meetings where it felt things were going forward, and then nothing happened. That lack of communication and lack of accountability for what the CCG does is the crux of what I would like answered today. If excellent organisations like Helen and Douglas House, which has a long-standing and illustrious history, are not able to engage with the CCG, where else is that going wrong, and what handle do the Government have on that? I welcome what the CCG has now done, but are we sure there are not hospices elsewhere where that is happening?

The last point I would like to make is about the false economy of not providing this care. This is critical. The intensive care nurses in the John Radcliffe, when speaking to the chief executive, said, "These are the children on the wards who we worry about the most." These are the sickest children in our society, and if they are not being given that care before, and if the families are not properly equipped to do what they need to do to prevent these children from going into intensive care, we all know how much that costs. There is a cost argument. The children obviously would much rather not have to go into intensive care; they would rather have the care at home, or if their parents have respite, they can give that care properly. If we end up not spending the money, further down the line, all we will end up with is NHS trusts having to provide the intensive care for these children.

There is a disincentive in the system, because the money for NHS intensive care comes from the trusts, but the money for hospices comes from the CCG. It is clear to me that that is where the bottleneck lies. That communication is not working freely. The overall picture is not working well. We saw a move from Government, with the name change to the Department of Health and Social Care, earlier this year, towards more joined-up thinking in this area. However, I want to know what the Minister has been doing to unblock this specific issue. I was a little disappointed that, when I asked a written question on this matter, the Minister wrote back saying that there had been no discussions at all with Helen and Douglas House, despite the fact that it has been raised in this place and the other place.

We are now getting some traction, but £100,000 is not enough. Helen and Douglas House has asked for £215,000, which would bring parity with neighbouring counties. What can the Minister do to unblock this? What can she do to ensure that in future, other hospices like Helen and Douglas House do not have to make a massive media ruckus and go to their MP to get an Adjournment debate, and that they can provide the care that we desperately want the most poorly and vulnerable children in our society to receive?

2.53 pm

The Minister for Care (Caroline Dinenage): I congratulate the hon. Member for Oxford West and Abingdon (Layla Moran) on securing a debate on this really important matter. As MPs, we are all aware of the crucial role that hospices play in supporting our local communities at a time of need. That is a testament to the dedication of staff, the incredible efforts of volunteers and the amazing feats of fundraisers, many of whom have been inspired by hospices' incredible support to their loved ones in the last days of their life, or the respite care that children's hospices often give. Hospices step up to deliver amazing care at some of the toughest times of life, and I pay tribute to all of them. I totally understand the concerns that the hon. Lady raises and share many of them myself.

Hospices across England have been delivering exceptional end-of-life care and supporting their local communities for many years. A testament to that is the fact that the Care Quality Commission's "State of Care" report, which was published in October 2017, showed that 70% of hospices are rated as good and 25% as outstanding—the figures are higher than those for any other secondary care service in the country.

In 2017, Helen and Douglas House was rated as good by the CQC. Like the hon. Lady, I congratulate its incredible hard-working staff and volunteers on ensuring that children and young people get the personalised care and support that they need and deserve, both at the hospice and through its outreach services. In the same year, I understand that Helen and Douglas House raised an impressive £8.8 million through fundraising and trading activities. That was £300,000 more than the previous year, which shows its value to the local community.

Historically, the hospice movement was established from charitable and philanthropic donations, so the vast majority of hospices are primarily funded through charity, but they receive statutory funding from clinical commissioning groups, and in some cases from the Government, for providing local services. According to its annual report and accounts, Helen and Douglas House received more than £500,000 of statutory funding in 2016-17, including £280,000 via NHS England's children's hospice grant, which is awarded annually.

I am aware of recent announcements by the hospice of plans to close Douglas House, which provides support to young adults between 16 and 35, and I recognise the concerns raised by the hon. Lady and her wider community. The fact that more than 40,000 people have signed a petition shows the strength of feeling in her local community, and it is important that young adults with life-limiting conditions can access the support and care they need. Of course the local community is desperate to hold on to that specific facility, but I am sure the hon. Lady welcomes, as I do, reassurance from Oxfordshire CCG that it is working with the hospice to ensure that local patients being cared for at Douglas House continue to receive the essential healthcare they need.

Robert Courts: I thank the Minister for her kind words, which are appreciated. Concern about this issue is felt all over Oxfordshire and throughout the wider south-east. Does she agree that it is important that the CCG continues to engage with all interested parties locally, including Members of Parliament, and that this underlines the importance of a close link between care and the NHS?

Caroline Dinenage: I believe that my hon. Friend has visited the hospice and I know that he works keenly on this subject. I totally understand the feelings of local people, and I feel strongly that CCGs need to engage with local communities and ensure that the services they commission meet local needs and support local people.

[Caroline Dinenage]

With Douglas House planning to close from July, the hospice has been discussing with Oxfordshire CCG the future of Helen House, which provides hospice beds for children aged between nought and 18. Oxfordshire CCG wants to look at a more collaborative approach to end-of-life commissioning once its current contract for adult hospices finishes in September 2019. The hon. Lady spoke about how the hospice has been excluded for bidding for certain contracts because of the wide nature of what they entail, but the process allows smaller providers such as Helen and Douglas House to work with others to bid for contracts. In the meantime, Oxfordshire CCG is keen to pilot collaborative working with the hospice, which is why it has offered £100,000 for a pilot project until September 2019. Wider discussions are taking place between the hospice trustees and local partners, including Oxfordshire CCG, NHS England and Oxford University Hospitals NHS Foundation Trust, to examine future models of care and the longer-term sustainability of the hospice. NHS England has also been involved in those discussions.

Across England, there are 223 registered independent hospices and a very small number of public hospices that are run by NHS trusts. Around three quarters of those provide adult services, with the remainder caring for children and young people. Funding amounts vary among CCGs, but on average adult hospices receive approximately 30% of their overall funding from NHS sources. CCGs are responsible for determining the level of NHS-funded hospice care locally, and for ensuring that they meet the needs of their local populations.

In addition to NHS funding for locally commissioned services, in 2017-18 children's hospice services received £11 million through the children's hospice grant. This is awarded annually and administered by NHS England. Children's hospices tend to receive smaller amounts of statutory funding because of the way they have developed and the services they provide, and the grant provides the additional support they need. Unlike adult hospices, which are focused on end-of-life care, children's hospices can provide support through much of a child's life. Children's hospices encompass much more than clinical care, including family support, recreational support, respite care and so on.

In 2016, as I think the hon. Lady mentioned, the Government published the end-of-life care choice commitment, which encompasses a whole-system approach to transforming end-of-life care, placing the patient, and their choices, needs and preferences, at the heart of planning. That is so important. The Government and NHS England need to collaborate with partners in the voluntary sector, including key hospice and end-of-life care charities, to ensure that the quality and availability of services continues to improve, and that our end-of-life care commitment is delivered.

One key objective is to strengthen the provision of services in the community so that when people are approaching the end of their life, they can be supported to be wherever they choose to be—whether in their home, a hospice or a care home. Work is ongoing nationally—the hon. Lady talked about how we can join it up in local areas—to provide sustainability and transformation partnerships with the tailored information they need to address and enhance the services in their own areas. NHS England has commissioned Hospice UK to undertake an evaluation of the cost-effectiveness of hospices and their interventions in the community. Amazingly, there is very little evidence in this area, but these resources will build on the range of guidance and support provided by NHS England, Public Health England and our charitable partnerships.

It is very important—today's debate underlines this—to be able to assess how effectively commissioners are working to improve their services, to measure progress and to improve accountability. We will soon have a new indicator in place, which is designed to measure how well patients are supported in the community. This will help to drive improvements in sustainability, which is the big issue in this case, as well as quality and choice. It is very clear that hospice care remains a key part of the Government's vision for high-quality end-of-life and respite care both in Oxfordshire and throughout the rest of the country.

Question put and agreed to.

3.2 pm

House adjourned.

Written Statements

Friday 11 May 2018

DEFENCE

Contingent Liability

The Parliamentary Under-Secretary of State for Defence (Mr Tobias Ellwood): I am today laying a departmental minute to advise that the Ministry of Defence (MOD) has received approval in principle from Her Majesty's Treasury (HMT) to recognise a new contingent liability associated with the NAAFI pension fund. Negotiations are ongoing and the contingent liability will come into force on signature of a pension guarantee.

The departmental minute describes the contingent liability that the MOD will hold as a result of the NAAFI pension guarantee. The maximum contingent liability against the MOD is £223 million. It is usual to allow a period of 14 sitting days prior to accepting a contingent liability, to provide Members of Parliament an opportunity to raise any objections.

NAAFI is a company limited by guarantee controlled by the MOD through the NAAFI council. The guarantee would remove the risk of the MOD, as a result of its relationship with NAAFI, being required by the Pension Regulator to fund all or part of the deficit calculated on a buy-out basis on or before 2021 should NAAFI be wound up. It would save the MOD up to £5 million per annum, this being the current undertaking made annually to NAAFI, to reduce the pension fund deficit. It would also negate the risk of MOD losing the NAAFI's services in the territories in which it operates creating potential gaps in service affecting MOD personnel.

[HCWS677]

EDUCATION

Good School Places

The Secretary of State for Education (Damian Hinds): The Government are committed to creating more good school places through a diverse education system, to ensure that parents have choice and children of all backgrounds have access to the best education. The range of actions we are setting out today helps us to deliver this; extending the opportunity for children, no matter what their background, to access the best education and encouraging cross-sector collaboration in order to raise standards and aspiration for all pupils. This action includes supporting the establishment of new schools and the creation of more good school places, as well as complementary measures in response to the Schools that Work for Everyone consultation. It is intended to incentivise high-performing schools and institutions across the sector to widen their offer to more pupils, and to encourage the sector as a whole to collaborate in order to help all children achieve their potential. I want to see universities, independent schools and state schools working in partnerships that deliver sustainable impact, including by establishing or joining multi-academy trusts where it is beneficial to do so.

The consultation sought views on removing the legislation that inhibit the creation of new selective schools and on lifting the restrictions on the establishment of new faith free schools, and it asked how we could harness the resources and expertise of those in our independent schools and the higher education sector to work in partnership with the state sector. We received several thousand responses, and I was encouraged by the number of those which identified the positive role that selective schools, universities and independent schools do, and could, play in improving educational outcomes across the wider education system. I am building on this through the measures we are setting out today.

The free schools programme is an essential part of delivering good school places where they are needed, and today we are launching Wave 13 for mainstream free schools applications. We are targeting this wave at areas with the lowest educational performance to put free schools in the places most in need of good school places. Free schools have, as do all schools, a role to play in supporting our objectives for integration and community cohesion, and it is important that our free schools programme establishes schools that are inclusive of children of all faith and none. We are retaining the 50% cap on faith-based admissions in free schools.

As previously announced to the House, we will not be enabling the new creation of selective schools, but selective schools play an important role in ensuring our children have access to a good education and have a real impact in helping young people, regardless of their background, fulfil their potential.

To enable existing selective schools to expand and provide more school places where there is local demand, we have today launched the selective schools expansion fund, backed by £50 million in 2018-19. We have also today published a memorandum of understanding with the Grammar School Heads' Association, which sets out a commitment from the sector to widen access for disadvantaged pupils and to work in partnership with local non-selective schools to improve pupil outcomes locally. I look forward to seeing the action taken by this part of the sector to deliver these commitments.

The whole sector, not just parts of it, has a role to play in supporting the delivery of good school places and in providing the opportunity for all children to raise their aspiration and to achieve their potential. I recognise the role that universities and independent schools can, and in many cases already do, have in this, and I want to see this engagement deepened through greater partnership with the state sector, including working in collaboration in multi-academy trusts, to improve outcomes for pupils, particularly those from disadvantaged backgrounds. I am keen that universities and independent schools with capacity come forward to be involved in school sponsorship and founding free schools, including maths schools. I welcome the joint understanding between the Independent Schools Council and my Department, published today, which sets out how independent schools will look to support these objectives, including how they can help those from disadvantaged backgrounds as well as looked-after children. I will continue to encourage the higher education sector to support these ambitions; to widen access to its institutions for students from under-represented groups and to provide meaningful support to the state sector, and I welcome the action

taken to date, including the guidance published in February by the Office for Students on preparing 2019-20 access and participation plans.

I also recognise the role that faith providers play in delivering high-performing schools with excellent standards, and that some schools feel unable to establish new schools through the free schools programme as a result of the restrictions on admissions. As mentioned, we are retaining the 50% faith cap, but we are also developing a capital scheme to support the establishment of new voluntary-aided schools for faith and other providers. This route has always been available but has been little used in recent years. Schools created through this scheme will have the same freedoms as existing voluntary- aided schools, including over their admissions.

In addition to ensuring that we create the places that are needed, we also want to improve our understanding of how the education system is serving children from disadvantaged backgrounds. As part of the consultation, we also sought views on how best we can identify pupils from modest and low incomes in order to improve our understanding of how the education system is serving these children. The findings were fed into the technical consultation Analysing Family Circumstances and Education. The Government response to this technical consultation will be published in due course

This package of reforms will help to ensure we are delivering on our ambition to ensure that there is a good school place for every child, whatever their background, and I look forward to continuing to work with stakeholders across the education sector over this Parliament, as we take forward this commitment.

I will place a copy of the documents published today in the House Libraries.

[HCWS676]

EXITING THE EUROPEAN UNION

General Affairs Council

The Parliamentary Under-Secretary of State for Exiting the European Union (Mr Robin Walker): Lord Callanan, Minister of State for Exiting the European Union, has made the following statement:

I will attend the General Affairs Council in Brussels on 14 May 2018 to represent the UK. Until we leave the European Union, we remain committed to fulfilling our rights and obligations as a full member.

The provisional agenda includes:

Annotated draft agenda for the European Council on 28-29 June 2018

Ministers will discuss the draft agenda, which covers: migration; security and defence; jobs, growth and competitiveness; innovation and digital; the multiannual financial framework (MFF); and external relations.

Multiannual financial framework (MFF) post 2020

Ministers will discuss the Commission's MFF proposal that was released on 2 May. Discussion will focus on the priorities for the budget period 2021-27.

Rule of law in Poland / Article 7(1) TEU reasoned proposal

The Commission will inform Ministers of the latest updates on the rule of law in Poland.

[HCWS679]

PRIME MINISTER

Grenfell Tower

The Prime Minister (Mrs Theresa May): The fire in Grenfell Tower was an unimaginable tragedy, and I am determined that justice is done for the victims, survivors, bereaved and the wider community.

On 21 December 2017 I wrote to Sir Martin Moore-Bick, chair of the Grenfell Tower inquiry with my decision not to appoint additional panel members to the inquiry at that time. The Inquiries Act 2005 affords me the power to appoint panel members at any time during the inquiry and I previously indicated my intention to keep the matter under review.

Since December, the inquiry has made significant progress. It has received some 330,000 documents, and expects that figure to grow to 400,000. Sir Martin's team have conducted a first-stage review of approximately 183,000 documents. The inquiry has confirmed that it is continuing to identify potentially relevant providers of documents as work progresses.

The process of gathering and identifying relevant documents for phase 2 has started in parallel with the phase 1 disclosure exercise. The inquiry has confirmed that it is expecting that a

"significant volume of documentation will be disclosed at this stage".

Sir Martin has appointed 547 core participants to the inquiry—519 of them individuals from the Grenfell community. This is an unprecedented number.

Given the extent of the tragedy, we should not be surprised by the scale and range of issues that are emerging from the inquiry's early work.

Phase 2 of the inquiry will be the largest phase in terms of the number of issues to be considered, and it is appropriate for me to reflect now on the two distinct phases of the inquiry's work and to consider the most appropriate composition of the inquiry panel for phase 2.

To ensure that the inquiry panel itself also has the necessary breadth of skills and diversity of expertise relevant to the broad range of issues to be considered in phase 2, and to best serve the increasing scale and complexity of the inquiry, I have decided to appoint an additional two panel members to support Sir Martin's chairmanship for phase 2 of the inquiry's work onwards. I wrote to Sir Martin yesterday, informing him of my decision.

Once suitable panel members have been identified, I will write to Sir Martin again to seek his consent to any appointment, in accordance with section 7(2)(b) of the Inquiries Act 2005.

[HCWS678]

Ministerial Correction

Friday 11 May 2018

JUSTICE
Domestic Abuse

The following is an extract from questions to the Secretary of State for Justice on 24 April 2018.

16. **Robert Halfon:** What steps he is taking with Cabinet colleagues to provide a more efficient and accountable criminal justice system for victims of domestic abuse. [904909]

Dr Lee: Since 2010, the Government have made tackling domestic abuse an absolute priority. Last month, the Prime Minister launched the violence against women and girls strategy at No. 10, and following on from that I attended the first roadshow event, at Edgbaston cricket ground in Birmingham, to meet victims of domestic abuse and campaigners. *[Official Report, 24 April 2018, Vol. 639, c. 727.]*

Letter of correction from Dr Lee:

An error has been identified in the response I gave to my right hon. Friend the Member for Harlow (Robert Halfon).

The correct response should have been:

Dr Lee: Since 2010, the Government have made tackling domestic abuse an absolute priority. Last month, the Prime Minister launched the **transforming the response to domestic abuse consultation** at No. 10, and following on from that I attended the first roadshow event, at Edgbaston cricket ground in Birmingham, to meet victims of domestic abuse and campaigners.

WRITTEN STATEMENTS

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MINISTERIAL CORRECTION

Friday 11 May 2018

	Col. No.
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not later than
Friday 18 May 2018

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Ministerial Correction [Col. 11MC]

Written Answers to Questions [The written answers can now be found at http://www.parliament.uk/writtenanswers]