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HOUSE OF COMMONS
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PARLIAMENTARY DEBATES

(HANSARD)

Friday 6 July 2018

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The House met at half-past Nine o'clock

PRAYERS

[Mr Speaker *in the Chair*]

9.34 am

Mr Steve Reed (Croydon North) (Lab/Co-op): I beg to move, That the House sit in private.

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

Sir Christopher Chope (Christchurch) (Con): On a point of order, Mr Speaker. My point of order arises from what happened following the sitting on 15 June and Lord Pannick's article in *The Times* yesterday on the need for Bills to be scrutinised properly. We do not know how many of the 34 Bills on today's Order Paper will be discussed before 2.30. I personally hope we will be able to reach the Bill introduced by the hon. Member for Newport West (Paul Flynn) on the legalisation of cannabis for medicinal purposes.

I seek your advice on those Bills that will not be debated today. How can it be made clear to the Government, parliamentary colleagues and the wider public, including social media, that an objection to a Bill going through on the nod is not a commentary on the merits of the contents of the Bill, but a demand for proper scrutiny? I am sure, for example, that if the Government object to my Public Sector Exit Payments (Limitation) Bill today, it will not be because they object to the substance, which they concede will save the taxpayer hundreds of millions of pounds.

Is there any way in which we can ensure an opportunity for the reasons for objections to be articulated, and can you also advise on what can be done to dampen public expectations that Bills undebated today should, on the whim of the Government, be able to queue-jump Bills that have been successful in the private Member's ballot, received a Second Reading and are waiting for the Government to facilitate discussion in Committee? If the Government support a private Member's Bill, is not the proper course to convert it into a Government Bill, as has been done with the Voyeurism (Offences) (No. 2) Bill?

Mr Speaker: I am grateful to the hon. Gentleman for his point of order. Under existing arrangements, an objection at the moment of interruption suffices to prevent the progress of a Bill. There is no provision for an explanation of the reasons for that objection. If our private Member's Bill procedure were to be reformed, as many people—myself and the Procedure Committee included—were to be successful in bringing about, if there were to be a change to the procedure, part of the change could relate to the objection process. However, if memory serves me correctly, when the Procedure Committee recommended a change to the existing procedure, it did not recommend—and nobody else recommended—a change on that point.

There was of course great controversy three weeks ago, and the hon. Gentleman has to fend for himself in the public domain in seeking to defend his decision. In procedural terms, I emphasise that no impropriety took place. That is all that I can say today. It would be perfectly possible for the House to reform the private Member's Bill procedure, but not everybody in the House wishes to do so, and it has been obvious to me that the Government have not wished to do so. The hon. Member for Broxbourne (Mr Walker) brought forward a report on this matter, which the Government have shown no enthusiasm for bringing to the House with a view to implementing. We had better leave it there, if there are no further points of order.

Mental Health Units (Use of Force) Bill

Third Reading

Debate resumed.

Question (15 June) again proposed, That the Bill be now read the Third time.

9:38 am

Sir Christopher Chope (Christchurch) (Con): I hope that my hon. Friend the Minister will be able to give us a little more information today on her plans on the issue of the code of conduct. The advisory code is key to the Bill, and when we discussed it last time she said that she would bring draft guidance forward. I hope she will be able to tell me today whether that will be done before the Bill reaches the other place, so that there can be a proper discussion of the contents of the draft guidance at the same time as the substance of the Bill is discussed. I will give her the chance to intervene when she has the answer to that question.

In the meantime, I thank the Minister for responding to the point that I made on Report, when I asked which products were licensed by the National Institute for Health and Care Excellence for the purposes of restraint. She has now written back to say:

"there are no products in the UK which are licensed for chemical restraint as defined in the Mental Health Units (Use of Force) Bill.

However, a number of psychiatric medications can be used for rapid management of acute agitation in psychiatric patients. Of these products, Haloperidol 5mg/ml Solution for Injection is indicated for rapid control of severe acute psychomotor agitation associated with psychotic disorder or manic episodes of bipolar I disorder, when oral therapy is not appropriate.

Clinicians in the UK are primarily guided by the advice about rapid tranquilisation given in the following documents: *Maudsley Prescribing Guidelines*; *Rapid Tranquilisation Algorithm* by the Royal College of Psychiatrists; and the Rapid Tranquilisation section from *Restrictive Interventions for Managing Violence and Aggression*, which is published by the National Institute for Care Excellence."

I put that on record because it is relevant to our discussion on Report, and I am grateful to her for writing to me with those details. I will give way if she has any more news about the guidance.

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): The guidance will be published and consulted on. Clearly, it would be inappropriate to propose guidance until Parliament has passed this legislation, but we fully undertake to consult

[Jackie Doyle-Price]

all those with an interest. We expect that debate to take place so we can implement the Bill, if passed, within a year of its passage.

Sir Christopher Chope: I am grateful to my hon. Friend, and I hope that is the maximum timetable, rather than the minimum.

Mr Speaker: Has the hon. Gentleman completed his remarkably brief oration?

Sir Christopher Chope: I have indeed, Mr Speaker.

9.41 am

Norman Lamb (North Norfolk) (LD): I speak briefly to confirm my very strong support for this Bill, to congratulate the hon. Member for Croydon North (Mr Reed) on pursuing it, and to pay tribute to the extraordinary stoicism of Seni's parents, Mr and Mrs Lewis. I am not sure whether they are here today, but we owe it to them that something good comes from the tragedy of the loss of their son. When I was a Minister, I published new guidance aimed at ending the use of prone restraint—the sort of restraint used on Seni Lewis—and radically reducing the use of other restraint.

Depressingly, although it may in part be due to better reporting, the data shows very little change in the overall use of force in mental health units across the country. The truth is that force is endemic in many in-patient units. However, we also know that many units have managed to reduce the use of force substantially.

On therapeutic care and recovery, we have to confront, as a country, the use of force in our mental health units and, if we do not do that, we will never achieve the ambition of facilitating recovery for people who have experienced mental ill health. Frequently, people who find themselves in mental health units have suffered abuse in their life. For a woman who has suffered abuse, restraint, with many people holding her down to the floor, is just a repeat of that abuse. Such restraint destroys trust between staff and patient and completely undermines therapeutic care.

It is possible to achieve a much greater reduction in the use of force. This Bill, particularly through the transparency and accountability it brings, will be enormously beneficial in seeking to change that culture. I strongly support the Bill for that reason.

9.44 am

Philip Davies (Shipley) (Con): I start by commending the hon. Member for Croydon North (Mr Reed) for his dedication to the Bill and, more importantly, for his dedication to his constituent Seni Lewis and his family, who have been through unimaginable tragedy.

The hon. Gentleman's campaign to highlight the issues that the Lewis family have faced and to create a positive change in mental health practices is admirable and a true reflection of the care and compassion he applies to his role in his local community. As he knows, and as we have discussed on a number of occasions, I support the core principles of what he is aiming to do. The Bill is something of a curate's egg, because some bits are very good, some bits are bad and, most frustratingly—this happens with virtually every Bill that comes before the House—some bits could have been much better, as he and I both agree.

As my hon. Friend the Member for Christchurch (Sir Christopher Chope) mentioned, the Minister said on Report that she could not agree to certain things being included in the Bill but that she wants them to be included in statutory guidance. I will outline my understanding of the things that will go into statutory guidance, which the Minister will hopefully either confirm or correct. Hopefully, as I have always intended, the Bill will then be able to complete its passage in no time at all.

Clause 5, on training in appropriate use of force, is a positive step forward in the care of patients. It is an important change, as it centres on the very core of health services—the patient. Key elements of the training programme are listed in subsection (2). The use of techniques for avoiding or reducing the use of force, and the risk associated with the use of force are two fundamental points that are vital when restraint methods are part of a medical care plan.

It must not be forgotten that the most forceful restraint methods are advised to be used as a last resort. Medical staff should be fully versed in a wealth of techniques to avoid such restraints, where possible, but it must not be assumed that restraint should be banned altogether. Unfortunately, there are times when forceful restraint is necessary, but it is essential that such techniques are used with a full knowledge of the associated risks.

It is regrettable that my amendment 12, on introducing training on acute behavioural disturbance, was not accepted on Report, as it would have enhanced the Bill. I thank the hon. Member for Croydon North for supporting that amendment. I have been advised by the Minister that such training will be added to statutory guidance instead, and I thank her for sending me a letter on Wednesday to follow up on many of these points.

My concern, and I would like some clarification, is how the statutory guidance will be worded. In her letter to me, the Minister quoted the 2015 National Institute for Health and Care Excellence guidelines, which state that training on ABD

"should be included in staff training".

The whole point of my amendment is that it would have ensured training on ABD must be included in staff training. My concern is that guidance is just that, guidance, rather than something that is mandatory. This is an opportunity to ensure the thorough education of staff on something we have established to be central to the Bill.

I therefore hope the Minister is able to confirm, whether today or in future, that training on acute behavioural disturbance must, rather than just should, be included in staff training. It must be mandatory.

Jackie Doyle-Price: I appreciate my hon. Friend's frustration. One of the difficulties with clause 5, inevitably, is that a list of criteria could go on forever. He is right to highlight the issues of acute behavioural disturbance, which we consider already to be enshrined in guidance. I completely take his point, and I give him an assurance that we will use statutory guidance to make it very clear that staff need to be fully trained on acute behavioural disturbance, not least because, unless staff understand it, they cannot be proportionate when the use of force is, indeed, appropriate.

Philip Davies: I am very grateful to the Minister for that positive intervention, and we look forward to seeing that guidance when it is brought forward.

On clause 5, I am also supportive of the focus on involving

"patients in the planning, development and delivery of care and treatment".

I would have preferred to see that extended to the patient's family, as was proposed by my hon. Friend the Member for Christchurch, because, as we know, mental illness does not affect just the patient; it can affect those near and dear to them, too. Again, the Minister stated on Report that she would seek to put this into statutory guidance and I hope she intends to follow through with that, because many family members would think it is very important.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): As chair of the Westminster Commission on Autism, may I tell the hon. Gentleman that many people in the commission have a great interest in this Bill and support it? He has started off very reasonably in his remarks and I hope he will continue in that reasonable way, because the autism community want to see this Bill become law.

Philip Davies: Absolutely. The hon. Gentleman is not alone in that, and nor is the autism community—I want the Bill to become law, too. If he had not intervened on me, we could have completed this a bit sooner. I assure him that this Third Reading will complete very soon. I certainly do not intend to go on for long today and I do not think anyone else does. We want to complete this as quickly as possible and see the Bill on the statute book. I want to see that just as much as he does.

Clause 6 deals with recording the use of force and I am very supportive of having this in the Bill. It is right to record the carrying out of such practices on patients. The police have a system in place when using restraint as part of their role, so it is only right that medical staff should follow suit. I am advised by my local care trust that it does have some measures in place to record restraint of a patient, but this Bill will of course make it a legal requirement to do so, which is important and absolutely right. Again, I was disappointed that my amendment proposing that these records be added to the patient's medical records was not accepted. As I have stated, restraint is considered to be a form of medical care and therefore should be documented in the patient's medical notes. That would help people to know what reaction the patient had had when restraint had happened in the past. I hope the Minister will make sure that the statutory guidance can be used and updated to make sure that these things are added to people's medical records at the same time. I hope she will be able to confirm that in the fullness of time, too.

On clause 6(5), the information listed to be included in the report is largely constructive. Where I feel it falls short is in insisting on adding what are referred to as "relevant characteristics". As the hon. Member for Croydon North knows too well, I do not agree that that is necessary. I am of the opinion that including these "relevant characteristics" detailing race, sexuality, religion, marital status and so on is purely a politically correct gesture in order to be seen to be doing something to combat discrimination, when instead it causes the illusion of discrimination. There is a notion that this creates a more transparent mental health service, but that is not the case. For instance, the detailing of these "relevant characteristics" will extend only to the patient and not the staff. My amendment to say that staff members should be included in this was also supported by the hon. Gentleman, for which I am grateful. I hope that the Minister takes on board those points and will ensure that the statutory guidance she produces in conjunction with the Bill will set out that staff members' "relevant characteristics" will be included alongside those of the patient.

Jackie Doyle-Price: I confirm to my hon. Friend that we will reflect on that when we come to discuss this matter with consultees. I want also to come back to the point he made earlier about families. On the face of it, we should be enshrining the rights of families in the Bill, recognising, as the hon. Member for Huddersfield (Mr Sheerman) said in regard to autism, that we often rely on families to protect individuals whose mental capacity is not enough to consent to treatment. However, we are also aware that patients suffering mental ill health can often not be best served by family members, so enshrining this in the Bill and in law could have unintended consequences. On the role of families, we strongly feel that statutory guidance gives us a better tool with which to manage both guaranteeing their rights and protecting individuals who might be vulnerable to their family under the law.

Philip Davies: Again, I am very grateful to the Minister for that and for her positive approach to ensuring that the points being raised here and that we raised on Report will be considered for the statutory guidance. We will therefore look forward to seeing it when it is published.

Finally, I wish to refer to clause 12, which deals with video recording and specifically details the police use of body-worn cameras when assisting in restraint at a mental health unit. Largely, police body cameras are used in this instance, unless there are special circumstances. I am a big fan of body-worn cameras, which are a beneficial tool for both officers, protecting them when complaints are made about them, and the public, in making sure that the true facts of a situation are seen by everybody. However, the Bill states that the police

"must take a body camera"

and

"must wear it and keep it operating at all times".

It goes on to state that a "failure" to "comply" makes

"the officer liable to criminal…proceedings."

As the Minister and the hon. Member for Croydon North know, I feel that that creates a severe disproportion of consequences between the actions of the police and the actions of the medical staff.

Chris Philp (Croydon South) (Con): Clause 12(4) states:

"A failure by a police officer to comply with the requirements…does not…make the officer"

criminally liable. I think I am right in saying that such an officer would not be criminally liable. If I have misunderstood this, I am happy to be corrected.

Philip Davies: I am grateful to my hon. Friend for that intervention. I cannot recall whether he was here on Report, but we went through this in some detail then and so I do not wish to test the patience of the House by going through it all again this morning. If he looks

[Philip Davies]

back at the transcript of the debate, he might not be so confident in what he said. I think there is some doubt about this provision and it offers some doubt for police officers, who have also looked at the Bill. Notwithstanding that intervention by my hon. Friend, may I ask that the Minister takes this issue into careful consideration when creating the statutory guidance, if that provides an opportunity to look at this? I ask her to make sure that there are no unintended consequences. My hon. Friend the Member for Croydon South (Chris Philp) sums up exactly what is intended by the Government and the promoter of the Bill, but I hope that when the Minister brings forward her statutory guidance she will clarify the situation, because police officers are concerned about it.

Jackie Doyle-Price: Perhaps I can give my hon. Friend reassurance by saying that the College of Policing will be fully involved in the development of the statutory guidance.

Philip Davies: Again, I am extremely grateful for that and am pleased to hear it.

To conclude, I reiterate my support for the Member for Croydon North with his private Member's Bill. As I have said on a number of occasions, I support the core principles of the Bill, although I feel that there have been some missed opportunities to achieve fully the objectives he set out. I hope that his constituents, the Lewis family, feel that the Bill is something they can proudly remember the life of Seni Lewis through, knowing that his death was not in vain. It was a terrible tragedy for the family, but it was not in vain, in the sense that they have worked very hard and constructively, and they have a fantastic Member of Parliament who has taken on board their campaign, on the back of which they have played their part in making sure that the terrible thing that happened to Seni Lewis does not happen to other families. On that basis, we should all be pleased that the Bill is passing its Third Reading today.

9.59 pm

Catherine West (Hornsey and Wood Green) (Lab): It is a privilege to contribute briefly to this Third Reading debate. I congratulate my hon. Friend the Member for Croydon North (Mr Reed) on getting the Bill to this stage, and hope that there will be sufficient support for it when we vote later.

As a patron of Mind in Haringey, I know that there is a real sense of urgency regarding the need to improve the quality of services in mental health provision, not only locally but nationally. Whether it is basic primary care assistance to prevent the decline in a patient's mental health, or at peak crisis time when psychosis, mania or the depths of the lows for a bipolar sufferer strike, it is crucial that care is provided in a professional, sensitive and compassionate manner.

Tragically, the Bill does not reflect the fatal experience of just one 23-year-old young man from my hon. Friend's constituency: Seni Lewis died following restraint by 11 police officers while he was in a mental health unit. That was not an isolated incident. Thousands of patients have suffered abusive restraint, with too little guidance and supervision for police and mental health professionals on how best to manage mental health crisis. The high number of injuries—3,652 this year, according to the women's charity Agenda—has been compounded by the reduction in spending on mental health wards, the cuts to training budgets for support workers, and the increased social isolation experienced by people with poor mental health. All too often, the warning signs are not picked up until a patient is very ill. Because of the lax reporting requirements on the use of restraint in the sector, it is likely that the available statistics under-report the extent of poor practice.

In a similar case highlighted by the charity Inquest, Surrey dad Terry Smith suffered at the hands of those who owed him a duty of care and he died in an ambulance, following restraint. When his behaviour became worrying, Terry's family knew that he needed an ambulance; instead, he was met by police who, rather than seeing a vulnerable man in crisis, pursued, restrained, bound and hooded him, and then took him to a police station rather than a hospital. They only called for an ambulance when it was too late.

Seni's law will strengthen the guidance for police and mental health professionals so that medical emergencies are recognised as such and acted on speedily. The incident occurred before the introduction of body-warn cameras. It was pleasing to hear the hon. Member for Shipley (Philip Davies) speak about best practice for body-warn cameras. When the Bill passes into law, it will assist many of our constituents, but it will disproportionately protect the high number of young women who are restrained and the high number of black and ethnic minority patients who suffer the highest number of injuries in mental health facilities.

In my first Adjournment debate, shortly after I entered the House in 2015, I highlighted the desperate need for better resourced, higher-quality mental healthcare in my constituency. This Bill will go some way towards that by bringing more clarity and better reporting standards and it will set the bar higher for police and NHS staff, as well as for mental health advocates, but most importantly it will set the bar higher for those constituents whose pain is often invisible, inexpressible, frightening and overwhelming, and who sadly so often miss out on what we all expect from health carers: clarity of purpose, clear communication, understanding and compassion.

10.2 am

Scott Mann (North Cornwall) (Con): I rise to speak in support of the Bill. I congratulate the hon. Member for Croydon North (Mr Reed) on getting the Bill to this stage and his work to make sure that people who are detained in mental health units have proper rights and are properly protected. I welcome the fact that the Government support the Bill and that reforms to mental health legislation are on their agenda.

Our understanding of mental health has progressed by leaps and bounds since the Mental Health Act 1983 was introduced. We need mental health legislation that is fit for purpose in our modern times and that gives better protection to people with mental health challenges, and we need better guidance and training for those who are there to help. That is why it is right that we introduce reforms and why I will support the Bill today. Although it focuses only on a specific part of mental health provision, it will nevertheless make sure that better protections are in place.

One big issue in recent years has been the detention of people with mental health problems in police station prison cells, where they do not have the appropriate level of support which they would have access to in a mental health unit. The problem is twofold: first, there are problems with the process and resources at police stations for looking after people with mental ill health; and, secondly, there is a lack of mental health beds in many local communities. Both issues are being addressed through increases in mental health funding, with the Government pledging an additional £1 billion between 2016 and 2021.

I was pleased to hear in March that the number of people being detained in police cells in Devon and Cornwall when suffering a mental health crisis was zero, and I hope that is still the case. I look forward to seeing the numbers and hope that they are still very low. Since 2013, the figures for the number of people put in a cell alongside offenders, under section 136 of the Mental Health Act, have steadily decreased, from 800 to just 31 in 2017.

I welcome clause 2, which will ensure that mental health units have registered managers, and clauses 3 and 4, which will ensure that those managers will publish a written policy regarding the use of force on patients and that there is information explaining patients' rights in relation to the use of force. I am particularly pleased that clause 5 will ensure that the appropriate training is in place for staff who work in mental health units. That will include making sure that staff involve patients in the planning, development and delivery of care in the unit. The risk associated with using force, its effect on a patient's mental and physical health, and any use of force could all affect a patient's development.

I welcome the provisions in the Bill on the use of video recording in units to make sure that any use of force is transparent and accountable. In pursuit of a more transparent system, I support clauses 8 and 9, which legislate for the publication by the Secretary of State of statistics on the use of force and an annual review of any deaths that result from the use of force. It is important that we learn from tragic incidents such as those we have heard about during our consideration of the Bill. The publication of statistics and the review of incidents will make sure that the legislation continues to work properly into the future and that patients are protected.

Once again, I welcome the Bill and the reforms that it will introduce. I wish the hon. Member for Croydon North every success in getting it through Parliament.

10.6 am

Luciana Berger (Liverpool, Wavertree) (Lab/Co-op): It is a privilege to be here today. Members from all parties are often in a quandary about whether and how to be here on a Friday when we also have constituency commitments, but it was important to me that I be here today to support my hon. Friend the Member for Croydon North (Mr Reed). He has been a shining example to us all—Opposition and Government Members—of how best to use a private Member's Bill slot, particularly as a member of the Opposition. He has put forward a change to the law in a way that has essentially secured support from Members on both sides of the House, as we have heard from the speeches so far. He has not only carried Members with him but achieved the Government's support. I do not want to jinx anything, but I anticipate and hope that, at the end of today's deliberations, the Bill will progress to the other place.

It has been a privilege for me to play a small part in the process, having served on the Bill Committee. I also stand here on behalf of the Labour Campaign for Mental Health. Many people outside this place are following our discussions today and have followed what has happened to get to this point. People with lived experience, family members and clinical professionals are really pleased that we are working on something that is productive and positive. I believe, as does my hon. Friend the Member for Croydon North, that it will effect some change in our country.

I do not seek to speak for long, but wish to reflect on a few reasons why the Bill is so important. I hope that we will be joined by Mr and Mrs Lewis—I know that they are on their way—because it is a testament to them and to their courage and bravery that they have worked to ensure that, in the wake of the tragedy that they have experienced, some good will come from the tragic death of their son. Members from all parties have come together today to reflect on Seni's death.

But it is not just Seni's death; in fact, only this week we heard about some research done by the UK-based charity Agenda, which campaigns for women and girls at risk. That research shows that over the past five years, from 2012-13 to 2016-17, 32 women who were detained under the Mental Health Act died after experiencing restraint. That is another example of why the issues we are discussing are so important. Those 32 women lost their lives as a result of what happened to them in mental health units.

If we look a little more closely at the figures, we see that younger women made up the majority of those restraint-related deaths, and more than a fifth of them were from black, Asian and minority ethnic backgrounds. I listened very closely to the hon. Member for Shipley (Philip Davies), but I do think that it is important, in the context of what we are discussing today, to look very closely at defined and protected characteristics. We are seeing certain groups disproportionately affected by this action in more ways than others.

Many programmes have shone a spotlight on what happens inside some of our mental health services, in particular, the Dispatches programme "Inside The Priory", which was shown on Channel 4 back in February. It had to use undercover cameras to expose what happened in one unit alone. It was particularly disturbing, because it showed the high-stress environments that exist in some, but certainly not all, of our mental health in-patient units. I have had the privilege of visiting a number across the country. However, when people find themselves in a crisis in such an environment, all too often, unfortunately, the staff are temporary, or they are bank staff or agency staff. To echo what others have said today, the fact that we have a recruitment crisis in this sector will have an impact on someone's recovery. We should be doing everything possible to ensure that those environments are therapeutic and that they lead to someone's recovery. I see this as something that is absolutely critical, but is it not a shame that we are discussing it today, and that we have to make this law? Actually, we should be doing everything possible to

[Luciana Berger]

prevent people from getting into in-patient units in the first place, but if they are there, the settings should be right, the staff should be trained and full-time and the environment should be therapeutic. The fact that that is not the case is why this law is even more crucial.

We need to do everything possible to eradicate restrictive practices in in-patient care. This law is crucial in ensuring that when these things happen, everything possible is done to protect patients, to ensure that they are given a voice, and to ensure that they are not held or treated in a way that will exacerbate the very condition that saw them go into a mental health in-patient unit in the first place. Once again, I echo my thanks to my hon. Friend the Member for Croydon North for all the work that he has done to get us to where we are today.

10.11 am

Mary Robinson (Cheadle) (Con): It is a pleasure to follow the hon. Member for Liverpool, Wavertree (Luciana Berger). I too add my congratulations to the hon. Member for Croydon North (Mr Reed) on introducing this Bill and on his tireless efforts to guide this important piece of legislation through the House. I was here last month, when this Bill was last discussed, but unfortunately I did not get an opportunity to contribute, so I am very pleased to be able to speak in support of it today.

This is a sensible Bill. It follows recent announcements by the Prime Minister and Ministers addressing mental health, and feeds into current initiatives on how best to improve current systems of support for people who face mental health problems. The figures on mental health are striking: every week, one in six adults suffers from some sort of mental health condition, such as anxiety, depression and suicide. Even more alarmingly, one in five has considered taking their own life at some point.

I am encouraged to see that the Government are taking the issue of mental health so seriously and as seriously as physical health. In my view, parity of esteem means far more than simply saying we value a person's mental wellbeing. It must mean tackling mental health issues with the same energy and priority with which we tackle physical illness. It is about changing the experience for people who require help with mental health problems. In addition, we must aim to put the funding and training for mental health services on a par with those for physical health services.

Crucially, we must end what appears to be the criminalisation of mental health conditions. The tragic case of Olaseni Lewis highlighted for many how quickly the police can become involved in mental health situations in a way that they perhaps do not in physical heath cases. Indeed, the Metropolitan police force received a phone call relating to mental health every five minutes last year, an escalating level of demand which they have said could be caused by NHS services struggling to cope. The number of calls handled by the Metropolitan police in which someone was concerned about mental health hit a record 115,000 in the past year—on average 315 a day, or about 13 an hour.

In some cases, ill people struggling to find help have even committed crimes to obtain treatment, believing that that was the best way to get access to mental health services. The Met also expects to use powers to detain under section 136 of the Mental Health Act 1983 more often. Data from health partners in my own area of Greater Manchester indicate that around 1,000 people each year are detained under section 136.

However, some really good initiatives are being rolled out. I wish to highlight an initiative from my own force in Greater Manchester. It has collaborated with Greater Manchester West Mental Health NHS Foundation Trust to provide a training programme for staff that improves the understanding of mental health. For the past 12 months, staff and officers at Greater Manchester police have received comprehensive mental health training, delivered by mental health professionals. The scheme was originally designed for staff in the custody offices where people are detained, but I am delighted to report that it has proved so successful that it has now been incorporated in the training requirements for response officers, police community support officers and special constables. The eventual aim is that all workers complete the sessions.

The concept of parity of esteem, and indeed the wider issue of highlighting the importance of mental health, is especially vital, as we know, for young people. Some 75% of all chronic mental health problems start before the age of 18, yet currently only a quarter of children and teenagers under 15 with mental health problems get the help they need from public services. Since January 2013, there have been 17 deaths of patients under the care of young people's mental health services. I know that the Government regard patient safety as a key priority, which is why my right hon. Friend the Secretary of State published national guidance on learning from deaths last year to improve the way the NHS investigates and learns from in-patient deaths and to prevent future tragedies. I also welcome the £25 million of investment to support mental health patients so that we can achieve what we want, which is a zero suicide ambition.

I wish to speak to clause 12, which covers police-worn body cameras. That is already becoming standard practice in Greater Manchester. GMP has the largest force of officers outside London using body cameras, with more than 3,000 staff equipped with video recording devices. The Crown Prosecution Service has endorsed the equipment as a critical piece of technology not only in reducing violence, but—and this is key for this debate—in improving transparency. As the evidence suggests, there is merit in applying this measure across England and Wales. Body cameras have dramatically reduced the number of complaints made against police officers. During a trial period of their use, complaints dropped by 93%. It is because of that record that I believe body cameras will be an effective tool not only in assisting on-duty hospital staff, but in instilling those important patient safeguards.

There are good measures in the Bill which, coupled with the duties of the "responsible person", will make this a very important piece of legislation. I am very pleased to support it and wish it well on its passage through this House.

10.17 am

Chris Philp (Croydon South) (Con): Let me start by congratulating my constituency neighbour, the hon. Member for Croydon North (Mr Reed), on piloting this piece of legislation through the occasionally shark-infested waters of the private Member's Bill process. He has

done a very good job in getting the Bill to this stage. It is a particular pleasure to support it because, of course, it was the terrible suffering of a Croydon resident, one of his constituents, that inspired and motivated him to bring forward this very important piece of legislation in the first place.

This Bill, which I hope shortly will become an Act, does a very important thing in emphasising that physical force in a mental health context should be used as an absolute last resort and only after very careful thought and with great restraint, which, clearly, was not the case in the tragic death of Seni Lewis. I have been encouraged by the declining use of police custody suites as places of safety under the Mental Health Act; it has roughly halved over the past five or six years, which is a very welcome trend. I would like to see that reduced to zero.

The hon. Member for Liverpool, Wavertree (Luciana Berger) also made a very important point when she said that the use of any sort of physical force in a mental health environment is a symptom of failure. No mental health case should ever be allowed to progress to the point where physical intervention is required, although it may sometimes be unavoidable. Therefore, an emphasis on prevention, early intervention and treatment long before any physical intervention is extremely important. I am pleased that the Government are spending more money in this area. The more we can do to make sure that patients are treated well before things escalate, the better the system will be.

The Bill as amended for our consideration today is a very good Bill. I strongly support it and look forward to voting for it shortly. However, I have a couple of comments and questions that I hope the hon. Member for Croydon North and the Minister might be able to comment on and answer. My first question relates to clause 3, which is about the requirement to publish a policy on the use of force. It requires "the responsible person" to publish a policy, but as far as I can see there is no prescription as to the contours or limits imposed on that policy. For example, one might have expected to see a requirement in the Bill that any such policy limits the use of force to reasonable force. That may be done in regulations, or perhaps there was another reason it was not considered appropriate to put it in the Bill, but one might have expected some explicit statement limiting force to reasonable force. I would be interested to hear from the hon. Gentleman and the Minister why that does not appear in the Bill.

My second point relates to clause 5 on training, about which I have two questions. The first concerns subsection (2)(c) on

"showing respect for diversity in general".

I wonder whether the hon. Gentleman could amplify a little what that means in practice. I would have expected a requirement that everyone should be treated equally, regardless of their background. Perhaps that is what he means, but I am not sure whether "showing respect for diversity" quite conveys that meaning. I would be interested to hear his and the Minister's comments on that.

My other question relates to subsection (5) on refresher training, which it specifies should take place "at regular intervals". I wonder whether regulations would specify what is meant by "regular intervals". Annually would be a sensible degree of regularity, but if someone was not being true to the spirit of the Bill, they might interpret "regular" as once every 10 years, which clearly would not be frequent enough. I would be interested to hear the hon. Gentleman's and the Minister's views on what is suitable regularity and how that will be enforced. My view is that such training should be annually or at least once every two years.

Jackie Doyle-Price: I appreciate the spirit in which my hon. Friend is making these points. We do not want to be too prescriptive by putting in particular timings on how often the training should be, because obviously that depends very much on the context of the facility and how much wider training there is. At the same time, however, we want to be very explicit that it is regular training so that there is no excuse for staff not being properly informed about best practice in this area.

Chris Philp: I thank the Minister for her helpful intervention. Of course, I entirely sympathise with the point that Parliament should not impose unduly onerous requirements on already very busy and possibly, in some cases, overstretched mental health units, but I am concerned to make sure that we have not left a little loophole that might, perhaps inadvertently, end up being exploited so that training is not being given the degree of regularity that perhaps the House intends.

My final point of detail is on clause 6(10), which specifies the "relevant characteristics" of a patient. My hon. Friend the Member for Shipley (Philip Davies) questioned whether we need to record these "relevant characteristics", which are listed in quite some detail. If we are going to do so, and any inference is to be drawn from those characteristics in future, it is important to measure them against the same characteristics for the whole population treated in any particular mental health unit. If we are going to say, for example, that X% of people who have been subject to this procedure have a particular gender, sexual orientation, religion or ethnicity, then before drawing any inference from that, it is important to compare that statistic with the proportion of people in the unit with the same characteristic. One needs to use those statistics with of careful thought to make sure that inappropriate or inaccurate inferences do not end up being drawn.

I am, like my hon. Friend the Member for Shipley, a great supporter of the use of police body-worn cameras, which are a great innovation. They have been responsible for a huge reduction in the number of complaints against police officers, because the officer is aware that the camera is being worn and recording—that, I am sure, has some moderating influence—and the person the officer is dealing with is aware of the same thing. I am sure that that has also reduced the number of vexatious complaints against the police. It is a very welcome move.

I was not present for the lengthy debate that my hon. Friend mentioned about whether a failure to wear a body-worn camera might be considered unlawful in the light of clause 12. Personally, I draw comfort from subsection (4), which appears to say expressly that there is not criminal liability. However, I will certainly follow his advice and refer to the report of the previous proceedings on that point. In general, the use of body-worn cameras when the police are dealing with mental health cases is extremely welcome and will, I am sure, assist with the problems that have existed in this regard.

[Chris Philp]

I reiterate my very warm congratulations to my constituency neighbour, the hon. Member for Croydon North, for his tireless work in this area. I am sure that not just the London Borough of Croydon but the whole House and the whole country are grateful for his work.

10.27 am

Jeremy Quin (Horsham) (Con): I congratulate the hon. Member for Croydon North (Mr Reed) on this Bill, which I support. I have two concerns that I raised on Report, one of which relates to training, which was touched on by my hon. Friend the Member for Croydon South (Chris Philp). The promoter of the Bill dealt with those admirably on Report, as he has throughout the progress of the Bill, and that certainly settled my concerns.

Of course, we will have other concerns. We all know that legislating in this place is one thing, but ensuring the enforcement of that legislation is another. There are areas—social care and others—where we all have questions to ask ourselves about enforcement of stuff that gets through this House. However, I know that this Bill is sound, and it puts this country in the best place in the world for legislation on this area. I congratulate the hon. Member for Croydon North on what he has been doing. I know that he will be as doughty on ensuring that we have proper enforcement as he has been in promoting the Bill.

I echo the words of the hon. Member for Liverpool, Wavertree (Luciana Berger): this is a fantastic example of where a truly dreadful, appalling incident in an hon. Member's constituency has provoked questions and led to an investigation, to thought, and ultimately to legislation. That is the purpose of private Members' Bills, which, if properly scrutinised and if proper time is given, can really have a positive impact for our constituents. A dreadful incident has hopefully produced, via the work of the hon. Gentleman, a lasting legacy. I congratulate him once again on this Bill. I wish Seni's law, as I hope it will soon become, Godspeed in its remaining stages.

10.28 am

Craig Tracey (North Warwickshire) (Con): It is a pleasure to follow my hon. Friend the Member for Horsham (Jeremy Quin). I echo many of the points that have been raised by colleagues today and in the debate three weeks ago, at which I was present although unfortunately did not get the opportunity to speak.

I congratulate the hon. Member for Croydon North (Mr Reed) on the work he has done and the success he has had in gaining support not only across the House, but from Government, for this Bill, which I think we all agree is incredibly important.

I fully respect the intentions behind the Bill and the potential impact it could have for families affected by mental health. I would like to pay tribute to the hon. Gentleman's endeavour to honour Seni Lewis's memory in this way. I understand that Seni's law, as the Bill is known, is personally important to the Lewis family, who have campaigned tirelessly on this issue with considerable success. These are important proposals for people in all our constituencies, and particularly those who have a family member or relative suffering with mental health issues. They need to know that the mental health units that their loved ones are in the care of are providing a safe and secure environment. That is a basic and fundamental right and expectation.

Around 9,000 people are restrained in mental health settings a year in England. The Bill is a significant piece of legislation, as it will serve as an important reform of the way in which we treat those detained under the Mental Health Act. It also represents significant progression in this area. It is about ensuring trust and accountability in the mental health system—something that tragic case studies have sadly shown is not always in place. I think every Member in the Chamber today would like to see a reduction in the use of force, and the Bill will help to provide that reduction.

However, while targets are all well and good, in certain circumstances—for example, when a patient is violent—the people caring for a patient might need to be able to protect themselves from harm and might have to resort to some form of force to do so. Assuming that use of force is a last resort, proportionate and does not risk the patient's health, it is reasonable that they are afforded that protection. I appreciate that this is a delicate area, but it is important that clarity is provided in the published policies and that balance is sought.

I think it is fair to say that we cannot foresee every violent and threatening situation that may arise. Clearly we want a reduction in the use of force, and we can question the frequency of its use, but we must also consider a mental health carer who may find themselves attacked by a patient who may not understand what they are doing. We do not want to put people off undertaking this important role, for fear of prosecution. While these are obviously courses of action that we hope will never be needed, it is impossible to rule out situations arising in which one of them is a necessary last resort, in the best interests of both patient and carer.

Mind, the mental health charity, which does such important work in this area, makes a useful contribution to this consideration, saying:

"Healthcare staff and police do a challenging job and sometimes need to make difficult decisions very quickly. Often they use force to control someone's behaviour, which can include physically restraining someone against their will, injecting them with medication and using seclusion to confine and isolate someone on the ward. For the person in crisis, this can be humiliating, traumatising and even life-threatening."

A balance must be found in the interests of the wellbeing and safety of all of those involved.

The Bill complements the real focus we have seen from this Government on mental health, and in particular the treatment, priority, stigma and people costs of mental health matters. In October 2017, the Prime Minister announced that the Government would embark on a comprehensive review of the Mental Health Act, with a final report later this year. I am encouraged that the review will examine existing practices and address the disproportionately high rate of detention of people from ethnic minorities. As a country, we have taken progressive steps to improve the mental health sector, and the Bill is another step in the right direction. The Parliamentary Under-Secretary of State for Health and Social Care summed it up pretty well in Committee when she said:

"Perhaps one of the most important aspects of the Bill is that it enshrines accountability for ensuring that any institution fulfils its responsibilities. The buck needs to stop somewhere, and it is

important that happens with someone at board level."—[*Official Report, Mental Health Units (Use of Force) Public Bill Committee,* 28 March 2018; c. 7.]

I wholeheartedly agree with that sentiment, so I am pleased to support the Bill today.

10.33 am

Mr Steve Reed (Croydon North) (Lab/Co-op): I would like to make a few concluding remarks. I have already spoken on the Bill, so I am grateful for this opportunity but do not intend to speak at length.

Perhaps I could start by acknowledging the presence in the Chamber of Seni's parents, Aji and Conrad Lewis—we are delighted and proud to have them here—and also Marcia Rigg, who lost her brother Sean in very similar circumstances. Although the Bill is called Seni's law, in honour of Seni, it has affected many people beyond Seni who have lost their lives or been injured simply because they were unwell, and the purpose of the Bill is to make sure that that cannot happen again.

This week we have marked the 70th anniversary of the national health service—one of the greatest things this House has ever created. What better way to celebrate that occasion than by giving the NHS a birthday present to make it even better, creating some of the best protections anywhere in the world for people with mental ill health? That is a wonderful way to celebrate the 70th anniversary of an institution that everybody in this country is so very proud of.

My thanks go to the many people who have had a hand in the Bill, from the Minister to Members on both sides of the House, but most of all to the families who have led the campaign to get this law on the statute book. I cannot put it better than Seni's father, Conrad, did three weeks ago, when we concluded the Report stage of the Bill. We were standing outside in the Members' Lobby and somebody came up to Conrad and asked him, "How do you feel about today?" He said, "I bear a burden that I will have to carry for the rest of my life. It is a burden I wouldn't wish on my worst enemy, and I don't want any other parent to have to carry that burden." This is our chance to make mental health services safe and equal for everyone. I am confident that the House will seize that chance, and in doing so, we will create a lasting and proud legacy for Seni Lewis.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Prisons (Interference with Wireless Telegraphy) Bill

Bill, not amended in the Public Bill Committee, considered.

Third Reading

10.36 am

Maria Caulfield (Lewes) (Con): I beg to move, That the Bill be now read the Third time.

It is an honour to follow the hon. Member for Croydon North (Mr Reed), who has done great work on his private Member's Bill.

I am grateful to Members from across the House for giving clear cross-party support to this Bill, which is small but nevertheless important. There are a number of people I would like to thank. I particularly want to thank the Clerks of the Public Bill Office, who have helped me through every stage of the process to get the Bill to Third Reading. As we know, it can be difficult to get a private Member's Bill to this stage, and their support has been so helpful. I would also like to thank the Ministry of Justice team for all their support and information, and all Members of the House, particularly those from the Opposition, who have supported the Bill and who recognise the important difference that this will make in prisons up and down the country. In particular, the Bill will make a great difference for prison officers, who do such sterling work under very difficult circumstances.

Members may know that I inherited this Bill, so I want to put on record my thanks to my right hon. Friend the Member for Tatton (Ms McVey) for her previous work in championing the Bill and for trusting me with the responsibility of ensuring its safe passage. I hope I have repaid her confidence. I also want to acknowledge the groundbreaking work of my hon. Friend the Member for Mole Valley (Sir Paul Beresford) in steering the original Prisons (Interference with Wireless Telegraphy) Act 2012 through Parliament. It could be argued that because we are revisiting the 2012 Act only six years later, it was in some way deficient, but nothing could be further from the truth. The 2012 Act was an important and far-sighted contribution to the fight against the scourge of illicit mobile phones in prisons. The reason it has proved necessary to legislate again so soon is the sheer speed of technological change and the sheer scale of the problem posed by illicit mobile phones in our prisons.

Figures provide a stark illustration of the scale of the problem. In 2011, just a year before the 2012 Act was introduced, about 7,000 illicit mobile phones and SIM cards were found in prisons in England and Wales. By 2016, that figure was nearly 20,000. Last year, it had risen to 23,656 mobile phones and SIM cards.

Lyn Brown (West Ham) (Lab): I congratulate the hon. Lady on how far the Bill has progressed so far. Last night I was talking to some mums whose young people had been caught up in crime, and they were horrified to tell me that people are using mobile phones to continue criminal activities in jail, and to continue to hold in their thrall the young people they have groomed. Does the hon. Lady share my concern that that is allowed to continue?

Maria Caulfield: The hon. Lady is quite right, and I will go on to explain how mobile phones are used to continue crime in our prison service. To reiterate, last year 23,656 mobile phones were found in our prisons, which is nearly 65 a day. In my constituency, 184 mobile phones and 80 SIM cards were found at HMP Lewes last year, and having visited the prison regularly and met prison officers and the governor, I have heard at first hand the implications of that. As the hon. Lady pointed out, illegal mobile phones present a serious risk to the security of our prisons, as well as to public safety. Mobile phones in prisons are used for a range of criminal purposes, including commissioning serious violence, harassing victims, and continuing involvement in extremist activity and organised crime. Access to mobile phones is strongly associated with drug supplies and violence in our prisons, so it is a serious problem.

It might be argued that the Prison Service should be better at stopping mobiles entering our prisons in the first place, but as the previous Justice Secretary made clear in a speech to Reform in December last year, technological advances have been harnessed by some manufacturers with the clear intention of circumventing prison security measures. Technological advances have made it possible to manufacture phones so small, and containing so little metal, that they can be concealed internally and are difficult to detect with existing screening machines. Phones have been marketed as "beat the BOSS", which refers to the body orifice security scanner that is in use in our prison receptions.

However, just as technology can be harnessed for illicit ends, we can also enlist its support to improve the effectiveness of our response to the problem. Public communications providers such as mobile phone operators have been at the forefront of rapid technological developments in mobile communications. Only this week, we witnessed a mobile phone make its maiden speech during a Defence statement—there is no end to such possibilities.

Kevin Foster (Torbay) (Con): My hon. Friend talks about a mobile phone making its maiden speech during a Defence statement, but does she recall that on Second Reading there was a rather bizarre interruption to my own speech—better known as a mobile phone fighting back against the Bill?

Maria Caulfield: My hon. Friend is quite right: mobile phones were trying to fight the Bill on Second Reading.

The changes in the Bill are designed directly to enlist the specialist knowledge, support and expertise of mobile phone operators to combat the use of illegal mobiles in our prisons, young offenders institutions, secure training centres and secure colleges. Importantly, and as I made clear at earlier stages of the Bill, it will ensure that a line of accountability for an operator's activity is clearly set down in primary legislation.

Under the 2012 Act, public communications providers can become involved in interference activity in our prisons, but only when acting as agents of the governor or director who has been authorised to carry out that interference activity by the Secretary of State. By providing for them to be authorised directly, the Bill will enable them to bring their expertise directly to bear, at all times governed by a clear, legal framework. Existing safeguards in the 2012 Act will apply to authorised public communications providers, just as they already apply to authorised governors. Like an authorised governor, any public communications provider must comply with the directions given to them by the Secretary of State. Responsibility for deciding on the retention and disclosure of information obtained following interference activity conducted in a prison will continue to rest with the governor or director of that institution. That will apply even if the information has been obtained following interference activity conducted by an authorised public communications provider.

Two main questions have been raised during the progress of the Bill. The first came from residents in Lewes who were concerned that they might live so close to the prison that their mobile phones could be interfered with. I understand the fear that genuine customers could be erroneously disconnected from mobile phone networks if a phone is incorrectly identified as being used in a prison without authorisation. However, Her Majesty's Prison and Probation Service will calibrate and test its approach, including any technological process and infrastructure, with mobile phone network operators and Ofcom, to ensure that only those handsets that are used in a prison without authorisation are identified and stopped from working.

The second concern raised by Members concerns the lack of genuine contact between prisoners and their families. Conservative Members who are part of the Strengthening Families programme have identified through the Lord Farmer review that maintaining contact between prisoners and their family members is crucial to reducing reoffending. Indeed, by maintaining family contact, reoffending rates can be reduced by something like 38%. It is important that genuine contact with their families is maintained for prisoners, but that does not mean that they need mobile phones. The Government have made great efforts to tackle this issue, and increasing legitimate access to phones, and encouraging prisoners to have more contact with their families, is important and part of the Government's overall objective to improve rehabilitation.

The deployment of in-cell telephony to 14 prisons has been completed, and will make more calls accessible. Tariffs have also been reduced at those sites to make calls more affordable, and six more prisons will have in-cell telephony deployed by the end of July. In-cell telephony gives prisoners much greater opportunity to maintain contact with their families, as it is not affected by time out of cell, or a lack of privacy.

I have one final point before I invite the House to give the Bill a Third Reading. This Bill is not tied to any one technical solution, but instead it sets out the legal framework to enable more direct and independent involvement by authorised public communications providers. That approach should provide an element of cover against further and rapid technological advances in the mobile phone communications sphere—advances that are almost certain to happen, given the speed with which this high-tech field has developed. With that, I commend the Bill to the House.

10.47 am

Gloria De Piero (Ashfield) (Lab): This welcome Bill goes some way to addressing the issues surrounding mobile phones in prison, and as my hon. Friend the

Member for West Ham (Lyn Brown) said, evidence has shown time and again that mobile phones have been smuggled into prison for use by inmates, often to enable them to engage in further illegal activity. They are used illicitly to order drugs, harass victims, and organise crime, both inside and outside the prison. The use of phones for such activities is completely unacceptable, but figures indicate that the number of phones conveyed into prisons for use by inmates is increasing.

The hon. Member for Lewes (Maria Caulfield) gave some figures, and I shall present some others that show a similar trend. In 2013, there were around 7,500 reported incidences of mobile phones and SIM cards being found in prison, but by 2015 that figure had increased to nearly 17,000. Mobile phone use in prisons is a problem that needs tackling, and the Bill is a welcome step forward. I might question whether Back Benchers should be driving forward legislation to tackle illegal prison activity, rather than the Government, but nevertheless the ability to interfere with wireless telegraphy and to disrupt mobile phone use in a designated, specified area could have a significant impact in reducing the use of mobile phones and, subsequently, any further illegal activity through their use.

Although the Bill goes some way to addressing organised violence and drugs in prisons, it cannot be seen as a panacea to end the problems in our prisons. Violence, drugs, and further crime are not helped by the Government's treatment of our prisons system, which has produced an environment that allows them to flourish. The Government's decision to slash prison budgets, axe prison officers and neglect our prisons has led to overcrowding and violence. With nearly 4,000 fewer frontline prison officers than in 2010, searches are increasingly difficult and no amount of action on wireless telegraphy can replace the eyes and ears of staff on the ground. Without those staff and proper action to address overcrowding, mobile phones will continue to find a way in, drugs will carry on being smuggled through, and prison violence may continue.

10.49 am

Luke Hall (Thornbury and Yate) (Con): I am delighted to be called so early in this debate. I would like to put on record my thanks to my hon. Friend the Member for Lewes (Maria Caulfield) for all her work in driving the Bill forward and to my right hon. Friend the Member for Tatton (Ms McVey), who put a lot of work into the Bill.

As an MP with three prisons in my constituency, I have a particular interest in the Bill and I am pleased to be here to support it. It tackles one of the main security and safety threats currently facing our prisons: the illicit use of mobile phones, which can pose serious risks to the security and safety of many prisons. I would also like to put on record my thanks to the governors at HMP Ashfield, HMP Eastwood Park and HMP Leyhill for their insights into this matter and their continuing support to engage with both me as the local MP and the Government to make progress on these issues. I think we have already seen early on in this debate that there is agreement that action is needed. We have heard about the astonishing increase in the numbers of illicit phones and SIM cards being recovered in our prisons: 20,000 in 2016 and more than 23,500 in 2017. It is clear that action needs to be taken.

Illicit mobile phones deserve no place in our prisons. They may be used by prisoners to contact their families but they are also a potential source of revenue, such as when they are used to maintain communications with crime networks and drug smugglers outside prisons. They destabilise and undermine the safety of prisons, and help to support ongoing criminality and the illicit economy inside prisons. Mobile phones and SIM cards are worth a lot of money in prisons, whether sold or rented. That can fuel a vicious circle of debt, violence and reoffending. Prisoners with access to the internet and social media can spread sensitive information about the prison themselves. They can intimidate and harass prison staff, as well as witnesses and victims outside prison. If prisoners are able to continue criminal behaviour inside prison, the point made to me a number of times is that there is much less incentive for rehabilitation.

When discussing this matter with the governors in south Gloucestershire, they have stated that, although this is not as big an issue for our three prisons as it may be in other prisons, they all acknowledge that the proliferation of illicit phones is a real and current problem because of the changing and evolving nature of technology, and that the low numbers of contraband in our area may grow in the future. All three governors are very clear that the measures to disrupt technology and disrupt the illicit use of mobile phones are greatly welcome.

I know the Minister and the Government are already doing a lot of work to tackle this issue. We have been investing in further technology, such as metal detectors, body scanners and detection poles, which already help to detect some contraband smuggling. I am pleased we are pushing ahead with measures to make it easier for prisoners to access phones in their cells—this has been mentioned already—where access is currently limited in a number of prisons. This helps prisoners to feel much more comfortable having private conservations with their families, and reduces the demand and need for illicit mobile phones which can then go on to be used for other purposes. In-cell telephones will help to stop the demand for illicit phones. In the prisons in south Gloucestershire where we already have this technology, this has helped to stem the flow of illegal handsets. Prisoners are able to keep in touch with their family and loved ones, while the prison staff are allowed to monitor the calls if it is felt to be necessary.

The measures the Government are already undertaking will be complemented by the measures proposed in the Bill. Although there are currently laws in place enabling prison governors to interfere with wireless telegraphy to block phone signals, the Bill will go further and will help to address the problem by allowing communication providers to directly and independently take action to interfere with the signal to disrupt this unlawful use of mobile phones in prisons. By giving direct authority to mobile phone network operators to act on these issues, we will be utilising their key specialist knowledge to help to combat criminality in these institutions.

I echo the concerns we have heard in previous debates, which were repeated by my local governors, about the impact that blocking mobile signals could have on surrounding local residents and businesses. For example, the Bristol and Bath cycle path runs right by the wall of HMP Ashfield. The last thing we want is for signals to

[Luke Hall]

be blocked or interfered with. We need to ensure that the technology is properly targeted so that people nearby are not affected.

I welcome the comments made about ensuring that any technology and infrastructure measures will be properly calibrated and tested to make sure that only the illicit use of mobile phones is targeted. It would perhaps be helpful to have an understanding of where that will be tested, whether in prisons around the country or off site. My governors have asked for early notice about whether they will be involved.

In conclusion, the prison governors in South Gloucestershire welcome the Bill's proposed changes. They welcome anything that will help them to address the issues and risks associated with illicit technology. I support this much-needed Bill, which will support the work of governors in helping to keep our prisons and communities safe.

10.56 am

Victoria Prentis (Banbury) (Con): It is a pleasure to follow my hon. Friend the Member for Thornbury and Yate (Luke Hall) and, for those of us who are truly fascinated by what goes on inside prisons, to hear what is going on in Gloucestershire.

Illicit phone use in prison is not new. I am sure hon. Members across the House are familiar with the 1969 version of the film "The Italian Job". Think of the scene where Mr Bridger—I am sorry, Madam Deputy Speaker, this may not be in order, but I am going to talk about lavatories—goes to use his lavatory. I am sure hon. Members are with me. He uses that as an excuse to use his illicit telephone. From the prison lavatory, he runs a complex criminal network involving drugs, gangland violence and all sorts of other dreadful things we still worry about today.

Mr Bridger, a fictional character played so well by Noël Coward, was able to do that because he had access to a telephone. Now, of course, telephone use in prisons is ubiquitous. One does not have to be a criminal with the cunning or intelligence of Mr Bridger to have access to one's entire network of contacts outside prison. Almost all prisoners, I would imagine, have had access to a mobile phone and, in my experience of the Prison Service, not just one. It is a bit like dealing with teenagers at boarding schools. My middle sister, whose day job it is to control them, tells me that, when she asks them to hand in their mobile phones at night, she then has to say, "And the other one." And then she says, "And the other one, please." I think the same is true in prisons.

There is no doubt that in recent years we have faced new security challenges in our prisons, not least new psychoactive substances which have been devastating for the Prison Service. On that note, it is a pleasure to follow all the speeches that have been made so far on this important but careful Bill. However, it is important that Her Majesty's loyal Opposition recognise the difficulties the Government have faced in trying to deal with new psychoactive substances in prisons. I hear what they say, and indeed have spoken many times myself, about the difficulties with reductions in staffing, but the Government need to be given some credit for the enormous efforts that have been made to increase prison officer numbers. I believe the Government are currently on track with the new target of increasing prison officer numbers by 2,500 new officers this year. That will be a real help to improving security in our prisons.

It was a pleasure to hear my hon. Friend the Member for Lewes (Maria Caulfield) talk about the importance of family ties, which were one of the difficulties raised during the Bill's earlier stages. She spoke passionately, as I do frequently, about the Farmer review. It is important that we view in-cell telephony not as being nice for prisoners to have, but from the other side of the telescope. What we are all trying to do is protect victims, not prisoners. Anything that we can do to reduce reoffending—my hon. Friend said that it has been proven that maintaining family ties helps to reduce reoffending by 38%—is worth that. That is not because we love prisoners or what they have done, but because we care that they will not do it again.

It is also important to mention prisoners' children. One of the worst statistics that we bandy around from the prison world is that a judge sentencing somebody to prison today is sentencing two thirds of their children to a prison sentence in turn. That is an appalling thought. If we are genuinely interested in trying to help the most vulnerable, difficult-to-help parts of society—the parts that others cannot reach—we have to deal with that statistic. If, by keeping family contact going and reducing reoffending, we can play some small part in the non-creation of an underclass of people who will themselves offend, we must do everything we can to do that. If that involves in-cell telephony, so be it.

My hon. Friend the Member for Thornbury and Yate detailed the many difficulties that can ensue from a large internal and external drug-trafficking market, which can be kept going by mobile telephony, so it is clear why it is important to stop mobile telephony within prisons as much as possible. We have known for some time that it is technically possible to turn off mobile signals. It is often done in really serious terrorist cases; there are powers to do that when the security services are worried about people's safety. Indeed, I often wonder whether we would not all concentrate more in meetings, and indeed, in this Chamber, were it possible to turn off our mobile phone signal from time to time, and certainly, as a mother of teenagers, I would occasionally love the ability to turn off more than the wi-fi—which of course, they know how to turn back on—and to put a "cordon sanitaire" around whatever we might need to.

Scott Mann (North Cornwall) (Con): I am a parent of teenagers myself. I do not understand this technology in the Bill—I am hoping that my hon. Friend the Member for Lewes (Maria Caulfield) will explain it to me when I give my speech—but I am interested to know whether my hon. Friend the Member for Banbury (Victoria Prentis) thinks that this technology could be utilised in the home to allow for better productivity from our children.

Victoria Prentis: The technology has been there for a long time. Governors have had the ability to turn off individual non-authorised mobile phones, although they have had to jump through very difficult hoops to do so. I am sure that we could extend that to our homes, but I think we would need another private Member's Bill to do so.

This Bill gives the Secretary of State power, in addition to the existing powers, which are very difficult to use, to turn off much wider groups of mobile telephones. From time to time, this may of course upset prison staff, who may have to go to a special area of the prison to use their mobiles. I am dreadful—my children tell me off for being addicted to my mobile—but it may assist with the general rehabilitative nature of life in the prison if staff are indeed encouraged to talk to prisoners.

As the hon. Member for Ashfield (Gloria De Piero) made clear, the Bill is not enough to deal with the problem on its own. The Government have also invested £2 million in detection equipment for mobiles. There will be handheld detectors and portable detection rods, which will be used as people enter the prison, for example, and I am sure that those will be helpful, too. What is exciting about the Bill is that it is a simple measure that not only will deal with a specific problem, but is part of a wider package of Government reform of the prison system, which I know that this Minister and the Lord Chancellor and Secretary of State for Justice are absolutely devoted to taking forward.

The Bill on its own will not make our prisons rehabilitative, particularly safe or crime-free zones overnight, but it will certainly help, and it has been an honour for me to play a small part in its inception.

11.4 am

Chris Philp (Croydon South) (Con): It is a great pleasure to follow my hon. Friend the Member for Banbury (Victoria Prentis) in supporting this very important private Member's Bill, and let me repeat the congratulations that have been expressed to my hon. Friend the Member for Lewes (Maria Caulfield), who has shown such deftness in guiding this private Member's Bill this far. She has done a fantastic job and I strongly congratulate her on her fantastic work. This private Member's Bill is incredibly important, because the widespread—I am afraid that it is widespread—use of mobile phones in our prison estate is causing very serious problems. I will use three cases to illustrate exactly how serious these problems are, because individual cases are always more powerful than simply quoting statistics.

The first case is that of Shaun Walmsley, 30 years old, who had been imprisoned in HMP Liverpool for a particularly brutal gangland murder. This man was a high-level criminal, running criminal gangs, and had murdered one of his criminal associates. He engineered a hospital appointment by feigning illness and, over the course of three months, used a mobile phone that he had illicitly obtained in prison to plan his escape. During his second hospital appointment, he was sprung out of custody by masked men brandishing machine guns in an episode that police say had been planned over a period of three months, using the mobile phone that he illicitly had. If measures such as those in the Bill had been in place, it would have been impossible for Shaun Walmsley to plan and execute his escape, and the prison guards who were accompanying him to the hospital—Aintree University Hospital in Liverpool—would not have faced machine gun-wielding thugs as they escorted the prisoner.

Craig Tracey (North Warwickshire) (Con): I also congratulate my hon. Friend the Member for Lewes (Maria Caulfield) on progressing this Bill so well. As my hon. Friend the Member for Croydon South (Chris Philp) mentions, a lot has been said about making calls, but I think the point he is making is that, with rapidly advancing technology, the problem is much broader because it is about access to such things as the internet and applications, which are aiding criminals in prisons, and we need to stamp that out as well.

Chris Philp: My hon. Friend makes an extremely good point: this is about not just voice calls, but data. The case studies that I am mentioning illustrate that the use of mobile phones in prisons is not a harmless activity that we perhaps frown upon, but to some degree, can turn a blind eye to. In fact, what we are seeing is the organisation of very serious criminal activity being facilitated by mobile phones. A moment ago, I mentioned an escape involving machine gun-toting masked men.

A second example is that of Imran Bashir, who was incarcerated in HMP Garth in Lancashire. He was using a mobile phone in that prison to co-ordinate a widespread heroin-smuggling and heroin-dealing network, bringing untold misery probably to hundreds of people who were buying and taking heroin. He was running this criminal enterprise via a series of conference calls, which he had organised and was participating in using his mobile phone. My hon. Friend mentioned the use of internet and data. This man was using conference call facilities to organise his criminal network. Had measures such as those in the Bill been in place, it would have been impossible for him to do that.

A third example is that of convicted armed robber Craig Hickinbottom, aged 65. He was serving a prison sentence but was using a mobile phone that was in his possession to run a very well-organised smuggling network, which was bringing prohibited items into not just his prison, but several prisons in Scotland and the north-west. He was only uncovered when cameras on the prison perimeter, which were being used to film wildlife—that might have been an elaborate cover by the authorities—spotted drones flying over the prison walls carrying prohibited material, some of which was suspended on fishing line.

The subsequent investigation revealed that Craig Hickinbottom had been co-ordinating a vast smuggling network over many prisons. More than £1 million-worth of banned material had been smuggled in, including drugs, mobile phones, SIM cards, offensive weapons, a screwdriver—I assume that it was intended to be used as a weapon—a Freeview box and a remote control. He was eventually convicted and given a new prison sentence. All that nefarious activity was facilitated by his having a mobile phone.

The prohibition of mobile phones in prison is no minor matter. I have given just three examples of extraordinarily serious criminal activity being organised and orchestrated using mobile phones. Taking mobile phones out of our prisons will prevent that serious criminal activity. The Bill therefore has my complete support.

I have two questions, either for my hon. Friend the Member for Lewes or for the Minister—if he does not intend to make a speech, I will happily take an intervention. My first question relates to clause 1(2), which states:

"The Secretary of State may authorise a public communications provider to interfere with wireless telegraphy."

[Chris Philp]

The word "authorise" indicates that a provider can be permitted to do that, but can they be compelled? Can the Secretary of State actually require a provider to jam the signal or in some other way prevent mobile communications? The Secretary of State may authorise it, but what if the provider declines to act? Does the word "authorise" give the Secretary of State enough power? Should it not be replaced with "compel"? I see that the Minister is tempted to intervene, but he is indicating—with extraordinarily dextrous hand signals—that he will return to that point in due course.

My second question does not relate directly to the legislation, but it touches on it. The Bill relates to public communications providers, but is it possible to install equipment in prisons to allow the signal to be jammed independently of the providers? Could the Prison Service bring a portable device into a prison in order to jam the signal?

The Minister of State, Ministry of Justice (Rory Stewart): The answer is yes. We absolutely can take our own devices into prisons in order to do that independently of a mobile phone company.

Chris Philp: I am delighted to hear that. Could the Minister elaborate further by commenting on how frequently that is done?

Rory Stewart: There are some technological limitations, because the mobile phone company transmits at different frequencies and at different powers. If we were to prevent the use of mobile phones through our own device, we would have to anticipate the frequency and the nature of the transmission. That is what we have done in the past, but it is not always technologically adequate, and that is the reason for the Bill.

Chris Philp: I thank the Minister for that thorough answer. I look forward to hearing his comments in due course on whether the word "compel" might be more appropriate than "authorise".

I strongly support the removal of mobile phones from our prison estate and therefore support the Bill. I strongly encourage the Minister to step up the level of physical searches in prisons. Hopefully he will comment on that too. It is a pleasure to support the Bill, and an even greater pleasure to support my hon. Friend the Member for Lewes.

11.14 am

Scott Mann (North Cornwall) (Con): It is an honour to follow my hon. Friend the Member for Croydon South (Chris Philp). I was interested to hear him describe the number of different criminal uses of mobile phones in prison. There are no prisons in my constituency, but many of my constituents are prison officers based at HMP Dartmoor, one of the most beautiful prisons in the country, which is in the constituency of my hon. and learned Friend the Member for Torridge and West Devon (Mr Cox).

I thank my fabulous hon. Friend the Member for Lewes (Maria Caulfield) for bringing forward the Bill. Would she like to intervene to explain a little further how the technology will actually work? I am interested to hear what tech will be used.

Rory Stewart *rose—*

Scott Mann: Or I could give way to the Minister on that.

Rory Stewart: I am happy to talk about the technology in very general terms, as I will do in my speech, but the whole point of the Bill is to try to interfere with criminal activity. We must therefore keep a lot of the technology classified. Otherwise, we will not prevent, intercept or gather the traffic data in the way we want.

Scott Mann: I fully understand that clarification. As a member of the all-party parliamentary tech group, I always like to know how things work.

I was interested to hear how drones are being used to drop mobile phones over prison walls. Some drones can actually be flown using a mobile phone, so some prisoners might be using mobile phones to fly in drones carrying drugs. The implication of having more mobile phones in prison is that more illicit activity can take place.

Following what my hon. Friend the Member for Banbury (Victoria Prentis) said, the harshest thing I can do, as far as my children are concerned, is take away their mobile phones, because they feel lost, as if they have been cut off from society. When it comes to rehabilitation, we must try to remove prisoners from criminal activity, in much the same way as we do when trying to get people clean from drugs; we take them away from their environment and put them somewhere separate, where they generally respond much better. If people have committed crimes, they should have that impingement placed on them. The use of that technology should be denied them.

I think that the purpose of the Bill—I did not serve on the Public Bill Committee, so I stand to be corrected on this—is to strengthen safety and security in prisons, through the authorisation of interference of public communications. In 2016 the Government published plans for reforming the prison system, including the measures in the Bill. The "Prison Safety and Reform" White Paper set out the Government's plans to deliver a mix of operational changes and to underpin the legal changes required.

Our prisons face significant security challenges. In 2016, approximately 13,000 mobile phones and 7,000 SIM cards were found in prisons—an incredible number. That was an increase of 7,000 mobile phones from 2013. As I explained earlier, there has been a rise in the number of drones being used to fly contraband over prison walls. It is just incredible. I welcome the announcement that the Government are going to invest £2 million in handheld and portable detection equipment in order to find mobile phones in prisons.

The Bill creates powers allowing the Secretary of State to authorise public communications providers to interfere with wireless signals. Almost half of all prisoners are reconvicted within one year of release. It strikes me that prisoners are much more likely to reoffend if they have access to mobile phones. These measures will therefore hopefully reduce reoffending. More than 150 mobile phones were cut off since the introduction of the Telecommunications Restriction Orders (Custodial Institutions) (England and Wales) Regulations 2016 and the Serious Crime Act in 2015, which is to be welcomed.

The purpose of the Bill is to help people not to reoffend, but it is also to help prison officers to do their job effectively. I therefore welcome the fact that my hon. Friend the Member for Lewes has introduced the Bill and wish it safe passage.

11.20 am

Bim Afolami (Hitchin and Harpenden) (Con): As I have listened to the speeches that have been made so far this morning—mostly by Conservative Members—I have been struck by the length of time my colleagues have been spending on their mobile phones. I say that because it is important for the thousands, or millions, of people listening to the debate at home, and those in the Public Gallery, to recognise that the purpose of the Bill is not to punish prisoners for wanting to get in touch with their families or friends outside; the purpose of the Bill, which I fully support—like other Members, I pay tribute to my hon. Friend the Member for Lewes (Maria Caulfield) for introducing it—is to improve the security and safety of our prisons, and, specifically, to make it harder for people to engage in criminal activity from behind bars.

As we have already heard from my hon. Friend the Member for North Cornwall (Scott Mann), nearly 50% of prisoners reoffend within a year. That is an appalling and sobering statistic, and we should all be very worried about it, not least because those are only the ones we catch within a year. Apart from the fact that reoffending ruins offenders' lives, the lives of their families and the lives of the people against whom they offend, it costs the country north of £15 billion a year, so we need to tackle it. I know—and all other Conservative Members know, as, I suspect, do most Opposition Members—how hard the prisons Minister is working, along with other Members of the Government, on the whole issue of prison reform, and on ensuring that we can rehabilitate our prisoners more effectively.

As we have already heard, this is, in some ways, quite a technical Bill. It enables the Secretary of State to authorise mobile phone operators themselves to act quickly and effectively to disturb the signals and operation of phones in our prisons. In this place we often talk of big aims and grandiose ambitions, and use soaring rhetoric, but it is often small, technical adjustments that have some of the biggest, most far-reaching consequences, which is another reason why I support the Bill.

My hon. Friend the Member for Banbury (Victoria Prentis)—a dear friend, not just an honourable one—mentioned loving prisoners and their families. I think that we do love prisoners and their families. We want to give them the best possible opportunity not to be drawn into criminal activity behind bars, but to put their lives back on track. That should accompany all the other reforms that the Government are trying to introduce, such as the recruitment of additional prison officers, additional funding and investment in prisons, and improved drug treatment.

We have heard from many Members about the use of technologies such as drones that are enabling mobile phones to be dropped into prisons. Let me press the Minister, and the Government, to ensure that we are dealing fully with all the different areas of legislation that can help this Bill to be effective. Also on today's Order Paper is my Bill relating to psychoactive substances, a subject about which we have already heard this morning. Dealing with such substances is one way that could make my hon. Friend's Bill more effective. Keeping drugs out of prisons and preventing mobile phones from being used illicitly constitutes another step towards sorting out the difficult problem of reoffending.

I commend my hon. Friend the Member for Lewes again, because it is hard to get Members into the House on Fridays when most of them tend to be in their constituencies. It is testimony to the quality of the Bill, and the commitment that Conservative Members—including the Minister—and a number of Opposition Members have to it that so many are present today, and I think it gives an indication of the importance of what we are trying to do.

Let me end by saying this—[Hon. Members: "More!"] More? I do not want to test the indulgence of the House too much, Madam Deputy Speaker.

Politicians spend a lot of time talking. We do that because it is our job, and because we are paid to advocate on behalf of our constituents. However, we must ensure that we talk with purpose, and with action in view. I am very happy to be here today—in fact, I think that this is the first Friday on which I have spoken in the House since being elected—because I know that this talking, not just by me but by other Members, will lead to concrete action to improve prisoners' lives, and that is why I wholeheartedly support the Bill.

11.26 am

Mary Robinson (Cheadle) (Con): It is a pleasure to follow my hon. Friend the Member for Hitchin and Harpenden (Bim Afolami), particularly as this is the first time he has spoken on a Friday.

Let me echo the words of other Members and thank my hon. Friend the Member for Lewes (Maria Caulfield) for guiding this important Bill through the House. I also thank my right hon. Friend and constituency neighbour, now the Secretary of State for Work and Pensions, for introducing the Bill last year.

We know how quickly technology can change and evolve. The first mobile phone that I purchased, probably about 20 years ago, looked a bit like a brick and weighed nearly as much, and had only a few hours' worth of battery power. Mobile phones have come a long way. The new ones are lighter, smaller and more sophisticated. They do so much more than just make calls, and they tend to be much more durable.

Contraband is nothing new—it has been around as long as prisons have been in existence—but recent changes in mobile phone technology allow prisoners to connect easily with the outside world. As others have pointed out, that poses risks not just to guards and other prisoners, but to our communities. Victims of crime and the wider public expect those who are sentenced and serve their time "inside" not to have the means to contact others and continue the illegal activity for which they were imprisoned.

Disturbingly, as we have heard, tens of thousands of phones are confiscated in prisons each year. According to media reports, inmates are able to order drugs and other contraband in "Deliveroo" style on their phones, and products are delivered to cell windows by drones. It is therefore important for us, as a Government, to stay

[Mary Robinson]

ahead of the curve, and to equip our prison officers and governors with the powers that they need to disrupt a practice that is widespread and growing.

Just this year, a burglar who was serving time in Strangeways prison was caught using a mobile phone to send a text—I say this to my hon. Friend the Member for Banbury (Victoria Prentis)—as Mr Bridger communicated in "The Italian Job". Further investigation of his cell by prison guards revealed two handsets and a host of other electronic items, including phone batteries, a charger, a SIM card and a keypad. I will not promote the brand of phone he was using by naming it, but it is marketed as the smallest fully functional mobile phone in the world, and can be purchased over the internet for as little as £23. What makes these phones a particular favourite of prison inmates is that they are small enough to be hidden, sometimes in a way not easily detectable by a search, and can often beat metal detectors as they have few metal components. This illicit use of mobile phones undermines the security and safety of other prisoners; it enables criminals to access the internet and gives them the ability to contact the outside world for illicit and questionable purposes.

I am reassured that the Government have already taken action to tackle this issue: £2 million has already been invested in detection equipment, and every prison in England and Wales is currently being equipped with technology such as portable detection poles. However, body scanners and detection poles are not enough on their own to combat this problem, as the evidence I have mentioned shows. This Bill addresses the need for mobile networks to have the powers to completely cut the signal from an inmate's mobile phone device and, more impressively, locate a phone that is being used.

On Second Reading and in Committee, a number of key issues were raised, particularly around improving the availability of, and prisoners' access to, lawful telephones in prison. This is important. A prisoner's access to communication with their family is vital in reducing reoffending rates, as we have heard. Maintaining positive connections is important. For instance, research published by the Ministry of Justice last year reveals that prisoners who are visited by their families during their incarceration are 39% less likely to reoffend upon release. That family connection is key to cutting a prisoner's cycle of self-harm and violence. Prisoners can already contact family members, for instance via Skype, and safeguards must be in place to ensure that these beneficial, supervised sessions are not affected as a result of this legislation.

I also appreciate that this is a matter of supply and demand. As the Howard League for Penal Reform has highlighted, one way to tackle the demand for mobile phones is by ensuring better access to telephones in prisons. It states:

> "Ensuring prisoners can access reasonably private and affordable pay phones would have a significant impact on demand for mobile phones."

As well as preventing reoffending, prisoners who have regular family contact are more stable while serving their sentences. That is why I am pleased that the Government are committed to providing legitimate ways for prisoners to contact friends and family, while tackling the use of illegal phones at source.

The use of mobile phones in prisons breaks down the metal and concrete barriers that were built to protect the very communities we represent. What is at stake is not just the safety of the public but the safety of our prison guards and governors. Although not a silver bullet for prison reform, this Bill will go a long way towards remedying the problems raised today. I again thank my hon. Friend the Member for Lewes for guiding this important piece of legislation through the House; I wish it well in its passage to becoming an Act of Parliament and commend it to the House.

11.33 am

Maggie Throup (Erewash) (Con): It is a pleasure to follow my hon. Friend the Member for Cheadle (Mary Robinson). I can add another 10 years to her; I first owned a mobile phone 30 years ago. Whether it was 20 or 30 years ago, however, we must remember that they were just phones then. They were not devices with apps and various other things; technology has changed so much and we need to ensure the legislation keeps up with that. I too commend my hon. Friend the Member for Lewes (Maria Caulfield) for bringing forward this important Bill, which I believe will strengthen the safety and security of our prisons to the benefit of both prisoners and prison staff.

My hon. Friend was very descriptive in her speech, which effectively highlighted the issue this Bill aims to tackle. As she said, if technology is being used to breach the security of our prisons, there should be the capability to use technology to combat that criminality. If our statute book is to remain effective in the digital age, it is vital that legislation is regularly reviewed and that gaps are identified when they are created by the pace of technological advancement. New technology, such as smart phones and drones, presents a constant challenge to the security of prisons, so any additional support Parliament can give to Her Majesty's Prison Service in tackling these issues should be welcomed across the House.

This is a simple Bill, but one designed to combat the mobile phones and SIM cards found across prison estates, of which there were 20,000 in 2016. I am sure that figure has increased considerably since. By enabling the Secretary of State directly to authorise network operators to cut off wireless telegraphy, we can not only greatly limit the illegal activities of prisoners inside prisons, preventing things such as organised riots and drug deals, but reduce illegal activity outside prison.

As we learned from the contributions made during the earlier stages of this Bill, legitimate contact between prisoners and their families provides stability to their prison experience, especially to those prisoners who may be at risk of self-harming, and can aid rehabilitation. It is therefore reassuring that Ministers have addressed the concerns raised on Second Reading and in Committee—concerns I share—and that legitimate contact will not now be affected by this Bill; we are grateful for that.

I am disappointed, however, that although this Bill extends to England, Wales and Scotland, in addition to making provision for its extension to the Channel Islands and Isle of Man, in practice it will apply only to England and Wales. I sincerely hope that once this legislation is passed Ministers will continue to work with the devolved Administrations to align the law in order to ensure that prisons across the United Kingdom are afforded the same level of security across the board.

Maria Caulfield: The offer was made to the Scottish Government to apply the Bill to Scotland. They have not taken it up, but the hope is that they may well do so in future.

Maggie Throup: I thank my hon. Friend for that clarification. The absence today of Scottish National party Members is notable and might suggest they are not as concerned as we are about the security of our prison officers and of prisoners who want to be rehabilitated.

Jeremy Quin (Horsham) (Con): I would not want my hon. Friend inadvertently to besmirch the reputation of some of our hon. Members: there are Scottish Conservative Members of Parliament here; I have seen them today.

Maggie Throup: I thank my hon. Friend for that intervention. I was looking across the Chamber at the SNP Benches, not behind me; I know that we have representation from the devolved nation of Scotland here today.

In summary, this is a well-considered Bill that will improve the security of our prisons for both prisoners and prison staff. It will also strike a blow to serious and organised crime by dramatically reducing the amount of illicit contact between prisoners and the outside world. I again commend my hon. Friend the Member for Lewes for the way in which she has navigated the Bill to this stage and I am pleased to offer it my full support today.

11.38 am

Alex Burghart (Brentwood and Ongar) (Con): It is a great pleasure to talk on this Bill, which I fully support. This issue first came to my attention when I was working at the Centre for Social Justice, where I was director of policy from 2012 to 2016. We wrote a report while I was there called "Drugs in Prison", which looked at how we might remove these toxic and addictive substances from the prison estate. We wanted to examine how prisons could protect the public and punish offenders through the deprivation of their liberty, but could also help prisoners to rebuild their lives. This Bill contributes to all three of those work-streams. I congratulate my hon. Friend the Member for Lewes (Maria Caulfield) on introducing it and my right hon. Friend the Member for Tatton (Ms McVey) on having started the whole process. It was also good to hear the hon. Member for Ashfield (Gloria De Piero) supporting the Bill; it is always a pleasure to be in the House when there is cross-party support for something that, as I believe to be the case here, contributes to the cause of social justice.

This is a series of measures that can protect the public. It is utterly unacceptable that people in prison should be able to continue their criminal operations from behind bars. At an earlier stage of the Bill, the Minister referred in true literary form to the passing of messages scribbled on silver through the bars of a prison in "The Man in the Iron Mask". These days, it is possible not only to pass messages but to take orders on the internet, control our banking activities and really run our lives from our mobile phones. How many of us do not do that? We are failing to protect the public by failing to disrupt criminal activity in this way, and failing to deprive people of their liberty. So much activity can be conducted through mobile phones, and we will not be fulfilling what the public expect of a prison sentence if we continue to allow people unfettered access to the internet while in prison.

That said, I firmly take on board what my hon. Friend the Member for Banbury (Victoria Prentis) said about the Farmer review and the importance of allowing people to stay in touch with their families. That is unquestionably important. I have a number of young people in my constituency with parents in prison and, having spoken to their teachers, I know how important it is for them to be able to stay in touch with their fathers. However, this cannot be used as an excuse to give people in prison 24-hour access to the internet. The public would not expect that, and I am sure that people who have been sent to prison would not expect it either. There is a balance to be struck, and I believe that the powers in the Bill will give us the potential to do that.

That is of course only one part of the picture. Our research into drugs in prison at the Centre for Social Justice was headed up by a former prison governor from Liverpool, Alan Brown. He showed us an extraordinary number of ingenious ways in which people could bring illicit substances into prison, sometimes using mobile technology and sometimes not. I remember him describing how one prisoner had been found building a catapult out of rubber gloves. He had tied many yellow rubber gloves together and then propelled a heavy object connected to a fishing line from his cell window over a tree branch. It landed on the ground, and one of his counterparts out on the street attached a parcel of drugs to the fishing line, which was then reeled in. We also saw examples of drone activity, and I remember one former prisoner describing how he had cut a hole in the side of his mouth in order to create a pocket in which to smuggle drugs into prison. All these examples remind us just how ingenious our prison population is.

Maria Caulfield: I am hearing from prison officers that one of the most ingenious ways of smuggling drugs into prisons at the moment is to soak the pages of books and letters in drugs. The prisoners lick the drugs off later when they are back in their cells.

Alex Burghart: Edible books! That is extraordinary. I have not heard that example before.

There are many ingenious ways of bringing drugs into prisons, and we know how extraordinarily disruptive they are to prisoners' lives. A large number of people take drugs for the first time in prison, and the amount of Spice—the recently criminalised new psychoactive substance—in prisons has rocketed in the past few years. That is damaging not only prisoners but prison officers, who often inhale the odourless fumes as they go around on their watch. These substances actively destroy people's chances of rehabilitating when they are in prison. In many cases, they create or cement addictive behaviours, which then carry on when the person leaves prison, destroying their chances of being able to move into work. Being able to tackle telephony in prisons is one important way in which we can start to disrupt this trade and so give people in prison more hope that they will be able to turn their lives around on release.

11.45 am

Alan Mak (Havant) (Con): It is a great pleasure to follow my hon. Friend the Member for Brentwood and Ongar (Alex Burghart). He has made an excellent speech,

[Alan Mak]

and I know that he comes to this issue with a lot of experience at the Centre for Social Justice. I congratulate my hon. Friend the Member for Lewes (Maria Caulfield) on her hard work in taking the Bill forward, and also my right hon. Friend the Member for Tatton (Ms McVey) on the work she did to initiate the Bill. The fact that it passed unamended in Committee reflects its simplicity and its importance, as well as the hard work of my hon. Friend the Member for Lewes, and I hope she will see its passage through the House today.

The Bill is of particular interest to me as I have recently served as Parliamentary Private Secretary at the Ministry of Justice. I welcome its provisions, because I believe that giving the Secretary of State the power to authorise public communications providers to disrupt the unlawful use of mobile phones in prisons is an important public policy objective. These powers are in addition to those already on the statute book that allow prison governors to interfere with such mobile phone communications. I am pleased to support the Bill today. I believe that it will strengthen our prison system as well as meeting the challenges associated with advances in mobile technology and wider criminal activity. I echo the sentiment of my hon. Friend the Member for Lewes that 13,000 mobile phones and 7,000 SIM cards being found in our prisons in 2016 was simply too many. That is why I commend her for bringing forward the Bill, and I am sure that it will find support on both sides of the House.

When I served at the Ministry of Justice, I was able to witness the use of mobile phones in prisons when I visited HMP Pentonville. I spoke to the governor, the deputy governor and prison staff there, and I was also able to speak to some of the prisoners, which enabled me to understand some of their motivations. I also understand the difficulty that prison officers have in curtailing the use of mobile phones in prisons. That is why the Bill is so important. The unlawful use of mobile phones in prisons undermines the safety and security of prisons and enables criminals to direct illegal activity from behind bars, including organising violence and drug smuggling. It also harms the rehabilitation process for prisoners, as we have heard from a number of speakers today.

Reoffending rates are still too high. This costs the economy around £15 billion a year, but it also means wasted talent and broken families. There are complex reasons for reoffending, and it is not solely down to the use of mobile phones in prisons, but there is no doubt that that can be a seriously contributory factor. Unfettered access to the internet can have a damaging impact on the rehabilitation process, through the glamorisation of life behind bars on sites such as Snapchat and Instagram, as well as through more sinister activities such as organising crime from within prisons and associating with former criminal networks. Prison officers have told me that such damage is most pronounced when they are attempting to break down the gang culture that pervades many of our prisons, and the cycle of violence that often comes with it. If a gang member on the inside remains in close contact—speaking daily—to those outside, and perhaps even continues his activities while in prison, how can we expect to break the cycle of bad behaviour and the gang culture? In order to change lives it is vital that we change the habits of prisoners and break their contact with their criminal fraternity.

Equally, for prisons to be at their most effective, it is important that they work as a true deterrent. In our modern society, where we depend so much on our mobile phones to manage our finances, order food, read the news and update social media, the loss of liberty on the inside should be a truly frightening prospect, entailing tangible disadvantages that are truly punitive. With the proliferation of mobile phones in prisons, being cut off from the outside world has essentially become completely irrelevant, and we need to reverse that process. That is why the Bill is so important.

In fact, the use of mobile phones in prisons is not only harmful to prisoners' rehabilitation, it could also trigger other bad behaviours, for example encouraging prisoners to disregard authority and other prison rules. I fear that more videos watched on social media from inside prisons will simply make people less afraid of jail and diminish the impact that jail has as a deterrent.

Other hon. Members have reiterated the importance of ensuring that prisoners are able to stay in contact with family members so that they can maintain relationships and bring stability to their lives, especially after they leave prison. I am delighted that the Ministry of Justice is taking action to ensure that that is the case and that the Bill would not diminish that ability. For example, I am aware that prisons such as HMP Berwyn, a category C prison in Wales, already offers close to 24/7 access to PIN phones, so that prisoners can call their loved ones. As a result of such measures, the use of mobile phones will no longer be necessary.

I commend the Ministry of Justice and the Minister for ensuring that prisoners who are found with phones in prison are subject to increased sentences. For example, John Grimshaw, who was found with two handsets, a phone battery, a SIM card and keypad in his cell at HMP Manchester received a harsher sentence—I think it was an extra year. It is right that we continue to punish those in the prison system who are found with illicit mobile phones.

I support the Bill because it would set out a framework to allow the Government to future-proof the prison regime. As the fourth industrial revolution accelerates, technology that blocks signals and mobile phones in prisons will soon become more cost-effective and have more impact. Therefore, the regime created by this simple but effective Bill will be important to ensure that our prison regime is secure for the future. I hope that the Minister and the Secretary of State will work closely with telecommunications companies to ensure that they bring forward the right equipment and mobile phone detection software to ensure that we can protect prisons, to make them safe and to allow prisoners to be rehabilitated. I strongly support the Bill and I congratulate my hon. Friend the Member for Lewes on her hard work.

11.51 am

Kevin Foster (Torbay) (Con): It is a pleasure to follow my hon. Friend the Member for Havant (Alan Mak) who, with his knowledge and campaigning on the fourth industrial revolution, brings much expertise on modern technology to the debate, as he demonstrated in his remarks.

It is also a pleasure to speak on Third Reading, having spoken on Second Reading and been on the Committee. I congratulate my hon. Friend the Member for Lewes (Maria Caulfield) on bringing the Bill this far, and I pay tribute to the work of my right hon. Friend the Member for Tatton (Ms McVey) who initiated the Bill. I am pleased that since I rose to speak I have not had another phone launch a fightback, as one did on Second Reading. Those of us in the Chamber suddenly discovered what the "Find My iPhone" noise sounded like, as it bleeped away on the Back Benches, interrupting our proceedings. Mobile phones can, however, be a great tool and a useful asset in modern life. Unfortunately, they are no longer just phones. They can be the equivalent of a desktop computer, a communications device, store large amounts of information, process documents, and no longer even need a mobile network to work as in many cases they can operate via a wi-fi system. Even a fairly weak signal will allow phones to function fully, given apps such as WhatsApp. They can also make encrypted communications to a high standard, which can make it much more difficult for traditional methods of interception to deal with them. The Bill is, therefore, very timely.

My hon. Friend the Member for North Cornwall (Scott Mann), who is sadly no longer in his place, highlighted that in 2016, the latest year for which figures are available, 13,000 mobile phones were confiscated. The problem will only continue to escalate, not least given the way technology can be used to make devices smaller, to deliver easier access and the potential fusion between people's bodies and technology that can now be achieved in a way that would have been unimaginable only 10 or 15 years ago. It is right that we are looking to update the legislation.

The Bill is not about prison governors having to play whack-a-mole trying to find a phone that has just popped up and getting it blocked. It is about blocking off networks that are operating, and taking advantage of the technology to ensure a zone in which phones just do not operate. If that is possible technologically, there should be a legal power to enable it, which is what the Bill will do. That is why it is vital we give the Bill its Third Reading today.

For Members who are regulars on a Friday, I do not plan to go to my usual lengths of detailed analysis. [Hon. Members: "More."] I can hear their disappointment. It is strange to hear it from my hon. Friends—it is usually Opposition Members who demand more during my speeches—but today is not the day to set a two-hour record.

Today is about being clear about the target of the Bill. It will be interesting to hear how the Minister expects to work with the mobile phone networks to implement the Bill, and how he expects to work with those who provide other wireless communications systems that may be near prisons. For example, it would be no good knocking off mobile phone network signals only to discover someone has busily set up a wi-fi network covering the jail.

Phones can now fully operate via wi-fi, including for voice calls. Many of us have used the WhatsApp call feature, which is as simple as making a phone call. It will be interesting to hear about the work that will be done around jails, not just with the big mobile phone networks but to ensure that we knock out any potential wi-fi coverage, not least when a standard home hub can cover 100 metres, which shows the potential, and all the more so with mobile wi-fi technology.

This is a very welcome Bill, and it needs to happen. The law must try to keep pace with technology. Phones are advertised as able to beat body orifice scanners, which shows the lengths people are going to, and finding phones in prison will only become more challenging. This Bill is an appropriate fix and a proportionate move. Bluntly, there is no need for a person in prison to have a mobile phone to contact their family. There are legitimate ways of doing that via postal communications or the telephones that are provided.

Jeremy Quin: Will my hon. Friend give way?

Kevin Foster: I will not give way, because I am just about to take my seat. I am conscious of the time and I know that others wish to speak.

There are ways for people in prison to communicate and to keep in contact, but we must also remember that prisons are about protecting the public and ensuring that people cannot run a crime network from behind bars. That is why I support the Bill, and I will be pleased to see it get its Third Reading.

11.57 am

Robert Courts (Witney) (Con): It is a great honour to speak on this timely Bill, as we bring the law up to speed with emerging technologies, which present so much of a challenge to prison governors and warders as they go about their business.

It is also a great pleasure to follow my hon. Friend the Member for Torbay (Kevin Foster), and I am delighted he was able to make his speech without being harassed by a mobile phone, as he was on Second Reading—the timing of that interruption was extraordinary and is perhaps never to be beaten in the annals of *Hansard*. I also pay tribute to my hon. Friend the Member for Lewes (Maria Caulfield) for her calm, cool, thoughtful and detailed stewardship of the Bill.

I welcome the Bill, and I am delighted it is one that the Government support. As I have mentioned, this is a necessary Bill. I practised at the Bar before coming to serve in this place. As anyone who has worked at the criminal Bar will realise, mobile phone use in prison is now a serious problem. It is beyond a curious fact and it is beyond a joke. There is no suggestion that mobile phones are not available in prisons, because they are. Frankly, they are a form of currency and they are in daily use.

People in prison can do an extraordinary amount of things with a mobile phone. A number of Members have mentioned those things and, in some ways, we should get away from calling them mobile phones, because the time will come in the not-too-distant future when the extraordinarily capable devices we have in our pockets will replace desktop computers. We will be able simply to plug it in, and everything we do from a computing perspective will be carried around on this very small device.

These devices can be used to make calls, certainly, but that is by no means the only thing they can do. They can do everything from secure, encrypted instant messaging through to word processing and controlling things. So

[Robert Courts]

we now live in a world in which people can control the lights in their home on a device that they carry around in their pocket. It does not take a great deal of imagination to realise that if someone is able to do that, they can do other things as well. Phones are now integrated with the systems of some cars. This world presents extraordinary difficulties for prison governors.

As someone who has practised at the criminal Bar for years, I know there is no longer a suggestion that going into prison presents any more than a nuisance to someone seeking to continue carrying out what they see as their business—their criminal activities. As has been said, some Members use their phones in the Chamber—I can reassure their constituents that they are working. They are dealing with emails, reading briefing papers and responding to what constituents have written to them. If they can carry on their business inside the Chamber, it is fanciful to think that if prisoners are given access to devices and the technology to communicate, they will not be able to continue with their criminal activities. They clearly will be able to—

Kevin Foster: Does my hon. Friend agree that we talk about these things as phones, but in reality we are talking about a computer system that can make calls?

Robert Courts: I could not agree more. When the iPad was first introduced it was described as being a large iPhone that cannot make calls. We are almost now dealing with the reverse of that: a computer that just happens to make calls. Increasingly, that is a by-product that is not needed, because people might communicate by text message or WhatsApp—people can do absolutely everything. I recall thinking years ago, as basic phones started to include things such as photos and syncing with computers, that it would not be very long before that small device replaced everything else—we are well on the way to that now.

Jeremy Quin: My hon. Friend the Member for Havant (Alan Mak) alluded to the fact that people can use phones to take videos and smuggle them out of the prison system over the airwaves. That is dangerous to the discipline inside prisons. It makes it difficult for governors. Does my hon. Friend the Member for Witney (Robert Courts) share my concern on that facet, in particular?

Robert Courts: I am grateful to my hon. Friend for raising that point and I entirely share his concern on discipline. I was about to mention photographs and a point that brings the one he made into sharp relief. When we first had phones with cameras on, the photographs were grainy and did not really show anything; they were not helpful as photographs. We now have extraordinary camera abilities with high-definition video. When those things are able to be operated from within a prison, people could photograph or video a prison officer and then harass them by sending that to someone who is outside. The prisoner could show exactly who that prison officer is, in order to humiliate them or blackmail them. That is a very serious problem.

It is also a serious problem that people can record something that is taking place in a prison. Another example of the obvious need for the Bill is that a prisoner can ring a contact on the outside and arrange for the delivery of drugs or other contraband, but this goes far, far beyond that. These extraordinary small devices provide the ability to run an entire business operation and those inside prisons have the ability to carry out an entire criminal operation. That has serious corrosive effects on the ability of prison officers to maintain discipline and to protect the public, as hon. Members have suggested.

Kevin Foster: Does my hon. Friend share my concern that not only do people have this ability to communicate, but that is now combined with what was once military-grade encryption technology? I alluded to that in my speech. Does he share my concern that it is bringing a whole new angle to this area?

Robert Courts: Yes, my hon. Friend is absolutely right about that. The ability to load software such as virtual private network software on to a telephone, to use WhatsApp, which is encrypted, and to communicate with people anywhere in the world while being able to disguise one's own identity and geographical position presents enormous challenges for those who are trying to make sure that prison is a disciplined place that protects the public from the activities of those within it.

It is extraordinary that going to prison is really only a nuisance, and that if people have access to the right technology, they can carry on from inside prison in exactly the same way as they carried on outside, with only minor inconvenience. We should not allow that. We can see from the statistics—13,000 phones were seized in 2016, going up to 23,000 in 2017, as my hon. Friend the Member for Lewes said, with 7,000 SIM cards seized—that this is a real and pressing problem that we have to deal with now.

Why do we need this change to the law? Essentially, the existing law, as I understand it, enables governors to interfere with specific devices, but we are always playing catch-up. We do not know what technological advances are likely to come in future; we simply know that they will come, and we need to be in a position to address them as and when they arise.

Let me address briefly some of the objections to the Bill that are germane to some of the issues we have been discussing. Having practised at the Bar, I am particularly sensitive to some of them. My hon. Friend the Member for Banbury (Victoria Prentis) mentioned the important rehabilitative aspect of communication, but it is important that we see communication between prisoners and their families as distinct from their having mobile phones; the two are not the same thing. Prison must, of course, be a punishment and it must protect the public, but having represented people over the years, I have seen countless examples of people who go into prison, meet people and learn more criminal skills there, and come out and continue their criminal activity.

Alex Burghart: On families staying in touch when a family member is behind bars, does my hon. Friend agree that it is extremely important to maintain personal, physical contact? Being able to make weekly or daily calls is great, but it is hugely important for people to spend physical time with their child, and too often that is not available.

Robert Courts: Yes, and I am grateful to my hon. Friend for raising that point. He has great expertise from his background at the Centre for Social Justice and is well placed to comment on that. I could not agree more. It is critical that prisoners are able to remain in contact with their family members and loved ones, and not just through calls. It is not simply a matter of providing telephony services. We need only look at the statistics: as I understand it, people are 39% less likely to reoffend if they maintain regular contact with their family members. The reoffending rate is around 50% within a year, so it is clear that we must address that, however we look at the criminal justice system.

Jeremy Quin: Given my hon. Friend's work at the criminal Bar prior to entering this place, he has a lot of experience of this issue. In response to the intervention from my hon. Friend the Member for Brentwood and Ongar (Alex Burghart), he referred to the need for regular prison visits so that prisoners can see their families in a physical context, and I totally agree with all that, but as much as we would all like to see it there are many cases in which that becomes incredibly difficult to achieve, including because of the geography—where prisons are. Therefore, properly handled telephone connectivity is incredibly important. I may refer to this if I catch Madam Deputy Speaker's eye and am given a chance to speak, but the costs, which can be up to half the prisoner's wage for a 10-minute call to a mobile phone, are prohibitive. As my hon. Friend the Member for Lewes (Maria Caulfield) said, that needs to be addressed.

Robert Courts: My hon. Friend is absolutely right. The cost of calls in prisons is certainly being addressed. My hon. Friend the Member for Lewes mentioned that, and I have no doubt that the Minister will, too, in due course, because the Government have undertaken that work.

I have raised all these points because we must distinguish between the need for communication, which we must have, and the having of mobile phones, which is not terribly helpful. Communication is required partly because we must reduce the reoffending rate—although I do not want to sound managerial—but also simply from the point of view of humanity. Yes, prisons are a punishment, but they must be humane. Say somebody has committed a crime that means they have to go to prison, but they are a single mother and there are children involved. Anybody who has represented someone who has that double heartbreak will realise that there must be a way to make sure, although we accept that they have to go to prison because they have to atone for what they have done, that families maintain contact with each other. A mother who is in prison should be able to make contact with her children outside, lest the children start to follow down the same road, which causes me great concern. We must improve the access to telephony which is permitted—I know that the Minister will talk to that in due course as well as prison visits.

I wish to make one or two more points before I resume my seat. A concern has been raised about co-opting private companies to assist the state. An Act of Parliament will be enacted. The Secretary of State will be making the regulations. It is important to remember that, as that provides the reassurance. The reason it is helpful that the technological burden is pushed to the providers rather than sitting with the prison governors is that it means that they are actively involved. That will help with the technological increases that we know will come in the years ahead, which means that we will not always be playing catch-up as technology advances.

My final point is about the understandable concern of residents who live near prisons that their service may be affected. If the companies that provide the services are involved, they will be involved in providing any solutions to any unintentional disruption in the much needed communication service for those who live outside.

I am very grateful to you, Madam Deputy Speaker, for giving me the time to speak. I welcome this Bill and I look forward to its further progress.

12.11 am

Jeremy Quin (Horsham) (Con): It is a great pleasure to catch your eye, Madam Deputy Speaker. There are a couple of problems that I associate with the 2017 general election, one of which is the loss of the Prisons and Courts Bill. I am delighted that my hon. Friend the Member for Lewes (Maria Caulfield) has taken up the opportunity for this valuable Bill, which plugs part of the gap that losing that Bill has presented. She is exactly the right person to do so not only because of the calm and collected way in which she has presented and promoted this Bill, as referred to by my hon. Friend the Member for Witney (Robert Courts), but because she has the privilege of hosting in her constituency the Sussex county jail. I do not wish to reopen old wounds between her constituents and mine, but the county jail moved from Lewes to Horsham in 1540 and there was a long-running, 305-year campaign by the people of Lewes to have it returned. They finally succeeded in 1845. For those of us who worry that our campaigns take rather a long time to prosper, they need look only to the doughty efforts of the constituents of my hon. Friend.

My hon. Friend proposes a simple and sensible move. Like her, I was shocked when I discovered that 23,000 mobile phones had been found in prisons in 2017. Those are just the ones that were discovered and apprehended. I, too, was looking for measures that could stop that flow of mobile phones into prisons. Indeed, I have used the opportunity of Justice questions to press my hon. Friend the Minister on the use of anti-drone technology around prisons. An excellent company in Horsham can bring down drones safely and prevent the use of drones to deliver drugs and mobile phones into prisons. The Minister was kind enough to meet me and pointed out that a combination of this excellent Bill and nets would be an equally effective way of stopping the problem, albeit less efficacious for the company in my constituency. I have not lost heart, though, on the Ministry of Defence, which will find its products very useful.

This Bill will, I hope and believe, reduce the abuse of mobile phones in jails. Jails are there to serve a purpose. At least part of that is to divorce criminal gangs from their leadership, to disrupt criminal gangs, to separate those individuals from society and to loosen the bonds of the criminal networks.

I am not going to discuss, as my hon. Friend the Member for Banbury (Victoria Prentis) did, "The Italian Job" or "The Man in the Iron Mask". I am not naive. I do accept that, even prior to mobile telephony, there

[Jeremy Quin]

were still means by which criminal gangs were able to communicate through prison walls. However, we owe it to our constituents to ensure that, just as we use every form of modern technology to apprehend criminals, we also use that technology to ensure that they are cut off from their gangs and their networks when they are serving time. That view, I think, has widespread support across this House—judging by the intervention of the hon. Member for West Ham (Lyn Brown), I am sure of it—and we need to do all we can to crack down on that illicit use of phones.

But this is not only about deliberate, illicit use for criminal purposes—it is also about those who are desperate to get hold of a mobile phone for entirely legitimate reasons and find themselves prey to gangs inside jails. Our hearts go out to people who, for whatever reason they are in jail, are desperate to keep in contact with their families on the outside. They then become prey to the criminal activity inside the prison by not only supporting the efforts of those smuggling phones into jails but supporting the wider use of those smuggling networks for drugs and other assets. Another aspect of this Bill is that it should help to prevent those individuals from being abused by other criminals when they are at their most vulnerable, behind bars.

Two big concerns have been raised about the Bill. They have been given an airing already, but it is vital that they are properly addressed. First, this is about not only reducing the supply of phones but reducing the demand for them. The Howard League for Penal Reform and the Prison Reform Trust—respected organisations—have both been very clear about the need to reduce the demand for illicit telephones by ensuring that other means of telephonic communication are available to prisoners. I slightly take issue with my hon. Friend the Member for Torbay (Kevin Foster) on one point, where I tried to intervene on him. It is really important, as I am sure he agrees, that we ensure that prisoners can have access to telephone calls. There are limited times in which those calls can be made.

As I said to my hon. Friend the Member for Witney, the cost of a 10-minute call to a mobile phone can be up to half a prisoner's weekly wage, and a 10-minute call to a landline can be a quarter of their wage. They have to make certain that they can get to the phone, with multiple prisoners trying to do the same thing, and they are out of their cells for only a short period during the day. There may be problems at the other end; their families may not be available to take the call. Access is incredibly important.

Kevin Foster: I completely agree that there is a need for families to have access and for prisoners to be able to keep key relationships, but there is a difference between the completely unregulated communications that a mobile phone—effectively a computer—can provide and the much more specific ones that a family telephone service can provide.

Jeremy Quin: I thank my hon. Friend. I must have misinterpreted his earlier remarks.

Secondly, I understood from my hon. Friend the Member for East Surrey (Mr Gyimah), when he was the Minister on the previous Bill, that a huge amount of work is being done by the Department. My hon. Friend the Member for Thornbury and Yate (Luke Hall) referred to the benefits that HMP Wayland has received from the roll-out of improved modern telephone services. Perhaps the Minister will pick up on that. I have been reassured by what the promoter of the Bill has said. I also understood that the Department, at that stage, was intending to re-tender the national telephony contracts. I hope that as a result of that re-tendering process the cost of calls for prisoners has been reduced.

My hon. Friend the Member for Witney and my hon. Friend the Member for Thornbury and Yate, who has three prisons in his constituency, raised the issue of constituents around the prison being certain that their telephone signals are not interfered with. I heard words of reassurance on that from the promoter of the Bill, and perhaps the Minister could touch on it as well. I would want reassurance that Ofcom and the mobile phone operators are being consulted to ensure that there are not adverse consequences for those living around prisons.

Having expressed those two concerns, which I am sure will be addressed, I look forward to this Bill continuing to make progress through its remaining stages.

12.18 pm

Mike Wood (Dudley South) (Con): Prison serves many functions and purposes: to punish, to reform, but also to protect wider society. That protection relies on being able to restrict and prevent criminal activities in order to break up the existing networks and ensure that the crimes and offences for which prisoners are in jail cannot continue while they remain there.

As my hon. Friend the Member for Witney (Robert Courts) pointed out, technological advances have meant that mobile phones—effectively pocket computers—can be used almost as a mobile office. Almost wherever the user is, with anything more than a minimal signal they can continue with many activities. Of course, for most of us, those are perfectly professional and positive activities. Sadly, in too many of our prisons, the use of illicit phones is rather less positive.

An intrinsic feature of a custodial sentence is deprivation of liberty, part of which is the limitation of the rights and freedoms that those of us in society would normally expect to be able to exercise. Those who are in prison should not necessarily be able to expect the same connections and privileges enjoyed by those outside.

The primary purpose of the Bill is to allow mobile phone network providers to disrupt the use of unlawful mobile phones in prisons. We have heard about the large increase in the scale of the problem, with the number of mobile phones doubling in barely three years. That sharp increase is not due to some deficiency or inadequacy in the existing legislation—particularly the 2012 Act, which lays an important and valuable basis for prison governors' powers. Instead, it is the use by criminals, prisoners and offenders of technology that is evolving at a rate that legislation sometimes struggles to keep up with.

The Bill, promoted by my hon. Friend the Member for Lewes (Maria Caulfield), will help to address the gap in the powers that may be used by those who keep us safe. We must be clear that the illicit use of mobile phones undermines the safety and security of prisons, prison staff and other prisoners, and it increasingly allows prisoners to carry on organising and co-ordinating serious and, at times, violent crimes that take place outside prison, in the community.

Other action is being taken to tackle the issue of mobile phones in prisons. As we have heard, the number of phones confiscated has risen. Some £2 million has been invested in detection equipment, including handheld detectors and portable detection devices, and all prisons in England and Wales are being equipped with technology to strengthen searching and security, including portable detection poles that can be deployed at fixed points around entrances and visitor areas. Other new technology is being tested to tackle the threat posed by contraband smuggled into prisons, which includes illicit mobile phones as well as weapons, drugs and a whole range of items and materials that, for very good reasons, are excluded from our prisons.

These are important powers. One thing that I hope my hon. Friend the Member for Lewes or the Minister will clarify is the impact of the Bill on prison governors and whether any additional obligations and burdens might fall upon them as a result of these powers to allow mobile phone operators to take action. The Bill is a tool that can be deployed to disrupt communications that undermine the security of our prisons. We can improve the safety of prisons and take a step towards minimising criminal activity. If that is achieved, this legislation will have played an enormous role in helping to keep our prisons and wider society safe.

12.24 pm

The Minister of State, Ministry of Justice (Rory Stewart): I thank all Members who have spoken today, and particularly my hon. Friend the Member for Lewes (Maria Caulfield) for promoting this important Bill. I also thank my right hon. Friend the Member for Tatton (Ms McVey) who introduced the Bill in its original version, and my hon. Friend the Member for Mole Valley (Sir Paul Beresford) who brought forward the 2012 version.

This has been an astonishing tour d'horizon, and powerful speeches by an extraordinary number of hon. and right hon. Members have touched on fundamental issues concerning the purpose of prison. Members have mentioned the rehabilitative aspects of prison, as well as incapacitation, retribution and deterrence, but we must begin by thinking about the device of a mobile phone itself. As my hon. Friend the Member for Erewash (Maggie Throup) powerfully pointed out, this device is not simply a telephone, and when considering this Bill we must consider its relationship to prison in general.

Prison is designed to isolate somebody from the public, and in contemporary society prison is effectively a punishment of segregation or isolation which includes the breaking of communication. The difference between being in a prison cell, as intended by the prison's administration, and being in a cell with this device in one's hand, is absolute. In a cell, someone without such a device can expect to be controlled by the regime in terms of access to media and communications. With a device in their hand, however, their entire life becomes different—they are no longer quite a prisoner; they are someone who can begin to become an active, involved individual who can reach out well beyond the walls of their cell. Relatively rapidly in the short time available, let me talk through what that actually means and how that feels in a prison.

Having such a device effectively means that someone can set an alarm, wake up, and use a torch to communicate with the drone outside their prison cell. They can use their device to pilot the drone to their window, and having had their drugs delivered, they can sit back and go on Skype or Facebook, or make a WhatsApp video call with their partner outside prison. They can sit back, watch a movie, go on Facebook, and fall asleep. When they wake up in the morning they can use the device for their personal fitness training, or begin trading shares and make a little money.

As their morning starts, perhaps after breakfast, they can begin to use their device more actively to run their criminal gang outside the prison walls—that is the moment at which they pick up their mobile telephone to call a business rival, intimidate a witness, or organise the importation of drugs or weapons into the country. Having done that, the device then becomes a weapon within the prison itself. It allows someone to go to another prisoner and say, "You owe me £35 for the drugs that I dealt you last week", or to calculate a 50% interest payment, or the interest payment attributed to a particular cell. The device allows someone to take a photograph of an individual and send it to their partner. If an individual will not pay, the device allows someone to feed them Spice and, as happened recently, put them in a washing machine, video them, and load an image of them going round and round on social media.

This device can also be used for research—it permits someone to get online, find out what the man sharing their cell has been convicted for, discover something about the business they used to run or the assets they might possess, and establish their address and where their partner is located. The device allows someone to undermine the prison regime, or take a photograph of their prison officer and share it with a friend outside the prison walls, so that they can follow the prison officer home. This device allows someone to research the entire family background of their prison officer, and when they have finished doing that—perhaps in the evening when they are locked up again—they can begin using the device actively to commit crime.

Someone could use their device to hack into other people's websites, or to access the dark web and start trading weapons or slaves on line. This device might then allow them to begin going on social media. They might not wish to, but they could retweet an ISIS video on this device. They could use this device, through social media, to simultaneously organise disturbances across 30 or 40 prisons at the same time, and time when those disturbances took place. Above all, what they would be doing through their continual use of this device, going on Facebook and Twitter, is continually humiliating and offending their victims. They have been locked away as a sex offender or a violent offender, and their victim is suddenly finding that they are on Twitter or Facebook sharing their views on the world, talking to their friends and generally behaving as though they are not in prison.

That therefore brings us from the device to the purpose of the Bill. This is where the contributions by hon. and right hon. Members have been so important. The first point made by my hon. Friend the Member for Thornbury and Yate (Luke Hall), which is what we have to begin with, is that this device undermines the effective functions of a prison. It undermines the authority of the prison officers. It undermines their ability to use incentives and the earning of privileges in order to control the behaviour

[Rory Stewart]

of a prisoner. Basically, it means that a prison is less safe and less functioning, and is unable to perform its functions.

It was clear from nearly the dozen speeches we heard today that there were four quite different concepts of prison. Roughly speaking, my hon. Friends the Members for Horsham (Jeremy Quin), for Hitchin and Harpenden (Bim Afolami), for Banbury (Victoria Prentis) and for Cheadle (Mary Robinson) focused on the rehabilitative aspects of a prison. My hon. Friends the Members for Croydon South (Chris Philp) and for Brentwood and Ongar (Alex Burghart) focused on the function of prison in terms of incapacitation. My hon. Friend the Member for North Cornwall (Scott Mann) focused on the importance of retribution within prison. My hon. Friends the Members for Havant (Alan Mak) and for Dudley South (Mike Wood) focused on deterrence.

I am simplifying—the speeches touched on many different aspects of the use of a prison—but by focusing on those four quite different purposes of a prison we can bring into clear focus the different ways in which this powerful device or weapon in the hands of a prisoner can be used to undermine the purpose of a prison. If we were to focus, as my hon. Friends the Members for Hitchin and Harpenden, for Banbury and for Cheadle do, on the question of rehabilitation, then suddenly the telephone can seem a rather attractive way of containing the prisoner's ability to communicate with broader society.

The argument that might be made—I would not be making it—is that this device is what prevents a prisoner suddenly dropping off the edge of a cliff when they leave prison and re-enter society. A prisoner who has been locked up for 15 years without access to this device and without access to social media has very little idea of the society outside the prison walls. A prisoner who has access to this device is able to continue family contact, is able to keep up with the world, is able to educate themselves, is able to take German lessons, is able to go on Wikipedia. Indeed, as my hon. Friend the Member for Banbury explained in her speech, there is a sense—my hon. Friend the Member for Hitchin and Harpenden touched on this as well—that there is not a great gap between the kind of use that many prisoners are putting this device to and the kind of use that we ourselves, our families and our children are putting these devices to in everyday life.

But—this is where the speech by the hon. Member for Croydon South is so important—this device flagrantly challenges the fundamental principle of prison, which is that of incapacitation. In the example of Craig Hickinbottom, in the example of escapes being organised from prison, this device leaps over the prison walls. The prison walls no longer become a method of incapacitating a prisoner, but instead become a fluid substance through which the prisoner can continue to intimidate society, run a criminal gang and operate, in effect, as though they were not incarcerated at all.

This touches on the question raised by my hon. Friends the Members for Brentwood and Ongar and for North Cornwall when they talked about the retributive function of prison. If the point of prison is to ensure that the criminal is punished for the historical crime they committed, the question is this: is it adequate retribution to allow somebody to sit in a prison cell with this device? What do we mean by that? Clearly central to the question of punishment is the question of the deprivation of liberty, which involves the deprivation of communication. In so far as we are unable to punish a prisoner in other ways, and many of the other ways in which people were traditionally punished have been removed, an individual is now sent to prison as punishment, not for punishment. In other words, the idea is that the individual goes to prison and the punishment is that deprivation of liberty. However, as hon. and right hon. Members have pointed out, the possession of this device could potentially undermine the fundamental principle of that punishment by giving a prisoner a range of liberties—the ability to speak to their family at a moment's notice, the ability to go online, the ability to stream videos and music, and the ability to continue to live the life of an active citizen from within the prison walls—which is not consistent with the judge's intention.

That brings me to the fourth purpose of prison, emphasised by my hon. Friends the Members for Havant and for Dudley South, which is, of course, deterrence. On the surface, the issues around deterrence and incapacitation would appear to be the same issue, but they are not. The question of retribution, in particular, involves the judge accurately calibrating the punishment to fit the historical crime. The question in relation to the mobile telephone is the extent to which the deprivation of the mobile telephone is in proportion to the exact crime that the individual has committed.

The question of deterrence is quite different. It relates to the notion of an exemplary sentence—in other words, deterrence relates not to the past and to the historical crime committed by the individual, but to the future and wider society. The question then is: does this mobile telephone and its possession represent for broader society something that would be expected by the potential criminal, and the deprivation of which would dissuade them from committing that criminal act?

Superficially, all the questions around mobile telephones seem as though they are just questions of technology, but they are not just that—they go to the fundamental purpose of prison. Again, it might superficially seem that we can just say, "Prison exists for all these things. It exists to incapacitate, deter, rehabilitate and to take retribution," but this is not true in reality. If we look at the debates that happen within criminal justice, we are unable to resolve these fundamental issues, and the reason is that the principles, or assumptions, from which these things are derived are in conflict with each other. They can be in conflict in different ways.

It has been a great privilege to hear from so many learned Friends today—indeed, I would be delighted to take interventions from any of them—and they have managed to put their finger on deep philosophical distinctions.

Jeremy Quin: I would not describe myself as "learned", either in fact or by courtesy. My hon. Friend is making a very powerful and interesting speech about the philosophy of prisons. It occurred to me, listening to him, how profoundly things have changed over the last 30 or 40 years. If we compare and contrast what an offender might have done in society 20, 30 or 40 years ago with the situation now, we see how markedly things have changed. I am thinking about people's personal lives—their

access to films, the internet and the way they conduct themselves. If we compare how people conduct their social lives now with 30 years ago, when social life was more community-based, it is clear that things have changed greatly, and that needs to be reflected in the prison sentences and jails.

Rory Stewart: My hon. Friend makes a very important point. The questions around the telephone is what we expect in society as a whole and the relationship of a prison to what happens in broader society. What we see in our prisons is that in fact they ultimately mirror broader society. What was acceptable in the 19th century is not acceptable today. For example, in Pentonville prison 175 years ago solitary confinement meant total silence and the use of masks for 23 hours a day. Slopping out, which happened as recently as the 1980s—in other words, the fact that prisoners did not have lavatories in their cells—has ceased to be acceptable. Our views on whether prisoners should have showers in their cells might change in 20 or 30 years' time.

Our views on how a mobile telephone relates to normal life will also change. Will a mobile phone begin to feel so fundamentally interwoven with our social life, our communications and the way we live in a 21st-century society that to be deprived of it will feel quite different in 20 years' time from how it feels today, or how it might have felt 20 years ago?

Therefore, in trying to work out how to frame legislation and how to treat prisoners, we have to deal with social change at a range of different levels; we have to deal with changes in culture and society over time; and we have to deal with clashes of values between individuals that cannot be reconciled.

The interesting point raised by my learned friends who focused on the question of retribution in justice goes to the fundamental question of what we are entitled to do to an individual.

Alan Mak: Does my hon. Friend agree that we experience not only cultural change, but technological change? One of the strengths of the Bill is that it sets out a framework that will help to future-proof the statute book with regard to technological change.

Rory Stewart: That is absolutely right. Indeed, the very existence of the Bill shows how quickly technology is changing. We began in 2007 simply by making it illegal to have a mobile telephone in prison—it carries a maximum sentence of two years. One would have thought that there would therefore be no problem with simply jamming the signal in prisons to prevent the use of mobile telephones, because having one was illegal. What on earth is the problem with putting in place the technology to stop that? What we discovered, of course, is that that presents a huge range of philosophical, legal and technological challenges. That explains why we had another Bill in 2012 and, thanks to the very good work of my hon. Friend the Member for Lewes, another Bill now in 2018.

Those challenges are quite significant. Let me deal first with the philosophical challenge. Article 8 of the European convention on human rights allows for a right to privacy. The 2012 legislation began to give the Secretary of State the authority to deal with the question of the right to privacy, and also to deal with the unanticipated consequences, which have been raised by various hon. Members, of the blocking technology affecting the lives of people outside the prison walls. Even that is not sufficient, because there is then a series of changing regulations relating to Ofcom, for example.

The 2012 legislation tried to deal with the gap between what can be authorised to a Crown servant—in this case the governor of a public prison—and what instructions can be given to the director of a private prison, such as one run by G4S, Serco or Sodexo. That was resolved in 2012, but what happened then—this point has been raised already—is that we are simply walking around a prison with various devices. What devices can be used in a prison? Before this legislation, we could wander around a prison with a metal detector, which can pick up the metal in a mobile telephone. We could wander around with a wand that picks up the microwave signals from a phone, but the phone might be very small and hidden almost anywhere in a messy cell. What we were unable to do, except with the co-operation of the mobile telephone company, is operate from the mast.

Under the previous legislation, we were forced effectively to jam the signal by transmitting on the same frequency that the mobile telephone company transmits. The company moves from 3G to 4G and the signal changes. Let us imagine that there are three masts from three companies surrounding a prison, all of which are transmitting on different frequencies. Those frequencies change over time, as do their strengths. The prison will find itself trying to transmit on a frequency, and when the frequency changes they miss it. They find the frequency again and they transmit at a certain strength, but then the signal strength increases against them. As they increase the signal strength, they increase the likelihood that they will take out mobile telephone communications from the surrounding houses. That would be a real risk in Brixton, for example.

We are dealing all the time with technological change. The speeches of my hon. Friends the Members for Horsham, for Erewash, for Torbay (Kevin Foster) and for Witney (Robert Courts) were particularly powerful in dealing with the ways in which that technological change drives this legislation, necessitates this legislation, and will challenge this legislation.

Alex Burghart: My hon. Friend is making an extremely powerful speech. May I raise a practical point? I imagine that people living or working near prisons may fear that this change will reduce the quality of the signals in their houses or businesses. What reassurances can my hon. Friend give?

Rory Stewart: That is a fundamental question, and I am pleased that my hon. Friend has asked it. It is, in fact, addressed both in the 2012 Act and in the schedule to the Bill. In the schedule, new subsection (4A) provides for the Secretary of State, in authorising the mobile telephone company—the mobile network operator—also to place an obligation on that operator not to interfere with the communications of individuals outside the prison walls, and to require the operator to take remedial action if any such interference should take place. That is a very good challenge.

My hon. Friends the Members for Torbay and for Witney also raised other issues, such as encryption and the potential setting up of a wi-fi network within the

[Rory Stewart]

prison walls. That is not always easy. I assure Members that whenever we try to put wi-fi into a prison, we find that 150-year-old Victorian walls make it almost impossible to get a signal into it. On the other hand, criminals can often be extraordinarily entrepreneurial and ingenious in getting around problems that may defeat our engineers.

At the core of this, however, is not simply a question of technology. Let us return to the question of the four purposes of prison, and let us return in particular to the question of retribution. The key idea of retribution in relation to the mobile telephone is the idea that you are punishing a criminal for a crime that he committed in the past. As was suggested by a number of learned Members, that is a fundamental philosophical principle relating to the nature of the rights of that individual.

As Immanuel Kant pointed out, the individual should, as a matter of rational logic and a categorical imperative, be treated only as an end in himself, not as a means to an end. In other words, we should not be punishing individual A in order to change the behaviour of individual B. We should not even be punishing individual A in order to change the future behaviour of individual A. As Kant argues, the retributive punishment should be directed only towards the historical action of the individual, and should relate only to that historical crime. Kant is therefore arguing that neither deterrence, which is punishing individual A in order to affect the behaviour of individual B, nor rehabilitation, which is punishing individual A in order to affect the future behaviour of individual A, is a valid form of punishment.

Those Members who advanced utilitarian arguments were making a completely different set of points. Their arguments were, in fact, arguments about society more broadly. They were suggesting that what matters is not the historical action committed by the individual, but society as a whole, and the future consequences. They might well argue that what matters is not what the individual did in the past—that has happened, and there is no point in crying over spilt milk—but how we change society in the future. How do we ensure, through the punishment that we inflict on this individual, that this individual does not go on and reoffend? How do we ensure, through the punishment that we inflict on this individual, that others are deterred from committing a crime?

In that fundamental clash between a Kantian deontological world view focused on the rights of the individual and the dignity of the individual, and a consequentialist or utilitarian argument in which the individual may suffer for the greater happiness of the greater number, we have something that cannot be resolved in this Chamber, because such fundamental values and principles are beyond the ability of this Chamber to resolve. All we can try to do—through the media, through civil society, through Parliament, through legislation—is listen to these types of debate, understand them and articulate them, but we can never fully resolve them. That is why this legislation needs to be able to contain a powerful and enormous element of flexibility. As technology changes and this device—this mobile telephone that I am now holding up—becomes more powerful, as the ways in which 4G or 5G technology emerge, as my hon. Friend the Member for Havant (Alan Mak) points out, and as social attitudes towards punishment, crime and indeed social attitudes towards mobile telephones change, we need legislation that can keep up with that change. A day may come when some elements of the speech made by my hon. Friend the Member for Banbury, where she emphasised the centrality and normalcy of this phone in our everyday family lives and especially in the lives of our children, may begin to predominate over the kinds of argument made by my hon. Friend the Member for Croydon South.

Jeremy Quin: It has been said that one does hear Kant in the Chamber occasionally, but rarely so eruditely expressed; it is wonderful to hear the Minister's philosophical discussion. He talked about the centrality of mobile phones; the centrality a lot of us were concerned about was the direct use of the mobile phone to direct criminal networks and criminal gangs on the other side of prison walls. On the strict practicalities of the use of mobile phones, will the Minister reassure me that this Bill will help prevent that very real problem?

Rory Stewart: Yes; in essence the point about the mobile telephone is that we need to understand it not as a telephone. It is of course a communications device and as such, particularly in telephonic communication, it can be used to control criminal gangs, but we must also take on board its full use, and understand that it is also a recording device, a way of accessing the internet, and a wallet in which money is contained and through which money can be transferred, and that it therefore can be used to intimidate people—to intimidate witnesses—to run criminal gangs and do all sorts of things right through to piloting a drone through a window. Once we understand that, we begin to understand that this device is a weapon, not a communications device, and what follows from that are all the things Members have raised in terms of criminality: the importing of illicit substances, the accessing of illicit entertainment, the making of illicit money, the running of illicit gangs, the extortion of money, the undermining of a prison regime, the committing of crime, its use for terrorism and for promoting disturbances, and create victims through social media.

All of which brings me finally back to the legislation itself. On the surface, this Bill seems very straightforward, and in fact of course, as Members have pointed out, the core of this legislation sits at proposed new subsection (2A) to the Prisons (Interference with Wireless Telegraphy) Act 2012:

> "The Secretary of State may authorise a public communications provider to interfere with wireless telegraphy."

The key point here is that it is addressed to the public communications provider rather than, as is the case in the 2012 legislation, to the governor of a prison or the director of a private prison.

Chris Philp: I touched in my speech on a question about this proposed provision, asking whether the word "authorise" confers adequate power on a Minister or Secretary of State: if they authorise someone to do something, they may not follow that authorisation—they may ignore him. Should that word therefore be changed to "compel" or "require" in order to give the Secretary of State the power he or she needs?

Rory Stewart: That is an interesting question, and the answer is that, as currently drafted, this word "authorise" means exactly that: it is giving legal permission. The anxiety of the mobile telephone companies would be

that without that authorisation, were they to conduct these operations they would be in breach of Ofcom regulations and ultimately in breach of article 8 of the Human Rights Act 1998. Under this legislation therefore, all we are doing is saying to a willing mobile telephone company that, should it voluntarily wish to work with us, this gives it the authority to do so.

My hon. Friend the Member for Croydon South has raised an interesting point, however. What would happen if the mobile telephone company were to turn round and refuse to comply? To some extent that is hypothetical, because we have not yet encountered a mobile telephone provider that is not prepared to work with us on this, for a range of reasons. The mobile telephone companies' relationship with Ofcom and the Government is complex, deep and interlinked, and they generally wish to retain the goodwill of the Government. It is also true that in some cases we would have a commercial contract with a mobile telephone company to undertake this work, so it would have a financial interest in working with us. Hypothetically, however, it remains the case that under this legislation, a mobile telephone company would be able to refuse to provide the service. We do not believe that it would do so, but my hon. Friend is absolutely correct to say that, theoretically, it could do so under this legislation.

Alex Burghart: Has my hon. Friend's Department received assurances from the major providers that they are happy with the legislation as it stands and that they intend to work with the Government in the future?

Rory Stewart: Yes, the Department works closely with the major providers and our understanding at the moment is that they are all willing to work with us in line with this legislation.

I shall move towards a conclusion, and I shall try to end within the next three minutes. I want to move quickly through the Bill, and to clarify matters for hon. Members before they vote on it. In proposed new subsection (2B), "preventing the use" and "detecting or investigating the use" are the key purposes to which this authorisation can be put. In other words, the point of this is to ensure that we can prevent someone from using their mobile telephone, that we can find their mobile telephone, and that we can work out what they are doing with it.

Proposed new subsection (2C) will probably trouble, confuse, amuse and perplex a number of Members. It states that an authorisation may be given in relation to

"one or more relevant institutions…one or more kinds of relevant institution…or relevant institutions".

Even a very learned and distinguished colleague such as my hon. Friend the Member for Banbury might struggle to work out why on earth we are distinguishing between those three categories. Perhaps she would like to intervene on me at this point. The answer is that parliamentary counsel is trying to provide for the possibility of our giving authorisation to, for example, two prisons in the adult male estate, such as Brixton and Wandsworth, or to two kinds of prison, let us say a young offenders institution such as Feltham and an adult male institution such as Brixton. Alternatively, we might wish to give a more general authorisation to all institutions of the relevant kind—for example, all the young offender institutions in the country or all the adult male institutions in the country. This is a perfect time for my hon. Friend the Member for Banbury to intervene on me.

Victoria Prentis: I thank the Minister for giving way, but he certainly does not need my help or that of more learned colleagues. The point he is making is an important one, which is that the current legislation is clunky and difficult for governors and Ministers to use, and that this legislation will make things much easier and more effective.

Rory Stewart: That is an enormous relief.

Chris Philp: The Minister has mentioned the word "authorise" again. I heard his clarification earlier. As the Bill is drafted, the mobile phone companies would not be absolutely required to comply, but can he confirm that it is the expectation and the intention of the Government—and, I think, of this House—that when the Government ask a public communications provider to interfere with wireless telegraphy in a prison, it will comply with that request, and that the Government and the House would take a dim view if any public communications provider did not comply with such a request?

Rory Stewart: Without wishing to sound like Mr Speaker, I think my hon. Friend has made his point with great force and clarity, and I am sure that anyone listening to the debate will have taken on board his message very clearly.

In conclusion, I should like to thank hon. and right hon. Members for their patience. This has been a relatively long debate, and we have touched in extreme and excruciating detail on the philosophical foundations of the legislation, as well as on the technological applications of mobile telephones. It has been a really worthwhile debate. Having spoken at some length, I want to finish with a short moment of sincerity to thank my hon. Friend the Member for Lewes, in particular, and also other right hon. and hon. Members for their often intelligent, interesting and illuminating contributions. The Bill matters: it goes to the heart of how prisons are run, what they exist for, how we punish someone and what a prisoner can do from within a prison's walls to intimidate prison officers and other prisoners, profit themselves and organise crime in broader society.

Giving Government the power to ensure that these illegal acts, currently punishable by a maximum sentence of up to two years in prison, can be prevented with the latest technology and the consent of mobile telephone operators, which will allow us to pinpoint the devices, block them and follow their traffic, will be an extraordinary contribution to reducing drugs, violence and disorder in prisons, making them safer and more decent, and ultimately protecting the broader public.

1.1 pm

Maria Caulfield: With the leave of the House, I would like to put on record my thanks to everyone as we reach this stage of the Bill. I thank particularly the Clerks in the Public Bill Office, the team at the Ministry of Justice and my right hon. Friend the Member for Tatton (Ms McVey), who instigated the Bill. I also thank the Minister for his support throughout the Bill's progress and all hon. Members who have given up their Fridays and vital constituency work to be here and make sure that the Bill goes through.

[Maria Caulfield]

My hon. Friend the Member for Thornbury and Yate (Luke Hall) has three prisons in his constituency, my hon. Friend the Member for Banbury (Victoria Prentis) would like the Bill extended to teenagers in her house, and my hon. Friend the Member for North Cornwall (Scott Mann) was also interested in that idea. My hon. Friend the Member for Croydon South (Chris Philp) gave some shocking examples of how the technology is being used in prisons right now to commit crime. My hon. Friend the Member for Hitchin and Harpenden (Bim Afolami) spoke in a Friday private Member's Bill debate for the first time, and I am honoured that he chose this Bill.

Like me, my hon. Friend the Member for Cheadle (Mary Robinson) remembers her first mobile phone being the size of a brick—it would not have been easily concealed. My hon. Friend the Member for Erewash (Maggie Throup) made the point that mobile phones are now for more than just making calls. My hon. Friend the Member for Brentwood and Ongar (Alex Burghart) brought in his experience of working at the Centre for Social Justice. My hon. Friend the Member for Havant (Alan Mak), with his technological experience, was able to highlight some of the significant purposes to which mobile phones have been put. My hon. Friend the Member for Torbay (Kevin Foster) reminded us that he was interrupted on Second Reading by a mobile phone. My hon. Friend the Member for Witney (Robert Courts) brought his experience of the criminal Bar and reminded us that prison is now just an inconvenience to many criminals: the Bill will change that. My hon. Friend the Member for Horsham (Jeremy Quin) continued the battle between Horsham and Lewes, although Lewes thankfully won in 1845 to retain the county prison. My hon. Friend the Member for Dudley South (Mike Wood) gave a great overview of the Bill and said that this small piece of legislation will make a big difference, proving that size is not everything.

I thank hon. Members and I look forward to the Bill making progress in the other place.

Question put and agreed to.

Bill accordingly read the Third time and passed.

Health and Social Care (National Data Guardian) Bill

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

1.3 pm

Mr Peter Bone (Wellingborough) (Con): I beg to move, That the Bill be now read the Third time.

You will be pleased to learn, Mr Deputy Speaker, that with 266 days until we leave the European Union, I will not mention red lines or anything like that. But I congratulate my hon. Friend the Member for Lewes (Maria Caulfield) on navigating her Bill through this place. The Government have clearly been listening to her, because I understand that at Chequers today all the mobile phones have been confiscated.

It gives me great pleasure to promote this important Bill, and I am grateful for the cross-party support. I am keen to get through Third Reading as quickly as possible because there is another important Bill to follow, and hopefully there will be time for that debate.

The purpose of this Bill is to put on to a statutory footing the office of the National Data Guardian for Health and Social Care, and to promote the provision of advice and guidance on the processing of health and social care data in England. Many people have helped me in preparing the Bill, and I would like to thank some of them.

It would be wrong not to start with my hon. Friend the Member for Bury St Edmunds (Jo Churchill). She was one of the Bill's original sponsors but, because she has been promoted into the Government, she can no longer speak on the Bill. It is due to her tenacity that the Bill is now being considered for the Third time. If she were able to say something, she might say something like this:

"The confidence that a statutory National Data Guardian brings, allows for more responsible and innovative uses of data to work towards cures for cancer and other conditions.

The Bill will empower the National Data Guardian to ensure that cancer researchers can take full advantage of the future possibilities of genomics and Artificial Intelligence, and whatever comes after genomics and AI, where every patient can have confidence that their data will be used in a way which is consensual, safe, and transparent.

For the vast majority of patients (98%) who are happy for their data to be used, it also helps them have confidence that not only can their data be used, but that it will be used, responsibly, for the purposes patients already expect.

It is important that this brief but important piece of legislation gives patients the confidence they need to engage with health data for not only their own care pathways but also giving them choice in sharing when they wish."

I am grateful for all her efforts behind the scenes to get us to Third Reading.

I also thank the Secretary of State for Health and Social Care, who kindly wrote to me yesterday:

"Placing the National Data Guardian on a statutory footing is significant in increasing public trust in the appropriate and effective use of health and care data, in promoting challenge and building assurance across the health and care system, and enabling the system to access the data that it needs to run safely, effectively and efficiently.

I would like to once more confirm the Government's commitment to the Bill."

I am grateful to him for that letter.

The excellent Minister at the Dispatch Box, the Under-Secretary of State for Health and Social Care, my hon. Friend the Member for Thurrock (Jackie Doyle-Price), has been so helpful in the preparation of this Bill. She has put more work into this than she had to, and I really appreciate her help.

The National Data Guardian's role is to help to make people safe and to give them confidence that their information is securely safeguarded. Dame Fiona Caldicott is the National Data Guardian. I do not know whether hon. Members have met her, but she is a formidable lady. There are Caldicott guardians in every hospital, and we are now putting her role on a statutory footing. Her help in preparing the Bill has been immense. I hope she will go on for many years but, when she does retire, there will be a new National Data Guardian—that will definitely happen.

The priority of the National Data Guardian is to build trust in the use of data across health and social care. The Data Guardian is guided by three main principles:

"encouraging clinicians and other members of care teams to share information to enable joined-up care, better diagnosis and treatment;

ensuring there are no surprises to the citizen about how their health and care data is being used and that they are given a choice about this; and

building a dialogue with the public about how we all wish information to be used, to include a range of voices including commercial companies providing drugs and services to the NHS, researchers discovering new connections that transform treatments, and those managing the services".

I am also very grateful to Baroness Caroline Chisholm of Owlpen, who will be taking the Bill through the House of Lords, should it receive its Third Reading today. She will be known to many on the Conservative Benches, as we had to deal with her when she was head of candidates, so many of us here will appreciate her greatly. I also want to give particular thanks to the Labour Opposition and to the shadow Minister for all his support. I am in a difficult position, in that my Bill got its Second Reading after the Bill that would change the parliamentary constituencies. Every week at Prime Minister's questions, the public think it is about party political point scoring and that we never work together. Of course that is not what happens; the vast majority of Bills that go through this House are improved by what the Opposition do, as is the case with my Bill. I particularly want to thank the Opposition for not blocking this Bill. I have to say that when the Speaker was in the Chair and this Bill, standing in my name, came up for its Second Reading, he paused for a very long time, expecting someone to object—presumably he thought it would be someone from our side. It would have been quite appropriate if the Labour Opposition had objected to my Bill if they had wanted to do so because it went ahead of their Bill, which had already got its Second Reading. I am therefore very grateful to the Opposition. I have chosen today for the Third Reading so that there are still opportunities for that Bill to proceed, if it is given its money resolution.

I do not want to take too much more time, because I understand the pressure we are under today, but I wish to mention a couple of things that were raised in Committee. I am grateful in particular to my hon. Friends the Members for Christchurch (Sir Christopher Chope) and for Shipley (Philip Davies), and the hon. Member for Rhondda (Chris Bryant) for their involvement in the Committee. I was brave to put those three on a Committee, but the hon. Member for Rhondda asked a particularly difficult question. The Minister answered it well, but, on reflection, I can now provide a bit more clarification. This Bill says that it extends to the territory of England and Wales, which it does, but it applies only to England. The logical question was, "Why on earth did it apply to England and Wales then?" In layman's terms, the answer is simply that as a legal entity in Parliament England does not exist, and England and Wales are lumped together. We can have a Bill that extends to England and Wales; to England, Wales and Scotland; or to England, Wales, Scotland and Northern Ireland. That is the answer on this point, and this Bill applies only to England. On reflection, I recall that I am a fellow of the Institute of Chartered Accountants in England and Wales. I do not think I quite managed to get the answer across on that point in Committee.

Chris Philp (Croydon South) (Con): Can my hon. Friend let the House know what the equivalent arrangements are, if any, in Wales and Scotland?

Mr Bone: The answer to that, of course, is that those places have devolution and it is up to them to make their decisions. Obviously, I believe that what we are doing in England is best practice and I am sure they will take note of it. At that point, I ought to conclude. I thank everyone for their help so far, and I hope we can make progress later on.

1.14 pm

Justin Madders (Ellesmere Port and Neston) (Lab): I congratulate the hon. Member for Wellingborough (Mr Bone) on his success in making progress on this Bill in pretty quick time—as he candidly said, quicker than some other private Members' Bills, which may well be down to the Government's view on the merits of particular Bills. As the hon. Gentleman said, there are other Bills that we would like to see make progress, but that is not to detract from the merits of this one.

As I said when we last debated the Bill, the Opposition welcome the decision to put the National Data Guardian for Health and Social Care on a statutory footing. As we know, the use of data has the potential to improve every aspect of the NHS, from transforming the way in which we diagnose illnesses such as cancer to improving the patient experience by ensuring that every clinician at every stage has the complete picture. We know from experience that the use of data in the NHS can be controversial at times, and patients sometimes raise concerns. Those concerns are not unfounded.

Official figures show that more than 100,000 patients were caught up in NHS data blunders in 2016-17. The number of serious data incidents has doubled in a year and they are now occurring at a frequency of one every three weeks. It emerged last year that NHS Shared Business Services had failed to deliver just under 709,000 letters from hospitals to GP surgeries, with the correspondence being left in an unknown warehouse. Such examples show the importance of an effective, modern data protection system with robust safeguards, which is central to securing public trust and confidence in the NHS.

Scott Mann (North Cornwall) (Con): The hon. Gentleman might or might not be aware, but in Cornwall we have a higher proportion of cases of glaucoma than any other place in the country, and we know no reason why. Does he agree that sharing information on that could help us to understand why some of these complex conditions occur? Does he also agree that when the Data Guardian is in place, they might be able to look at and break down the data to work out why some of these conditions exist?

Justin Madders: The hon. Gentleman is absolutely right that there are many variations in conditions and, indeed, outcomes throughout the whole country. The importance of data in establishing patterns cannot be understated.

Chris Philp: The British Heart Foundation recently said of the research environment that "too much" of its researchers' time

"is taken up with unnecessary red tape and bureaucracy. The weight of this form-filling is slowing down vital discoveries".

Does the hon. Gentleman share my hope that putting this role on a statutory footing will help to address such concerns?

Justin Madders: Whenever we speak to anyone in the NHS, particularly GPs, they express concern about form filling, but it is important that due processes are followed and that there is a clear audit line. I am sure that the hon. Gentleman can have a word with the Minister about what practical steps can be taken to deal with some of the British Heart Foundation's concerns.

We support the establishment of a statute-backed Data Guardian because it is one way to improve confidence in the way data is used. As I said in Committee, we are concerned that the Bill does not include an absolute obligation for data controllers to act on advice—only to have regard to it—and there appears to be no requirement for organisations to state proactively how they have dealt with such advice. Responses to question 5 of the Government's consultation were overwhelmingly supportive of such a provision. In that question, the Government proposed that

"organisations holding health and care data which could be used to identify individuals should be required to publish all materials demonstrating how they have responded to advice from the National Data Guardian."

In their response to the consultation, the Government said:

"Responses were supportive of the proposal that the national data guardian should be given formal advice giving powers."

That would certainly provide reassurances that the National Data Guardian will have real authority and act as an independent voice for patients. Without statutory backing, it is foreseeable that the National Data Guardian's authority and independence could be undermined. Without a requirement for organisations that receive advice to provide evidence of their response, it could be difficult to be sure that the National Data Guardian is effective in doing the important job required by the Bill.

I am sure that Members will recognise that the requirement for a body to have regard to advice does not always mean that the body acts on that advice. We know that how clinical commissioning groups interpret the guidance of the National Institute for Health and Care Excellence leads to some variations in the way in which treatments are dispensed and that advice does seem to be ignored with impunity by CCGs.

I know that the hon. Member for Wellingborough does not see the need for additional powers to be handed to the guardian and does not want to see effectively a regulator, which is the road that my proposals may be taking us down, but it is important that, when the Minister responds, she gives us some indication as to what yardstick she proposes will be used to ensure that the concerns that I have set out will be effectively judged by the guardian.

In conclusion, although I have set out some concerns, we are not intending to oppose the Bill as it is currently drafted today.

1.20 pm

Peter Heaton-Jones (North Devon) (Con): It is a pleasure to be called so early in this debate to speak on the Bill. I particularly wanted to do so to give it my fulsome support, but also because I had the pleasure—and it was a pleasure—to serve on the Bill Committee for the Data Protection Act 2018. We had 10 sittings over five days, and fascinating it was, too. What came out of that Committee was a much improved Bill, or Act as it now is. What my hon. Friend the Member for Wellingborough (Mr Bone) does with this very important Bill is to create a vital adjunct to that Act. This is designed to work hand in glove with the Data Protection Act and the two will work together, which is why I am delighted to be able to make a contribution here.

I want to echo what was said in congratulating not only my hon. Friend on this Bill, but the mother of the Bill in its previous form, my hon. Friend the Member for Bury St Edmunds (Jo Churchill), who, now that she is my Whip, I am bound to say is an extraordinarily wise Member of this House. If nothing else, this Bill should be known as one that she has helped in its genesis.

Apart from the procedural reasons that my hon. Friend the Member for Wellingborough cited for why we are bringing this Bill to the House today, there is also another reason why it is extraordinarily appropriate, which is that today is, of course, the 70th anniversary of the national health service. It is absolutely right that we take a moment to remember that and to thank all of those who work so hard in it. How appropriate it is that we hope to progress this Bill today on this auspicious anniversary, because it will have a very significant role to play in the future of our national health service.

The Bill seeks to ensure that particular care is taken in the health and social care system when it comes to the holding of private data. It is something about which, rightly, there is huge public concern. Here is why. That sort of data and the technology on which it relies will have a massive role to play in our healthcare system. Technology will revolutionise the way in which we provide health and social care services in our communities. I have to say, on a personal note, that it is of particular benefit to rural areas such as North Devon, where we have particular geographic challenges. Quite simply, many people have to make long journeys to physically access the sort of healthcare provision that they have a right to expect in the 21st century. What this sort of technology does—the Bill goes a long way to protect people's data as part of that—is, in effect, to put a

doctor in the palm of someone's hand through smartphone technology. It is slightly odd that we have just had a debate about the evils of smartphones in one aspect of our social policy thinking, as now we are debating an area where smartphones are having a definite and precise benefit.

There is something more precise though, and that is artificial intelligence and the way it is used to improve healthcare provision. AI has the capacity to provide bespoke treatment for individuals who are suffering from cancer, for example. Scientists at the University of Stanford have done a remarkable trial that has shown that artificial intelligence is extraordinarily accurate in identifying skin cancer, for instance. We are reaching a point where it is no longer necessary for a doctor, nurse or medical professional physically to examine a patient: there is now artificial intelligence that is able to do that remotely. I understand from the research that has been done that it has a very high degree of accuracy in identifying skin cancer. This sort of technology could help to improve healthcare dramatically. Not only can artificial intelligence identify cancer, but developers are currently working on utilising it to help with treatment as well. It can assess factors such as the patient's genetic history and lifestyle choices, for instance, to identify the most effective course of treatment. In fact, the Government intend to use AI to prevent more than 20,000 cancer-related deaths by 2023, but its long-term potential is much greater than that.

However—this is the crux of the matter—for these sorts of innovations to work and for us to be able to embrace this sort of technology securely and safely, and with peace of mind for the general public, a great deal of very personal information will need to be securely processed and stored while ensuring that it cannot be misused. That is what causes a great deal of concern among the public. If we want to ensure that individuals are going to take full advantage of these new technological breakthroughs that allow such improvements in healthcare, we have to be able to provide them with the absolute, copper-bottomed assurance that, when they provide the data that allows this sort of technology to intervene in their healthcare, they can be absolutely sure that they have confidence in the system of data storage, and confidence in the way in which their data will be processed, used and protected. We must achieve this through the instigation of a system that ensures the minimum possible data breaches, with robust guidance on good practice and established procedures to minimise damage. This Bill, working in partnership with the Data Protection Act, will go a long way towards achieving that.

The main purpose of the Bill is to establish the National Data Guardian for Health and Social Care to promote the provision of advice and guidance about the processing of data. Specifically, and really importantly, the Bill establishes the National Data Guardian as a statutory office holder. We have such an official at the moment, as my hon. Friend the Member for Wellingborough said, but the Bill puts the post on a statutory footing.

That is important for two reasons. First, it gives the public absolute confidence in the system, because there is no higher degree of official backing for what the National Data Guardian is and does than to have it on a statutory footing as passed by this place. Secondly, it maximises the post holder's accountability to this place. I am pleased that there is provision not only for a regular review of the work of the National Data Guardian but a suggestion that she—at the moment, it is a she—should produce an annual report and is accountable for reporting that review to this House. That is why it is absolutely vital that those provisions are in the Bill, and I am extremely glad that they are.

Chris Philp: Does my hon. Friend hope that the Data Guardian will focus primarily on ensuring that data is being appropriately used? Does he share my hope that she will go further and seek to actively promote data sharing for use particularly in research applications?

Peter Heaton-Jones: I hope for both. It is really important that we do not rest on our laurels and simply say that the powers currently held by the guardian are sufficient. She must be given the right to look forward to ensure that in future, as technology changes and advances—as it inevitably will—she is able to encourage other stakeholders, lawfully and in a secure way, to ensure that the data that is provided by NHS patients is used by the many organisations that would need to share it in a secure and safe way.

Scott Mann: In my view, one of two things was going to happen after the Cambridge Analytica scandal: either individuals would be in charge of their own personal data or, as the Government have rightly done, we would have a national database that is under one person's ownership and guardianship. As my hon. Friend the Member for Croydon South (Chris Philp) said, that information can then be used to promote and encourage technological innovation to help people with some of these conditions. Does my hon. Friend agree that, in rural areas such as his and mine, that would be hugely beneficial?

Peter Heaton-Jones: That is absolutely the case. I touched on why the new technology that will be used for healthcare provision is so important, particularly in rural areas such as ours, in North Cornwall and North Devon. We need to ensure that everybody is sure that their data is securely held, processed and used. In areas where these healthcare technology advances would be particularly beneficial, such as my hon. Friend's constituency and mine, people must not be prohibited or inhibited from giving the necessary data simply because they are not sure how secure it will be. Such a situation might mean that they do not get the healthcare treatment using this new technology that they can specifically benefit from due to the geographic challenges we have discussed in our areas.

Although the role of the National Data Guardian for Health and Social Care was established in November 2014, it was always the intention that it be put on a statutory footing, which is why I am so pleased that we have reached this stage. That was also, I am bound to say, a commitment in the Conservative party's 2017 manifesto, on which this Government were elected. I am really pleased that here we are, a year on—a relatively short space of time in the proceedings of this place—only a short step away, I hope, from enacting that manifesto commitment.

The Bill has cross-party support. As my hon. Friend the Member for Wellingborough said, all the Opposition parties have shown their full support for the Bill, which is really important. Devolution was mentioned in an

[Peter Heaton-Jones]

earlier intervention. It is right that the Welsh Assembly and the Scottish Government look closely at adopting a similar position, and they have, if I might say so, the perfect blueprint for doing so thanks to the hard work of my hon. Friend the Member for Wellingborough and, before him, my hon. Friend the Member for Bury St Edmunds.

We have here the solution to a potential challenge. If we get this right, it could revolutionise the way we are able to treat people in our health and social care system in the future. Data and privacy are without a doubt two of the big issues of our age. If we get this right, the potential to improve services and patient outcomes is huge. The Bill is a very important step forward in doing that. I wholeheartedly support it.

1.33 pm

Alex Burghart (Brentwood and Ongar) (Con): It is a pleasure to speak in support of this extremely important private Member's Bill. To pick up where my hon. Friend the Member for North Devon (Peter Heaton-Jones) left off, data—data ownership and storage—is one of the big questions that society and this House will have to grapple with in the decades to come. I have noticed when talking to younger constituents how increasingly aware they are of where their data on social media goes and, most importantly, who the owner of that data is. Does the owner remain the subject of that data, or does ownership transfer to whoever is holding it? These are important conceptual issues that I am sure the House will have to continue to grapple with in the years ahead, and I am pleased that my hon. Friend the Member for Wellingborough (Mr Bone) has contributed to us moving in this direction.

I first had to come to terms with issues around personal data when I went into public policy research about 10 years ago. Two things became immediately clear. First, although the Government were collecting a lot of data on individuals, the way that they felt obliged to keep that data meant that they were extraordinarily bad at joining it together. We had very good information on children, for example, but rather lousy information on families. Building that context around an individual is absolutely vital if we are to build a decent series of research questions and answers that allow us to interrogate the causes of particular problems, or to see what positive influences in somebody's life might have led them to avoid certain problems.

On a professional level, although the Bill does not deal with children's data—children's safeguarding is covered by different legislation—when I worked on child protection I saw powerfully the consequences of poor data sharing and safeguarding services. I read a large number of serious cases reviews that were published in the event of a child being killed or suffering serious harm, and time after time the findings of those serious case reviews were that agencies had failed to share data at key moments. Time and again, recommendations were made that better information sharing procedures should be created. We had a series of organisations which, albeit with the best intentions, were in effect working in silos, and by not working together they were missing opportunities to protect children, and in some cases to save their lives. That reluctance to share data was not laziness or professional neglect; it was often because agencies were scared of the potential legal consequences of sharing private information with other professional bodies.

Mr Jim Cunningham (Coventry South) (Lab): The hon. Gentleman is making a good point. Over the past two or three years we have had this problem of child abuse and so on. One thing that struck me is the fact that agencies do not co-operate with one another or share information in the way they should. As a result, something that could be prevented is not prevented. Does the hon. Gentleman agree?

Alex Burghart: I absolutely agree, and I am grateful to the hon. Gentleman for that important intervention. If we create a framework that helps agencies to share information about vulnerable individuals safely, that enables those agencies to become greater than the sum of their parts, and to combine and enhance their professional interrogations, so that they can join the dots and create a true picture of what is happening in someone's life.

As I saw earlier in my career, however, if done incorrectly such an approach can be taken to dangerous lengths. In about 2008-09, the Government proposed to create a service for children called ContactPoint. The programme was well intentioned, and it intended to bring together all the information on all children in one single place. However, it would have given access to that information to around 350,000 professionals nationwide, and civil rights campaigners immediately became concerned that that would effectively put all information about all children into the public domain, that it would not take long for that information to be out in the public space, and that once there, the process would be irreversible.

Today we are seeing exactly the right civilised and sophisticated approach to data handling. As I understand it, the National Data Guardian will work with professional bodies to ensure that they understand what they can do. She will be in a position to work with the public and ensure that they understand how their data is shared, and how it might be shared in future in order to improve services. Like my hon. Friend the Member for Wellingborough, I believe that the National Data Guardian will ultimately help people to choose whether they want their data involved in this sort of analysis.

I draw the House's attention to a very significant initiative taking place in New Zealand. Using this sort of sophisticated data handling arrangement, the New Zealand Government have built the Integrated Data Infrastructure, which brings together pretty much all public, and some private, data held on individuals. It combines it by creating unique identifying numbers for each individual, taking out their names so that all records become anonymous, and then matching the data. This is done in a way that prevents track-back to the individual, while allowing large amounts of interconnected and complex data to be analysed by researchers, so that they can better understand the causes of social complex problems and how it is that some individuals with similar characteristics do not suffer from the dangerous long-term outcomes that some of their peers do.

This is groundbreaking stuff. The fact that the New Zealand Government have managed to do it in such a way as to take the public with them to create a world-class research resource gives us all hope that it can be done. When I talked to the people who lead the project in Wellington, I asked them how they got over the public's concerns. They said that when they first took it to public consultation a lot of the public said that they rather assumed their data was being used for decent purposes already and found it very strange that their private data was not being used anonymously to solve the big health questions and social problems of the day. Yes, they wanted guarantees that their private information would not end up in the public sphere, but they said, "For goodness' sake, get on with it." I think there is a very important lesson for us all in that.

I very much hope the Minister will take a moment or two in her remarks to reflect on how the National Data Guardian may be able to help us in our jobs as MPs. As Members, we often have to handle sensitive information, and we are often responsible for the exchange of sensitive information. I therefore believe the National Data Guardian will perform a service to this House in due course. I am absolutely delighted to support the Bill.

1.42 pm

Victoria Prentis (Banbury) (Con): It is a pleasure to follow my hon. Friend the Member for Brentwood and Ongar (Alex Burghart). He makes the very important point that if people do not trust the way in which we keep data, they simply will not share it with the people who need it to keep them safe. The Bill is a great way to celebrate the 70th birthday of the NHS. It will be really valuable in protecting patient data in the NHS and will contribute to improving the trust that will enable people to be treated in a more efficient and effective way. Data protection may not be a sexy topic, but it is critically important, as is data sharing, of course.

We have had a data guardian in the NHS since 2014. My hon. Friend the Member for Wellingborough (Mr Bone) described Dame Fiona as a formidable character. I have known her well for some years now. She chairs the Oxford University Hospitals NHS Foundation Trust, with which I have a loving but strained relationship over the future of Horton General Hospital. She will be retiring next year. I do, therefore, have considerable experience of her at work and I know she is extremely exacting. She takes all of her various roles very, very seriously. There could not be a better person to help increase public trust in the way their data is shared. She is as keen as the rest of us for her position to be on a statutory footing. I know the Government want to be able to use data more intelligently in the future. In fact, that is essential if the NHS is going to be fit to serve us for the next 70 years.

I have various local examples of data sharing not going as well as it should. One problem we find in Oxfordshire is that we are close to the boundaries of many other counties, not least Northamptonshire, which my hon. Friend the Member for Wellingborough has the pleasure to represent. I alluded earlier to the difficulties we have had locally with the—we very much hope—temporary closure of the maternity unit at the Horton General Hospital, where I and many of my constituents were born, and where we hope many more will be in future.

The unit closed temporarily last summer. This means that most Banbury babies are now born at Warwick Hospital, with some being born at the OUHFT, which Dame Fiona chairs. The mothers of the babies who are born at Warwick experience very real difficulties with the data sharing between Banbury and Warwick. All prenatal appointments are supposed to take place in Banbury, but because the two systems do not seem to communicate properly, it transpires that most of my constituents now have to travel to Warwick for those appointments. However, if they choose to have their babies in the John Radcliffe Hospital at the moment, it is part of the same hospital trust so the communication is easier and that seems to work relatively well.

I turn to care at the other end of life and our award-winning neck of femur service as my second example. The average age of patients treated there is about 85, so it is very much the other end of the age spectrum from maternity. The difficulty in this instance is communication between the hospital and adult social care. The service is fantastic—it was first in the country last year for neck of femur. It specialises in providing a pathway in which patients are greeted at the hospital, put on a special mattress, X-rayed in a special way and treated in a special way. The aim is to get these elderly people out of hospital as quickly as possible with the right care package at the other end.

When I was talking to the very effective nurse—we should be so proud of these nurses—who runs the ward where most of the patients spend most of their time in hospital, she said that when she looks at the postcodes as the patients come on to her ward, her heart sinks if they live in Northamptonshire. As my hon. Friend knows, Northamptonshire is a truly wonderful place and bits of it are very close to Banbury—in fact, my parents live in Northamptonshire, just up the road from Banbury—so it is obvious that many Northamptonshire postcode patients will be treated in the Horton General. The difficulty is that when they come in, the communication with adult social care services is not nearly as good. We have an Oxfordshire person in that unit all day every day, working to move these patients on and get them out as soon as possible, which we know is in their best interests in health terms, but we do not have such links with Northamptonshire. The nurse who runs the unit told me recently that she can get Oxfordshire patients through in as little as four days—with them having had a really major operation—whereas Northamptonshire patients can take as long as 20 days. It is such a shame, and that is why this data sharing is so important to people's actual health outcomes.

I know that my hon. Friend the Member for Bury St Edmunds (Jo Churchill) feels strongly about GP data and the ways in which GPs communicate with hospitals. That was what led her to drive forward this reform when she came into Parliament. GPs talk to me an awful lot about the way that they keep data. I had an email today from one of the practice managers of a GP surgery in Bicester, who told me that an unintended consequence of general data protection regulation was that whereas he used to be able to charge £50 for solicitors' photocopying, he cannot do so now under GDPR so the practice is losing out. I will write to Ministers separately about that—*[Interruption.]* The Minister sighs weakly—she hears an awful lot from me, largely about the Horton General Hospital.

[Victoria Prentis]

In short, as I do not wish to detain the Minister any further, I am proud to have been able to speak in support of the Bill. It is an important reform that will provide some level of trust among the public at a time when people are more cautious about sharing their data, but when it is ever more important that we use their data effectively.

1.49 pm

Alan Mak (Havant) (Con): It is a great pleasure to follow my hon. Friend the Member for Banbury (Victoria Prentis). I congratulate my hon. Friend the Member for Wellingborough (Mr Bone) on all his hard work taking the Bill through the House, and I commend him for steering it through Committee without amendment, which I think reflects the importance that the whole House places on this topic.

As my hon. Friend the Member for Wellingborough has said, the National Data Guardian, Dame Fiona Caldicott, has already done much work to promote good practice in handling medical data, and I am sure that putting her role on a statutory footing will enhance that further. I join my hon. Friend the Member for Banbury and others in paying tribute to Dame Fiona, who has played an excellent role and been a strong voice for patients as our first National Data Guardian.

I am particularly pleased to speak in the debate because of my long-standing interest in the fourth industrial revolution, and because of the report I recently released, supported by my right hon. Friend the Secretary of State for Health and Social Care, on how we can better use technology and data to improve the NHS's performance. This week, as we celebrate the 70th anniversary of the NHS, there is no better time not only to look back at its successes, but to look forward and consider how we can safeguard its future through the use of good data.

The NHS has been a long-standing user of good data, even since its infancy. In the 1950s it was data from 20 London hospitals that first proved the link between smoking and lung cancer, which has certainly saved many lives in the years since. Fast-forward to 2018, and the potential for using medical data to improve lives has certainly grown exponentially.

Despite the clear and unquestionable potential of the fourth industrial revolution, and the new technologies associated with it, many members of the public remain sceptical about its benefits. They, like me, have seen a number of attempts to digitise health services fail, from the national programme of IT under the previous Labour Government to the WannaCry hack last year. There is still much work to do to win over a sceptical public. That is why my argument, and my support for the Bill, is clear. I believe that shared data saves lives, and I believe that the National Data Guardian has an important role to play in spreading that message.

One of the principles of the National Data Guardian is the need to build a dialogue with the public about how we all want information about us to be used. Although the NHS is rightly introducing a wide range of digital services, I have no doubt that the service most coveted by patients and our constituents, especially those in the smartphone generation, is the long-awaited NHS smartphone app. Anyone who has used NHS digital services will know that a wide variety of options are available to patients.

One of the key recommendations of my report was that the NHS should introduce a one-stop shop, with an overarching app that would allow patients across the whole of England to book appointments, order repeat prescriptions, control access to data and seek advice on medical problems. The app would operate 24/7 so that patients could access the NHS at their fingertips, from the comfort of their sofa or their place of work.

My long-term vision is for a smart NHS that personalises medicine and treatment, and provides advice in one integrated place. That is why I was delighted that the Secretary of State recently announced that he will be taking forward plans to build this new NHS app, to ensure that the smartphone generation have access to healthcare at their fingertips. As the Secretary of State, the Minister and their colleagues at the Department of Health and Social Care begin the work of designing and implementing the app, I think that the National Data Guardian can play an important role in shaping its future. She should call for full integration of the app with paperless records to ensure that digitisation takes place across the whole NHS. Only by ensuring that the app is available to everybody can the NHS reach its full potential, delivering all the services envisioned in my report.

In conclusion, the healthcare of tomorrow will be powered by artificial intelligence, big data, automation and increasing digital connectivity. That is why the NHS must be a global leader in this field. At the same time, we must ensure that informed consent is not put at risk, and that the patient voice is kept at the heart of all treatment. Key to that is the role of the National Data Guardian, which is why I am very keen to see her role placed on a statutory footing. I am therefore delighted to support the Bill.

1.54 pm

Tom Pursglove (Corby) (Con): It is always a great pleasure to follow my hon. Friend the Member for Havant (Alan Mak), who speaks with great authority about technology, which is really what the Bill is all about. I pay tribute not only to my hon. Friend the Member for Bury St Edmunds (Jo Churchill), but to my constituency neighbour and hon. Friend the Member for Wellingborough (Mr Bone). He has done many things in this House over the years, but I think it fair to say that this is probably the first time he has managed to take a Bill to Third Reading, so today is a historic moment in his parliamentary career.

One of the things of which my hon. Friend can be particularly proud is the fact that his Bill has managed to unite so many different charities in its support: the Academy of Medical Sciences, Arthritis Research UK, the Association of Medical Research Charities, Asthma UK, the British Heart Foundation, Cancer Research UK, Genetic Alliance UK, Macmillan Cancer Support, MQ, the Richmond Group of Charities, and Wellcome. That is an eclectic mix of health charities, which I think speaks volumes about the way in which the Bill is perceived by the charitable sector and the difference that the sector believes it will make.

I see the Bill as a big step forward, but I also see it as very much a tidying-up measure that puts on a statutory footing something that is, in large part, already happening. This whole approach makes eminent sense to me, not least because the effective use of health and care data and information has the potential to contribute significantly to improved outcomes for individuals and service users.

That can happen in many different ways. For example, sharing an individual's health and care data between all the providers involved in that individual's care will ensure that the best possible care package can be delivered. Too many people with serious conditions such as dementia have to tell the same story to multiple people and services involved in their care. Effective and appropriate data sharing could eliminate an unnecessary burden which causes distress not just to the individual concerned but to their loved ones—their friends and families. That, I think, is a welcome step forward in its own right, but it is also the case that researchers will have much better access to appropriate data, which is crucial to the development of new medicines and treatments.

If commissioners have access to the data that they need to make decisions about the best use of their resources locally and nationally, services can be provided and located where they are most needed. The impact of available funds can also be maximised and budgets fully optimised. I do not think anyone could possibly object to that.

The Bill also presents a real opportunity for us to achieve something about which my local clinical commissioning groups, Nene and Corby, talk to me all the time—better integration between health and social care services—which is very welcome in itself. That, I think, is where our direction of travel should be if we are to improve patient care.

I hope that the Bill will also help with the prevention agenda, in which the use of technology is clearly paramount. Like many other people out there, I am the proud owner of a Fitbit, which has made me think much more carefully about some of the decisions that I make from day to day in relation to my health and wellbeing. I now think about being physical, getting active, being out there, and doing the right thing to take care of my own health. Any measure that places a greater onus on individuals to take responsibility for their health and care needs can only be a good thing. It means putting the patient in control, while at the same time providing suitable protections to ensure that people's data is handled sensitively and with care.

The Bill is timely as well. I think that all Members recognise the significance of the excellent care that the NHS provides for all our constituents day in, day out, and I pay tribute to the remarkable NHS staff in Corby and East Northamptonshire, who work tirelessly to make people better and meet their health needs. I commend that quality of care. Sometimes Members of Parliament only hear about things that have gone wrong, but the vast majority of care that we see in the health service is excellent. One of the things that often frustrates me in this place is how often we debate the issue of money. Obviously money is important—it is vital that we ensure that the health service has the financial resources that it needs in order to provide the care that people require—but I think we should focus more on outcomes. It is outcomes that really matter, not necessarily monetary value.

I believe that it is in the greater use of technology and the integration of health and social care that the future of healthcare lies. Of course we must ensure that the health service has the resources that it needs, but we should make the most of technology, maximising the opportunities that it presents to improve patient care. I think that in the next 70 years, that will be one of the big focuses in the NHS.

1.59 pm

Kevin Foster (Torbay) (Con): I am conscious of time so will be brief.

I welcome this Bill's Third Reading and congratulate my hon. Friend the Member for Wellingborough (Mr Bone) on getting it this far—and, indeed, it is just the first of his private Member's Bills on the Order Paper today. I pay tribute to my hon. Friend the Member for Bury St Edmunds (Jo Churchill) too; she has also played a huge role. I get to talk to her quite a lot in her current role, although, sadly, because of that post she cannot say anything about this Bill today.

I hope the Minister in her closing remarks will reflect a bit on how she sees the guardian being used as a champion of patients and of ensuring that their data are protected: given that this Bill covers some of the most sensitive data people have—their healthcare data—how we can make sure we get the benefits such new technologies offer to be able to analyse and find trends and patterns of disease we might never have found before; and how patients can be reassured that someone is acting as their advocate and champion in ensuring those data are used only for reasonable purposes, which we all want. It is right that we are looking to pass this law to enshrine such a role in statute; being the guardian of data, particularly across the NHS, is a key role, and I hope this Bill receives its Third Reading.

I took on board the explanation by the Bill's promoter of why it says it covers England and Wales, even though it will cover only England, but I hope a relationship can be developed with the devolved health systems so that the data sharing benefits the entire UK. Given the time, however, and the fact that the Minister will wish to respond to the debate and other Members wish to speak, I will conclude by saying that I fully support the Bill.

2.2 pm

Bim Afolami (Hitchin and Harpenden) (Con): As many Members have said, this is the 70th anniversary week of the NHS, and there is no better time to talk about this Bill. I will focus in my brief speech on three areas.

The first is that personal medical data about ourselves and our families is, to many of us, the most important thing we have. It is personal and emotional information, which if stolen would be incredibly valuable to criminals or nefarious organisations that may wish to use it for their own purposes. It is therefore critically important that by establishing this post in statute we strengthen the security of that personal information and data that we all cherish so much.

Connected with that is the question of trust: trust from our constituents—the people of this country—that their data will be handled securely in a world where online crime and other dangers to that data are proliferating

[Bim Afolami]

far beyond what we could have imagined 10, 15 or 20 years ago. Establishing the post in statute will significantly improve the trust individuals have in the system and in the protection of their own personal data.

Finally, there is the question of accountability. One of the difficult aspects of being a Member of Parliament is that we are often called to account for things we do not control, or indeed the Government do not control. This Bill sets out the accountability of the individual responsible for safeguarding individuals' data. That accountability helps contribute to trust, and what better way to achieve that than by establishing the post in statute?

We heard from my hon. Friend the Member for Havant (Alan Mak) about the importance of technology in the NHS, and indeed in the world, today. The NHS's data source—aided not just by the people of this country and their various ailments but by the structure of the NHS—is an incredibly valuable resource for improving the lives of people in this country, because of what we can do with that data in the context of technology. The Bill will help to strengthen that position.

2.5 pm

Robert Courts (Witney) (Con): It is a great honour to speak in the debate on this Bill. There are three things that I would like to say, and I shall say them very briefly as I know that others wish to speak. First, I am grateful to my hon. Friend the Member for Banbury (Victoria Prentis), who is not in her place at the moment. Many of the issues that are relevant to the north of my constituency are the same as the ones that she has raised. Her comments on the transfer of data between the Horton, Chipping Norton and Warwick hospitals apply to me as much as they do her, so I will not repeat them. I will simply associate myself with her comments.

Secondly, I want to pay tribute to the hard work of all the NHS staff in the Witney and West Oxfordshire constituency, particularly at the community hospitals at Witney and Chipping Norton and at the GP surgeries. It is extraordinary that, in this day and age, they are unable to share their data freely, that people therefore have to repeat their stories to different practitioners and that those practitioners cannot see all the relevant medical records quickly and easily online, as they should be able to. We should enable that to happen as soon as possible.

Thirdly, technology has a huge role to play in ensuring that we wring every last penny out of the NHS budget. As my hon. Friend the Member for Havant (Alan Mak) rightly said, we should be getting to a place where people can have an app that enables them to look at their records, book appointments and hold consultations over the internet using their phones. That will help to save their time and spread the budget as well as we can to ensure that we get best value. It will also help us to make the best use of the hard-working staff who do so much in our NHS.

2.6 pm

The Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price): I thank all hon. Members who have contributed to the debate today. I particularly want to thank my hon. Friend the Member for Wellingborough (Mr Bone). I cannot believe that this is the first private Member's Bill that he has taken through to Third Reading, as he has had so many. I am delighted to have collaborated with him on achieving this. It is quite an achievement. He was typically generous about me in his comments, which was completely undeserved. He was quite right when he said that thanks need to go to my hon. Friend the Member for Bury St Edmunds (Jo Churchill), who was the inspiration behind the Bill.

I want briefly to set out why the Government view the Bill as an important measure and why we are keen to see it progress and to put the National Data Guardian on to a statutory footing. The Government are committed to ensuring that the health and adult social care system in England realises the full benefits of sharing health and care data in a safe, secure and legal way. We have talked a lot today about the benefits of such data sharing. However, if data and information are to be used effectively to support better health and care outcomes, it is essential that the public have trust and confidence that safeguards are in place to protect the data from inappropriate use. That is the ethos behind the establishment of the National Data Guardian. The guardian will be an independent, authoritative voice for individuals on how their data should be used. At the heart of this is the relationship between health providers and individuals, and we need to maintain an appropriate balance between safeguarding and privacy as well as underlining the serious principle of informed consent by patients.

I should like to clarify the scope of the legislation. The National Data Guardian's remit covers all health and adult social care data, which is defined in the Bill as essentially the same as "patient information" under section 251 of the National Health Service Act 2006. That basically enables the National Data Guardian to influence anything that impacts on the processing of health and adult social care data held by all the organisations listed in the Bill. This will enable the promotion of good challenge and the building of assurance across the health care system, as well as enabling the system to access the data it needs in order to run safely, effectively and efficiently.

I cannot emphasise enough the fact that the voice of the patient and the service user is really the paramount principle under which the National Data Guardian will operate, notwithstanding the fact that she will be working through the use of guidance to providers. It is basically taking the position of what is in the best interests of the patient. In so doing, we hope that the guidance she issues will establish confidence on the part of the public that their data is being used effectively.

Much has already been said today about the role of Dame Fiona Caldicott, who is the first National Data Guardian. She has been described as phenomenal, energetic and influential, but I wish to take this opportunity to recognise the enormous contribution she has made. I am sure she will take full advantage of the statutory powers that will follow once the Bill reaches the statute book.

I am delighted to have the support of the Opposition on the Bill, because the use of data sharing is essential to secure the best possible health treatment for all patients. The hon. Member for Ellesmere Port and Neston (Justin Madders) expressed the desire that the National Data Guardian should have real teeth. I emphasise again that she will act in the interests of patients, and that will mean challenging providers. As we all know,

some providers are instinctively cautious and defensive about data sharing, and the real challenge is that patients are sure, thanks to the National Data Guardian's advocacy, that it is the right thing to do. Nor should there be any escape for health professionals and providers.

The National Data Guardian will, as the hon. Gentleman said, use her powers by issuing guidance, and the clear expectation is that everyone will abide by that guidance. We see the aim as one of changing organisational behaviour rather than having rules. The fact that the National Data Guardian will produce an annual report on how she is discharging her obligations, and how the health sector is reacting, will be a powerful tool. We often find that transparency can be much more effective than rules, regulations and laws. Once behaviour that is not delivering the outcomes that we intend through legislation is highlighted, the public embarrassment will be more effective than many of the tools that we have at our disposal. It is heartening to see the interest in the Bill in the Chamber, and we have heard some individual examples of poor practice. I am sure we will have plenty if anyone does not abide by Dame Fiona's advice.

We expect the National Data Guardian to use her annual report to implement further guidance. We fully expect that the duty for adult health and social care organisations and providers to have regard to that guidance will also be taken into account by the Care Quality Commission and the Information Commissioner's Office, so it is not just the Government and the National Data Guardian that can hold them to account. We expect a serious change in behaviour in the future.

The National Data Guardian will look at her own operating approaches to see what more can be done to ensure that the role has teeth. That is also part of the reason for putting the role on a statutory footing. The fact that her advice will have legal clout will give it more teeth. She will have day-to-day communication mechanisms at her disposal to highlight areas of good and poor practice, and the statutory duty to consult people she considers appropriate before publishing guidance. That will fuel an important debate about behaviour in this area.

Other issues that have arisen in the debate today and in Committee include concerns as to why children's social care data is not covered by the Bill. I would like to explain the reasoning behind that and why it is not a weakness in the Bill. Data relating to children's social care has its own safeguards and protections, which operate under a different legal framework from adult health and social care. Those safeguards and protections are governed by their own statutory guidance, and we would not want to include anything that conflicts with established guidelines.

The context and imperative for using and sharing data to safeguard children is also different, and the most important consideration is whether sharing information is likely to safeguard and protect a child. That is an important point, because with children safeguarding trumps privacy and personal ownership.

Rather than extending the National Data Guardian's role to cover children's social care data, action should remain targeted elsewhere on improving timely and proportionate information sharing to keep children safe. Officials in the Department for Education and the Department of Health and Social Care have reached a sensible interpretation of the Bill, which would not preclude the National Data Guardian from engaging constructively with the Department for Education on adult social care data and its interaction with children's social care data. There has been an exchange of letters between the Departments to formalise that agreement. On safeguarding children, the powers in the Children and Social Work Act 2017 are the mechanism for the Departments to act and to share information.

We worked across Government to amend the Data Protection Act 2018 to introduce safeguarding as a condition by which information can be shared without consent to keep children safe. We will continue to work with local authorities to consider and monitor the impact of the National Data Guardian in this space, where it is appropriate to work outside the remit of the statutory powers set out in the Act in a way that is consistent with the law and regulations as they currently apply to sharing data on children. We will keep a watching brief on that but, at this stage, we should not do anything to disrupt established obligations. We can establish good practice in this area through sensible discussion between the National Data Guardian, the DFE and the Department of Health and Social Care, which is entirely consistent with how we co-ordinate the respective obligations of children's social care and adult social care services.

I have very little time, but I will touch on one or two other issues before concluding. There was a brief discussion earlier on the territorial extent of the Bill, and I can confirm that the Bill applies only to England. The Bill technically applies to England and Wales because of how we approach legislation in this place, but it extends only to England.

I can also confirm that public health data is included in the remit of the Bill, so that data will also be shared. I also confirm that the Bill covers local authorities where they are actioning services with regard to adult social care and, of course, public health.

I conclude by confirming again the Government's commitment to this Bill and our desire to see it succeed. I am confident that the Bill will achieve the aims my hon. Friend the Member for Wellingborough and all hon. Members have set out. After today's important stage, I hope the Bill will make swift progress and will receive Royal Assent as soon as possible.

2.18 pm

Mr Bone: With the leave of the House, I thank the parliamentary counsel, the Clerks of the House and officials at the Department of Health and Social Care for their assistance in preparing the Bill. I also thank, from my office, Jordan Ayres for the research and Helen Harrison for the drafting of the Bill. I also thank the eight Back-Bench MPs who have taken the opportunity to participate, particularly my hon. Friends the Members for Corby (Tom Pursglove) and for Torbay (Kevin Foster), both of whom sat on the Public Bill Committee.

The last thing to say on the Bill before, hopefully, it is read for the Third time is that, if it makes it all the way through and becomes an Act of Parliament, let us hope it is referred to as the Churchill Act.

Mr Deputy Speaker (Sir Lindsay Hoyle): There might already be one or two Acts with that name.

Question put and agreed to.

Bill accordingly read the Third time and passed.

National Living Wage (Extension to Young People) Bill

Second Reading

2.19 pm

Holly Lynch (Halifax) (Lab): I beg to move, That the Bill be now read a Second time.

It is a pleasure to have the chance to present my Bill calling on the Government to extend the national living wage to workers between the ages of 18 and 25. It is also a pleasure to follow the Bills of my hon. Friend the Member for Croydon North (Mr Reed), and the hon. Members for Lewes (Maria Caulfield) and for Wellingborough (Mr Bone) on what has been a productive sitting Friday. I wish those Members all the best as their Bills progress to the next stages.

My Bill seeks to address the policy introduced in 2016 whereby under-25s in minimum wage jobs can be paid less per hour than their older colleagues—even those performing the same tasks. My Bill would ensure that the Government's national living wage, currently £7.83 per hour for those over 25, would apply to all workers over the age of 18—the group I am targeting currently receive a reduced minimum of £5.90 per hour. This simple change would have a big impact on many young people's lives, helping to tackle the generational divide opening up in our country.

The impact of the current policy is keenly felt by young people in my constituency, many of whom have written to me in support of the Bill. Katie, for example, was paid just £5.25 per hour when she started working at a major high street retailer at 18. She told me that young people in her workplace were often expected to do the most difficult tasks and in some cases look after entire departments, yet they still received a lower wage than their older colleagues. She is now 22, with five years' retail experience, but is still paid less than others. She says she feels unappreciated and has put off the possibility of buying a house, and she is frustrated that she cannot provide financial support to her parents.

Another Halifax resident, Imran, started working at 16, but because he was paid less than older colleagues he found it difficult to be able to afford his work-related expenses. He was disappointed that, even though he did the same—or often more—work than people who were older than him, he got paid a lot less.

Research by the House of Commons Library shows that Katie and Imran's experiences are shared by thousands across the country. It has calculated that an 18-year-old working full-time on the minimum wage will earn £3,774 a year less than an equivalent colleague aged 25 or over. That gap is expected to widen as the rate for over-25s rises towards £9 an hour in 2022. Of course I welcome that rise, but I am very uncomfortable with the disparity.

Having probed the Government on a number of occasions for the rationale for such a high age threshold, I have been given a number of justifications, varying in both intention and credibility. Comments by the then Minister for the Cabinet Office and Paymaster General, the right hon. Member for West Suffolk (Matt Hancock), shortly after the policy was introduced inevitably rubbed salt in the wounds of young workers. He said it was "an active policy choice" not to cover the under-25s. He went on to say:

"Anybody who has employed people knows that younger people, especially in their first jobs, are not as productive, on average."

That prompted understandable frustration from young people and embarrassment for the Government when a Minister later conceded in written parliamentary questions that

"there are no official statistics, estimating the productivity of workers by their age."

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I congratulate my hon. Friend on securing a slot in which to debate this Bill. When she has been probing the Government on their decision on the national living wage for the under-25s, did they ever give any indication that it was their intent to give a housing reduction or a utility bill reduction for those under 25, to reflect the fact that they want to pay them less?

Holly Lynch: I am grateful to my hon. Friend for that intervention. He is right—that has never been forthcoming in the Government's justification. However, it is a point that is made to me by young people time and again. They do not get a reduction in any of their outgoing costs because of their age, so why should they see a reduction in their pay packets?

When I asked the right hon. Member for Epsom and Ewell (Chris Grayling) for a debate on this issue when he was the Leader of the House, he replied:

"I…think it is important to do everything that we can to incentivise employers to take on young people."—[*Official Report*, 28 April 2016; Vol. 608, c. 1564.]

Although we all want to see lower youth unemployment, the Federation of Small Businesses has pointed out that the Government's approach could see employers wandering into legally precarious territory. In evidence to the Low Pay Commission, the FSB said:

"our survey data suggests that some businesses may focus their recruitment on the under 25s. However by doing this they run the risk of potentially breaching age discrimination legislation, which should lead many employers to re-evaluate this stance."

An employer that actively seeks to recruit under-25s to cut wage costs will almost certainly fall foul of age discrimination legislation.

The Equality Act 2010 prohibits discrimination on a number of grounds, and section 5 recognises age as one of those characteristics. It is direct discrimination if, because of a protected characteristic, one person is treated less favourably than another. The House of Commons Library has confirmed that to recruit workers on the basis of their age would constitute direct age discrimination.

Ministers often claim that other countries also discriminate by age yet, in the entire developed world, only Greece has taken a similar approach and set the age threshold as high as 25. France pays the full rate from 18 onwards, as does Germany, and even in the significantly more deregulated US there is no difference in wages based on age, apart from the option to pay workers under 20 a lower rate for their first few months of employment.

The Government continue to insist that any rise in the wages of young people risks

"pricing them out of employment"

yet there are serious flaws with keeping wages low to supposedly help the young, not least that employers that actively seek to recruit under-25s to cut wage costs risk falling foul of age discrimination legislation. Any

employer interviewing for a role is legally required to choose the best candidate for the position, regardless of age. Any monetary incentive can only be acted on if the employer discriminates against older applicants. It is simply not going to work.

The point made to me by young people time and again, and which my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell) just outlined, is that under-25s get no discounts on utility bills or rent, food is not cheaper for them, and there is no discount on the transport that they use to get to work. Why should their younger age be reflected in a smaller pay packet when it is not reflected in their outgoing costs? A recent survey by the Young Women's Trust found that a quarter of young people in England and Wales have to borrow to make ends meet. For those people, a decent wage is desperately needed.

Thankfully, many companies recognise the contributions made by under-25s and are opting to pay them more than the minimum wage. Nestlé in my constituency employs up to 1,000 people and was accredited by the Living Wage Foundation in June 2014 as the first mainstream manufacturer in the UK to become a living wage employer, paying all its workers the Living Wage Foundation's living wage from the age of 18. Nestlé said:

"As a major employer in Halifax and across the UK, we know this is the right thing to do. Not only does it benefit our people but also the communities they live and work in."

The company knows that it is important to maintain morale in the workforce and that young workers deserve respect.

The Living Wage Foundation is explicit in outlining that the living wage should apply to everyone over the age of 18. The Government did not decide to rename the national minimum wage the national living wage by accident, so I ask them to consider adopting the Living Wage Foundation's principle that fair pay for fair work starts at 18, in the same way that they have adopted its name.

My private Member's Bill will help to restore the dignity of young workers and assist people such as Katie and Imran to get a much deserved pay rise. I thank the trade unions Unison and Unite, my trade union the GMB, and the Union of Shop, Distributive and Allied Workers. I also thank the Living Wage Foundation, the Young Women's Trust, Young Labour and my incredibly hard-working parliamentary assistant, Matt Dawson. As one of Parliament's younger MPs—although I confess I am ageing rapidly, Mr Deputy Speaker—I am pleased to have been able to give this campaign a platform once again, in the hope that the Government are listening.

2.28 pm

Kevin Foster (Torbay) (Con): I am conscious of the time, but I suspect that, although I love him to bits, the Under-Secretary of State for Business, Energy and Industrial Strategy, my hon. Friend the Member for Burton (Andrew Griffiths), has quite a lengthy speech prepared, so I want to give some slightly more positive comments on the issues we have just heard about.

Let us be clear that, when we talk about the wage rates under the law, they are the minimum rates that an employer has to pay someone so that they do not get prosecuted; they are not about setting a rate for the job. It was interesting to hear the observations of the hon. Member for Halifax (Holly Lynch) on what would, rightly, happen to an employer who decided to, shall we say, put aside a candidate aged 26 or 27 who was more skilled for the job in favour of a 22 or 23-year-old, purely so that that employer could take advantage of the discount deal.

It would be interesting if the Government produced some analysis of what would happen if, instead of an age-based system—we would all accept the difference at 18, because there is a difference with employing children—we switched to a system in which a different rate applied in a first period of employment. First, that might be a period in which people are training and building up skills, as we already reflect in the different rate for apprentices; and secondly, that might encourage employers to take back into employment people who have been out of employment for a while. That would be fairer than a system in which someone can work for four or five years and be quite experienced, but stay on a different rate. By that point, there is clearly not going to be any productivity difference between someone aged 23 who has worked for five years and someone who is 28 and has worked for five years. If we are being sensible, we are not going to see a difference.

Those are some of the things that could be sensibly considered. If the Bill had perhaps had more time for debate, we could have explored, for example, the differences between 18 and 21, applying the rate around training and employers being prepared to sponsor people to go to university. It is positive that we are having this debate and that we have such a positive image of young people. Too often, there is this idea in the media—

2.30 pm

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

Ordered, That the debate be resumed on Friday 23 November.

Business without Debate

LEGALISATION OF CANNABIS (MEDICINAL PURPOSES) 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.

LOCAL HEALTH SCRUTINY 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.

EMERGENCY RESPONSE DRIVERS (PROTECTIONS) 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.

PRISONS (SUBSTANCE TESTING) 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

HOMELESSNESS (END OF LIFE CARE) 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.

EUROPEAN UNION WITHDRAWAL AGREEMENT (PUBLIC VOTE) 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 26 October.

HOLOCAUST (RETURN OF CULTURAL OBJECTS) (AMENDMENT) 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.

JUNE BANK HOLIDAY (CREATION) 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.

BUSINESS OF THE HOUSE COMMISSION 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.

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 26 October.

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 26 October.

PUBLIC SECTOR EXIT PAYMENTS (LIMITATION) 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.

FREEDOM OF INFORMATION (EXTENSION) 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.

POSTAL VOTING 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.

TYRES (BUSES AND COACHES) 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.

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 26 October.

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 26 October.

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 26 October.

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 26 October.

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 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 26 October.

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 26 October.

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 26 October.

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 26 October.

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 26 October.

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 26 October.

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 26 October.

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 26 October.

ANIMAL WELFARE (SERVICE ANIMALS) BILL

Bill read a Second time; to stand committed to a Public Bill Committee (Standing Order No. 63).

Mr Deputy Speaker (Sir Lindsay Hoyle): Congratulations, Sir Oliver.

Music Festivals: Drug Safety Testing

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

2.37 pm

Thangam Debbonaire (Bristol West) (Lab): I rise to speak about drug safety testing at music festivals. I start by letting all hon. and right hon. Members know that this is not a debate about legalising drugs. We could have that debate, but not today. This is about how we can put safety first, take dangerous substances out of circulation, save lives, make festivals safer and more pleasant places, and probably undermine drug dealers as well—and why would we not want to do that?

In May this year, in Bristol, the much loved annual Love Saves The Day festival came to town. It was sunny, loads of people enjoyed themselves—and nobody died. I believe that this is in part because the festival organisers worked with Avon and Somerset police and with Bristol City Council to ensure that the Loop drug safety testing project, with its trained scientists and drug counsellors, was able to operate on-site.

Mark Tami (Alyn and Deeside) (Lab): My hon. Friend made the most important point—nobody died. At so many other festivals, many young people are losing their lives.

Thangam Debbonaire: My hon. Friend makes exactly the point that I am coming on to. The contrast between Love Saves The Day and another festival that weekend was that nobody died in Bristol while at the other festival there was no drug safety testing, and sadly—tragically—two people did die and 15 others were hospitalised.

The Loop operates a model called MAST—multi-agency safety testing—that was developed by Dr Fiona Measham, professor of criminology at Durham University and co-director of the Loop. I pay tribute to her and to all the people who work with her, and to others who help to make this possible—as well as to Love Saves The Day, of course.

Jeff Smith (Manchester, Withington) (Lab): I am delighted to join my hon. Friend in paying tribute to Fiona Measham, who is my constituent, and her organisation the Loop. I spoke at its training day recently and was struck by the professionalism, hard work and dedication, and the high level of training, of the scientists and medical practitioners who do that job on a voluntary basis because they believe it keeps people safe.

Thangam Debbonaire: Absolutely. My hon. Friend makes an excellent point. This is about safety, and the work is done with skill and care.

The Loop introduced multi-agency safety testing—MAST—to the UK in the summer of 2016. From 2010 onwards, Professor Measham had shadowed academics, police and Home Office scientists who tested drugs on site at festivals primarily for evidential and intelligence purposes. She saw the value of extending that forensic testing to reduce drug-related harm on site through the provision of front-of-house testing or drug checking, as has happened for decades in other European countries. In 2013, the Loop conducted halfway-house testing, whereby samples of concern were obtained from agencies on site at festivals and nightclubs, and test results were then reported back to all agencies in order to inform service provision and better monitor local drug markets, which is so important if we are going to protect people.

That went further in 2016 with the introduction of MAST at the Secret Garden Party and Kendal Calling—for hon. Members who are not aware, those are festivals—by adding the general public to this information exchange. Although that was the first time that a drug safety testing service was available at a festival in the UK, it was built on evidence from similar services that have been running successfully in the Netherlands, Spain, Switzerland and Austria for a number of years.

MAST is a multi-agency collaboration. Samples of substances of concern are provided by on-site agencies such as security, the festival organisers, the police or individuals who are intending to consume those substances. They are given a unique identifier number and return about half an hour later to get the test results. Those substances are tested by PhD chemists who are highly qualified and trained, as my hon. Friend the Member for Manchester, Withington (Jeff Smith) said, using four types of forensic analyses and linked to a computer database containing a regularly updated reference standard library of all known legal and illegal substances, including new psychoactive substances, also known as legal highs.

People return with their unique identifier number and are given the test results as part of a 15-minute individually tailored brief intervention by an experienced healthcare worker. Harm reduction information is contextualised with people's medical and drug-using history, as well as the test results. No drugs are returned to service users. I want to emphasise this: service users do not receive drugs back from the Loop. Almost all samples are destroyed during testing and any leftover particles are disposed of by the police at regular intervals throughout the festival. I have seen the complicated bits of kits they use to ensure that absolutely no one gets their hands on something.

A police presence is welcomed in the Loop lab throughout the day. That allows the Loop to share information and intelligence onsite, which can help to spread messages about dangerous substances in circulation. For that to work, the police and local authorities such as Bristol City Council agree to a tolerance zone of non-enforcement in and around the testing venue.

Sandy Martin (Ipswich) (Lab): Does my hon. Friend agree that with drugs at festivals, as with a whole range of issues, taking the attitude that we should just say no and refuse to acknowledge that there is anything we could or should do apart from that is abrogating our responsibility to keep our citizens safe?

Thangam Debbonaire: I thank my hon. Friend for his comment. I certainly agree that the policy of just saying no has a huge number of limitations, one of them being that it does not seem to be working. If we take the corresponding example of sexual abstinence, "just say no" was promoted as a method of keeping teenagers from getting pregnant in America for many years. That has demonstrably failed, and there are similar examples of why it does not work for drugs either.

The non-enforcement zone just around the testing venue allows service users to engage fully and productively. Drug safety testing does not assist in the supply of drugs or condone or encourage drug use; I want to

reiterate that. There is no safe level of consumption of any drug, and that includes the legal ones of alcohol and tobacco. Giving information is what helps people to make safer choices.

All those who use the service are, by definition, already in possession of a substance. If the drug is not tested, the person concerned will probably consume the drug without any information at all; if it is tested, they may consume it if they have more of the same substance, but with more information about what is in it so they can make a safer choice; or they may consume a smaller dose than they would have otherwise; or they may not consume it all. In many cases, people hand in more of the same substance, along with helpful intelligence for the police and drugs agencies about it.

Tonia Antoniazzi (Gower) (Lab): I am concerned about drugs on the streets of city centres. Does my hon. Friend agree that many police forces would welcome the opportunity to explore safety testing in city centres across the UK, particularly on student nights out or at weekends?

Thangam Debbonaire: My hon. Friend is absolutely right, and I would dearly love there to be provision for drug safety testing in the centres of Bristol, Swansea or Manchester so that people who are intending to take substances—they are going to do that anyway—can have safety information and make safer choices. As I said, such testing often takes dangerous substances out of circulation and disrupts drug dealers' business models, which is something I am very keen on doing.

The Loop usually finds that one in 10 tested substances are not what the user thought they were—unfortunately, those drugs can turn out to include concrete, boric acid and various other unpleasant substances. One in two service users, after hearing about the strength of their sample and its dosage, state that they will take a smaller quantity of the drug in future. One in five people dispose of further substances in their possession—that is important as it takes out of circulation something dangerous that otherwise would not only have remained in circulation but would have been consumed.

Jeff Smith: Does my hon. Friend share my concern that although drug use in this country is relatively static, drug deaths are actually rising? That can only be attributed to an increase in the toxicity of those drugs, and we need young people to have that information. If they are going to take drugs, we need them to be aware that the drugs they take might be toxic.

Thangam Debbonaire: I agree with my hon. Friend. Drug use is not increasing, but drug-related deaths are—they are the highest they have ever been, according to campaigning organisations. I find it troubling that young people are taking things when they do not know what is in them, and the message "just say no" is clearly not working. We need to think again about how we keep young people safe.

I will not go into detail about the various aspects of the Misuse of Drugs Act 1971 that I would like to see changed—that is for another day. Clearly, however, some police forces, local authorities and festival organisers are finding ways to have a formal agreement and memorandum of understanding about the Loop providing drug safety information. Other authorities are not so clear, which means that people are dying—these are not just young people; some who have died at festivals of drug-related causes have been nearer my age, but such deaths are tragic at whatever age they occur.

According to data provided to me by the Loop, one in three people at clubs and festivals take illegal drugs—as my hon. Friend the Member for Gower (Tonia Antoniazzi) said, this is also about clubs and city centres. One in 20 16 to 24-year-olds have used MDMA, sometimes known as ecstasy, in the past year. MDMA makes up the majority of drugs that need testing at festivals—55% of all drugs tested at Love Saves the Day in Bristol were MDMA. However, the strength of that MDMA and the potential risks of death and serious harm are rising alarmingly. That was confirmed by Bristol City Council's drugs lead, Jody Clark, and I thank Jody for his pioneering work, his bravery and his commitment to the safety of young people.

As has been said, drug use is not increasing yet drug-related deaths are. However, let me reiterate that at Love Save the Day, nobody died. That same month, at another festival where there was no drug safety testing, there were 15 hospital admissions due to drugs and two young people died. That has happened at other festivals as well. In a Bristol nightclub earlier this year, where there is currently no drug safety testing, there was a death from a Tesla MDMA tablet, and there have been deaths at other clubs across the country. Tesla pills are high-potency, and contain 240 mg of MDMA, compared with the current average of 120 mg. That in turn compares with the 1990s dosage, when 50 to 80 mg was the average.

Would it not be better if we could prevent that harm, and if the parents of those young people—they were mostly young people—never had to hear the words of every parent's nightmare? Is it enough just to say "just say no"? Preaching abstinence in sexual activity as a means of preventing pregnancy demonstrably fails. Preaching abstinence in drug use is also not working, and neither is the advice that I heard a Minister give in this Chamber last July, which was that one should never take anything that cannot be bought in a high-street chemist. For a start, heroin can be prescribed, and indeed is consumed in high street chemists under certain circumstances. Other very strong, very addictive and very dangerous drugs, such as Tramadol and Fentanyl, are also prescribed in high street chemists. Therefore, just saying that what is provided and prescribed in a high street chemist is safe and everything else is not is not helpful information for young people. They can work this stuff out.

Alcohol, entirely legal, is provided in this very place, yet it is deadly for many. It is a leading cause of breast and bowel cancer—cause, not correlation—and a contributing factor to violence and depression. But at least with alcohol there is information and regulation. For consumers of illegal substances this does not exist. I believe people would prefer to know what they were consuming. Ironically, drug safety testing, such as that by the Loop, means that people intending to consume illegal drugs at festivals are given much more safety information and options for referral to treatment than those consuming the legal drug of alcohol at festivals. I would like that to be corrected as well, but that is for another day.

[Thangam Debbonaire]

Drug safety testing takes dangerous substances out of circulation, reduces risk, prevents harm and makes festivals and clubs safer and nicer places to be. All drugs, legal or otherwise, have risks, but people still use them. When they know what is in a substance they are intending to take, this gives them information. Again, this applies whether they are legal or illegal. When an illegal substance is tested by trained scientists via a project like the Loop, people cannot get that sample back. Instead, they get accurate information about the drug's content and safety.

Giving everyone clear information about the substances they intend to consume does not make it easier to take illicit substances and nor does it eliminate all risk—alcohol licensing and labelling still do not prevent all alcohol-related harms—but the Bristol experience has shown that providing information about illegal drugs can be done within our current laws. Other police forces, councils and festivals are not clear on how to do this, however, and here the Government can help. There is no need to change or review the law, just a need to provide clarity on the grey areas that some police forces find difficult and to provide formal recognition of the status quo and ensure that all relevant parties—police forces, festival organisers, local councillors and licensing bodies—know it.

Clubs could be asked to contribute to the drug safety testing in city centres that my colleagues and I wish to see. It could be a part of their licences that they should contribute to funding and work with the police, the council, public health and drug projects to help save lives and take dangerous substances out of circulation. In an ideal world, what I would like, and what I would like the Minister to consider, is that all licences for such festivals, and if possible for all clubs, are made conditional on the availability of drug safety testing, and for licence holders to work with police, public health, the night time economy, drug treatment and safety organisations to fund and ensure this. The Government need to get behind this and not stand on the side lines. Drug safety testing deserves Government clarity and support. Young people deserve clarity and support. The parents of young people deserve clarity and support.

I will conclude by asking what I hope are two simple questions of the Minister. I hope he is able to answer them today, but if not I would be very willing to meet him to discuss them further. Will he commit to supporting formal recognition that drug safety testing is a matter for local police forces, and that the current system of local memorandums of understanding between the police, the testing organisation, the event management and other stakeholders is an appropriate and adequate mechanism for service delivery? Will he issue guidance to that effect? Secondly, will he consider exploring how this model could be more widely extended, particularly to nightclubs at weekends, as my hon. Friends have mentioned, but perhaps elsewhere as well? I know that the legislation may require clarification. It is not my intention today to be prescriptive on how that might be done, but my understanding is that existing legislation is sufficient but that there needs to be clarity.

Drugs, legal or otherwise, cost lives and information helps to save lives. Why would we not provide life-saving information? I say it is time to test.

2.54 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): I congratulate the hon. Member for Bristol West (Thangam Debbonaire) on securing the debate, which is extremely timely given that we are in festival season. We have spoken about this issue privately. We can all agree on at least one thing, which is that 11 deaths at festivals in the past two years is 11 too many. The tragic deaths of Georgia Jones and Tommy Cowan, both of whom died at the Mutiny festival, are the two most recent examples. Whether someone is a parent or not, it is impossible not to be deeply moved by the messages from Georgia Jones's mother on this subject. I think we can all agree that everyone would expect us to do everything we can in our powers to do more to protect young people and reduce the risk of loss of life, because we all want the same thing: we want young people to enjoy these events, but to come home to their loved ones. We all share that desire.

I am grateful to the hon. Lady for clarifying that she is not calling today for a change in the law, because as we consider these issues in the real world we live in—rather, perhaps, than the world we would want to be in—it is important that we send clear messages. The message from the Government is very clear. Drugs are illegal where there is scientific and medical evidence that they are harmful to health and society. The possession of any amount of a controlled drug is a criminal offence and the supply of a controlled drug is an even more serious offence. No illegal drug-taking can be assumed to be safe, and there is no safe way to take them. Our approach must be clear: we must prevent illicit drug use in our communities and help dependent individuals to recover, while ensuring that our drug laws are enforced.

When it comes to festivals, we expect organisers, police and local authorities to reach an agreement on not only how the law will be enforced, but critically, how the public will be protected. That includes action to prevent illegal drugs getting into the site, the pursuit of suppliers—the hon. Lady was very clear about her desire to see suppliers disrupted—as well as taking such action that is necessary and effective in giving people, particularly young people, information and education about the risks.

Jeff Smith: I want to pick up on something that the Minister said. I am paraphrasing, but he effectively said, "Drugs are dangerous; that's why they are illegal." I have two questions: first, does he think that approach is working and stopping people taking drugs? Secondly, if dangerous drugs are illegal, why is alcohol not, when it is a more dangerous drug than cannabis or ecstasy?

Mr Hurd: I am simply stating the Government's position, in terms of the existing law, and making it clear that there is no intention to change that. There is a wider debate to be had about drug strategy, but in the interests of time, I will focus on the issue at hand, which is what more we can do more to reduce the risk of harm to young people at festivals. I was talking about our collective requirement on organisers, police and other agencies to prepare strategies not only to enforce the law, but to protect the public, and within that, make sure that young people at such events have access to the right information and education about risks.

In that context—to speak directly about the issue under debate—the safety testing of products already clearly has a role. So-called "back of house" testing—whereby

drugs that have been seized or surrendered by agencies are tested for their make-up and safety—is an established and valued tool for information about local drug markets and the risks inherent in events. So-called "front of house" testing, as pioneered by the Loop and advocated for by the hon. Lady and others, has been deployed with police co-operation first of all at Boomtown in Hampshire four years ago, at Kendal Calling in Cumbria, and at Love Saves the Day in Bristol with the full agreement of chief constable Andy Marsh, so it is possible.

However, as we feel our way forward on this, driven by our desire to do more to protect our young people from the risk in the real world, where they will have access to drugs and many will be tempted to experiment—this is the real world we operate in—we clearly do not want to be doing anything, as I am sure the hon. Lady agrees, that can be seen as endorsing the possession and consumption of illegal drugs. I do not think that is what she, The Loop or anyone else wants, and the Home Office will certainly not be signing up to anything that risks endorsing illegal drug use. In fact, the Loop is very clear that that is not what it is about.

We must also make it clear that the results of a test on a sample should never be interpreted as meaning that a drug is safe, because there are many other variables, as the hon. Lady knows, such as how the drug is used, what it is mixed with and the physical make-up of the individual taking it. We have to be honest about that.

I am sure that we all agree on the need for more evidence about the real impact when it comes to the desirable and honourable objective of reducing harm, because that is what motivates the Loop and the hon. Lady. We need better evidence about the causal link between this kind of testing and harm reduction, based on the experience of the UK and other countries where this tool has been introduced.

Having said that, I can confirm to the hon. Lady that the Home Office's position, and that of Ministers, is that these are local operating decisions that we are not standing in the way of. The fact that chief constables from Cumbria, Avon and Somerset and Hampshire have stepped forward and said that they do want to co-operate sends a strong signal. I spoke earlier today to Chief Constable Andy Marsh from Avon and Somerset police, who is very clear that it is the right thing to do. He is also very comfortable about his legal position in doing so. Those are important signals.

Sandy Martin: Would the Minister be willing to make that position clear at the Association of Chief Police Officers conference?

Mr Hurd: I am coming to that, because the next thing I was going to say is that the relevant National Police Chiefs Council leads, Commander Simon Bray of the Metropolitan police and Deputy Chief Constable BJ Harrington of Essex police, have written to all chief constables and commissioners—I have the letter here—setting out the issues that they have to consider when assessing the value, benefits and risk of multi-agency drug testing at festivals. They make it clear that, as no drugs are returned to the user, there is no inadvertent supply offence. However, there are lots of issues that a police chief needs to think through in order to be comfortable. It is a local operating decision and we are not standing in the way, as is proven by the number of festivals deploying it.

However, in the light of the suggestion from the hon. Lady and others that there might be room for greater clarity in the guidance issued to the police on the matter, I have spoken to the Minister who leads on drugs policy, the Under-Secretary of State for the Home Department, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), and she and I have agreed to speak to the police and explore whether the guidance could be further clarified. We have not received a direct request for greater clarity but, out of respect for the hon. Lady, and given the importance of the debate, I am happy to give that undertaking.

In the meantime, leaving aside the specific need to mitigate such risk at festivals, the Government have a very ambitious strategy for protecting people from dangerous drugs, and specifically for reducing the demand for drugs among young people by acting early to stop them taking them in the first place. A range of local initiatives are in place to improve safety and reduce drug-related harm, including social media messaging and communications from regional Public Health England centres. In addition, Public Health England continues to run "Frank", the national drugs website and helpline for young people, which offers extensive information about drug risks and how to avoid them. "Frank" news articles in the festival season cover the risks in further detail.

The hon. Lady talked about psychoactive substances. We have already taken action to tackle the supply of so-called legal highs. Since the Psychoactive Substances Act 2016 came into force, more than 300 retailers across the United Kingdom have closed down or are no longer selling those substances; police have arrested suppliers; and action by the National Crime Agency has resulted in the removal of psychoactive substances being sold by UK-based websites.

Everyone is concerned about the dangers posed by the availability of drugs on social media. We want the UK to be the safest place in the world in which to go online, and anything that is illegal offline should be illegal online. We encourage people to report worrying material to the police, as well as using the in-app tools to report such images to the app providers themselves. Law enforcement agencies continue to work with internet providers to shut down UK-based websites that are found to be committing offences.

As for education and raising awareness among young people, we are expanding the Alcohol and Drugs Education and Prevention Information Service, which provides practical advice based on the best international evidence, including briefing sheets for teachers. Rise Above, which is available on the internet and is aimed at 11 to 16-year olds, provides material to help them to make positive choices for their health.

A huge amount is going on. We have an ambitious strategy to meet the challenges and work towards a safer, healthier Britain free from the harms of drugs. In the specific context of this debate, I hope that the hon. Lady will leave satisfied that the Government have listened, and that we will discuss the matter further with the police to establish whether clear guidance is needed.

Question put and agreed to.

3.6 pm

House adjourned.

Written Statement

Friday 6 July 2018

TREASURY

Finance Bill 2018-19: Draft Legislation and Measures with Immediate Effect

The Financial Secretary to the Treasury (Mel Stride): Today is the first legislation day in the new single fiscal event timetable, with the release of draft finance Bill legislation moved forward to July. This move makes more time available to scrutinise draft tax legislation ahead of its introduction and commencement, and should provide businesses and individual taxpayers with greater certainty and stability. It forms part of the Government's commitment to publishing the majority of tax legislation in draft before it is introduced to Parliament. The Government have consulted on a number of tax policies announced in the Autumn Budget 2017 and other events and are today publishing responses to these consultations alongside draft legislation to be included in Finance Bill 2018-19, which will be introduced to Parliament following the next Budget.

POLICY DECISIONS IN RESPONSE TO CONSULTATION

In response to consultation, the Government have made a number of policy decisions, including relating to:

Rent-a-room relief

Following the call for evidence the Government will retain rent-a-room relief at its current level of £7,500 and will introduce a new shared occupancy test, which must be met in order for income to qualify. The test will require the taxpayer to be living in the residence, and physically present for at least some part of the letting period, ensuring the relief meets its original purpose. The Government have published draft legislation to this effect.

Amendments to Gaming Duty accounting periods

The Government have published draft legislation to maintain the current arrangements of six-month accounting periods for gaming duty, but to remove the requirement to make payments on account. Additionally, the Government are introducing provision to allow for losses to be carried forward and offset against duty liabilities in future accounting periods. This will make the tax fairer and simpler.

Late payment of tax penalties and interest

Following consultation, the Government have published draft legislation for a new late payment penalty system and proposals to align interest rules across taxes. This is in addition to previously announced reforms to late filing penalties. The new penalty system will support tax compliance in a fair, proportionate manner. The rates that will apply to late payment penalties will be decided as part of a package to be announced at a future fiscal event.

DRAFT LEGISLATION BEING PUBLISHED FOR TECHNICAL TAX CHANGES

In addition, the Government are publishing a small number of technical tax changes that need to be made to ensure legislation works as intended. These include measures relating to:

Clarifying the effect of the Optional Remuneration Arrangements legislation in respect of taxable cars and vans

Modernising the exemption relating to premiums and contributions paid by employers for death in service and retirement benefits.

The Government have also published draft legislation to comply with EU tax directives that they are required to transpose before the end of the implementation period.

LEGISLATION WITH IMMEDIATE EFFECT

The Government have published draft legislation for the following measures that will have immediate or retrospective effect:

Changes to the income tax treatment of emergency vehicles

The Government have published draft legislation with wholly relieving effect to extend the scope of the current income tax exemption for emergency vehicles to cover all commuting journeys and to make related provisions. This will be treated as having taken effect on 6 April 2017.

Workplace charging for all-electric and plug-in hybrid vehicles

As announced at Autumn Budget 2017, the draft legislation published today introducing an exemption to remove any tax liability for charging electric cars or plug-in hybrids at or near a workplace will be treated as having taken effect on 6 April 2018.

Amendments to Corporate Interest Restriction rules

The Government have published draft legislation to clarify the application of the Corporate Interest Restriction (CIR) legislation in a number of specific circumstances and ensure that the rules work as intended. Certain wholly relieving elements of the changes being made, such as to the amendment of the CIR rules to Real Estate Investment Trusts (REITs) to prevent REITS suffering a double restriction in certain cases, will be deemed to always have had effect. This change will ensure the CIR rules apply as originally intended.

Corporation tax relief for carried-forward losses

The Government have published draft legislation for exchequer protection purposes to put beyond doubt the amount of relief that may be claimed, and also ensure the regime applies to insurers within the basic life assurance and general annuity business as intended. The legislation will take effect from 6 July 2018 to prevent companies from claiming excessive relief.

FUTURE RESPONSES

For other consultations, including those relating to withholding tax on royalties, hidden economy conditionality, the intangible fixed assets regime and tax abuse and insolvency, the Government are continuing to consider the responses and will respond in due course.

Draft legislation is accompanied by a Tax Information and Impact Note (TUN), an Explanatory Note (EN) and, where applicable, a summary of responses to consultation document. All publications can be found on the gov.uk website. The Government's tax consultation tracker has also been updated. The technical consultation on draft legislation will be open for eight weeks, closing on 31 August 2018.

[HCWS834]

WRITTEN STATEMENT

Friday 6 July 2018

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