

**Tuesday
4 September 2018**

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**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 4 September 2018

HER MAJESTY'S GOVERNMENT

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OFFICIAL REPORT

IN THE SECOND SESSION OF THE FIFTY-FOURTH PARLIAMENT OF THE
UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND
[WHICH OPENED 11 MAY 2005]

FIFTY-FIFTH YEAR OF THE REIGN OF
HER MAJESTY QUEEN ELIZABETH II

SIXTH SERIES

VOLUME 646

TWENTY-FIRST VOLUME OF SESSION 2006-2007

House of Commons

Tuesday 4 September 2018

The House met at half-past Two o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

BUSINESS BEFORE QUESTIONS

UNIVERSITY OF LONDON BILL [LORDS]

*Second Reading opposed and deferred until Tuesday
11 September (Standing Order No. 20).*

Oral Answers to Questions

Foreign and Commonwealth Office

The Secretary of State was asked—

Official Development Assistance: Endangered Species

1. **Mr Ranil Jayawardena** (North East Hampshire) (Con): What recent discussions he has had with the Secretary of State for International Development on using official development assistance to help protect endangered species abroad. [906708]

The Minister for Africa (Harriett Baldwin): The Foreign Secretary meets the International Development Secretary regularly to discuss Government action on the illegal wildlife trade and to plan for the UK-hosted international conference in October, which will focus on countering that hideous crime.

Mr Jayawardena: Welcome back, Mr Speaker. I welcome the Prime Minister's announcement last week that Britain's international aid budget will be used to boost mutual trade. Would my hon. Friend the Minister also like to see more aid used to support conservation efforts to similarly boost the protection of endangered species through, for example, more invaluable park rangers?

Harriett Baldwin: My hon. Friend draws attention to the work we are already doing in this area. I had the privilege during the recess of complimenting the British Army, which is helping to train and work with rangers in Malawi. While I was out there I announced a programme that helps with alternative livelihoods to poaching for people who live around that park.

Jim Shannon (Strangford) (DUP): It is good to be back, Mr Speaker. Last week the press informed us that 10 black rhinos, which are an endangered species, were moved from one location to another without the water there having even been checked. It turned out to be salt water and the 10 rhinos died. Is it not possible to do things better when trying to save endangered species, rather than letting such things happen?

Harriett Baldwin: I did see reports of that very unfortunate incident. I am not clear whether there was any UK Government involvement, but it was a very sad incident. The summit we will host in October will see delegations from all over the world putting their heads together on the ways in which we can tackle the issue, both through law enforcement and through creating areas and safe space for species, and other ways in which we can work together with the rest of the world to tackle this hideous trade.

Myanmar

2. **Afzal Khan** (Manchester, Gorton) (Lab): What recent assessment he has made of the political and security situation in Myanmar. [906709]

3. **Nick Thomas-Symonds** (Torfaen) (Lab): What recent assessment he has made of the political and security situation in Myanmar. [906710]

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): The situation in Burma/Myanmar remains of real concern. On 27 August, the United Nations fact-finding mission published a report that said that there were grounds for prosecution of members of the Burma military for war crimes, crimes against humanity and genocide. In the face of such serious allegations, no country that considers itself humane can stand back and do nothing.

Afzal Khan: The UN's report states that the violence against the Rohingya continues to bear "genocidal intent". As the official UN penholder on Myanmar issues, the UK has so far failed to refer it to the International Criminal Court. Does the Secretary of State agree that ethnic cleansing must not go unpunished, and will he commit to pushing the UN to refer Myanmar to the ICC?

Mr Hunt: I very strongly agree with the hon. Gentleman that ethnic cleansing, in whatever shape or form, wherever it happens, should never go unpunished, and that the perpetrators of these appalling crimes must be brought to justice. He is right to say that the UK has a special responsibility as the penholder. I intend to convene a high-level meeting of Ministers in the margins of the UN General Assembly later this month. ICC referral, however, has to happen as a decision of the Security Council, and at the moment it is not clear that there would be consensus on the Security Council to deliver that. I want the hon. Gentleman to be comforted, however, that we will leave no stone unturned to make sure that the perpetrators are brought to justice.

Nick Thomas-Symonds: There are chilling reports of sexual violence being inflicted on Rohingya people. Will the Foreign Secretary confirm how many experts employed by the Foreign Office under the preventing sexual violence initiative have been deployed to assist in this terrible situation?

Mr Hunt: I cannot tell the hon. Gentleman that number, but I will happily write to him with the information. What I can tell him is that our aid to the Rohingya, which is £129 million so far, has helped counsel 2,000 victims of sexual violence. We consider that an extremely important part of our support for this people.

Mr Andrew Mitchell (Sutton Coldfield) (Con): May I warmly welcome my right hon. Friend to his new role? He has great relevant experience, and we all know he will carry out his role superbly. Will he ensure he uses all his considerable influence, and that of the British, at the United Nations to make it clear that there can be no impunity for crimes of genocide committed by the Burmese army, which have been so eloquently set out by the United Nations independent international fact-finding mission? Britain has an acute and important leadership role to discharge here, not least because of the tremendous amount of aid and support we have given to the poor Rohingya community over the many years of their suffering.

Mr Hunt: I thank my right hon. Friend for his comments and commend him for the leadership he showed on many humanitarian issues as International Development

Secretary. He is absolutely right: the report said that in Rakhine, Shan and Kachin states there was gang rape, assaults on children, villages razed, and, in northern Rakhine, mass extermination and mass deportations. This is the kind of issue where countries that believe in civilised values have to take a stand and make sure that justice is done.

Richard Graham (Gloucester) (Con): I, too, warmly welcome my right hon. Friend to his new and vital role. While the Foreign Office is considering the damning UN report and deciding how most effectively Britain should respond, will he consider carefully the pros and cons of the current parliamentary engagement carried out by the Westminster Foundation for Democracy, which has done good work through the Officials of this House? We will need to weigh in the balance whether it is appropriate to continue such engagement.

Mr Hunt: I very much welcome my hon. Friend's experience of the region. Obviously that would be a matter for Parliament to decide, but it is very important that in all our dealings with the Burmese regime they understand that a line has been crossed. It is also important to update the House on the fact that a great deal has happened over the summer months, including an EU decision, which the UK was instrumental in making happen, to impose sanctions on seven individuals in the Burmese military. Much more now needs to be done.

Carol Monaghan (Glasgow North West) (SNP): It was a shock to read reports of the jailing of two Reuters journalists in Burma who had been instrumental in reporting the Rohingya massacre. What representations has the Secretary of State made to the Burmese Government on the importance of press freedom?

Mr Hunt: The two journalists were doing what is in the very best traditions of all journalism: exposing evil and bad things that Governments do not want exposed. We are very concerned, and I want to visit Burma/Myanmar to talk about all these issues and will certainly raise the issue with the Burmese authorities.

Mr Philip Hollobone (Kettering) (Con): What diplomatic initiatives are under way to overcome the statelessness of the Rohingya refugees?

Mr Hunt: My hon. Friend raises a very good question. My colleague in the other place, Lord Ahmad, hosted a Security Council meeting on 28 August to look at all these issues. I will be looking at that particular issue when we have a high-level meeting of Foreign Ministers at the UN General Assembly.

Stephen Twigg (Liverpool, West Derby) (Lab/Co-op): The United Nations panel of experts report is very powerful and is damning of the Burmese military and the Burmese regime more generally. May I urge the new Foreign Secretary to take a lead at the United Nations and build a coalition so that we can refer Burma to the International Criminal Court?

Mr Hunt: I recognise the enormous amount that the hon. Gentleman has done on this issue as Chair of the Select Committee on International Development. I think

we have two priorities in this situation, which is both a humanitarian catastrophe and a justice issue. The first is to enable the safe return of the Rohingya to their home. That is not unproblematic, but it is very, very important because of the humanitarian situation across the border. The second is to ensure that the perpetrators face justice. That will be a long, hard road, but he should rest assured that we are committed to going on that journey.

Mr Bob Seely (Isle of Wight) (Con): I welcome the Secretary of State to his new role, and I welcome his words of assurance that war crimes will not go unpunished in Myanmar, or indeed anywhere in the world. On the latter point, will he do the same for the Syrian and Russian regimes, which according to Syrian doctors are currently bombing hospitals as priority and primary targets, and will he update me on how we are going to take the Russian and Syrian regimes to the ICC?

Mr Speaker: Order. That is audacious to the point of extreme chutzpah. Much as I admire the hon. Gentleman's ingenuity, I am not sure that I altogether salute his cheekiness. *[Interruption.]* "Go on", says the hon. Gentleman from a sedentary position. If the Secretary of State wants to issue one of his brief but eloquent replies, we are happy to hear it.

Mr Hunt: My hon. Friend should rest assured that we will deal with crimes against humanity wherever in the world they happen.

Dr Rosena Allin-Khan (Tooting) (Lab): A year ago, we began hearing first-hand accounts of the horrors taking place in Rakhine state. I travelled to the region as a doctor and am still haunted by my meetings with mothers who had to choose between rescuing their children from fires and running with the ones who were still alive. The military have now focused their attention on the Kachin in Myanmar. Can the Secretary of State tell me how many more minority groups in the country will be persecuted before the UK Government hold Aung San Suu Kyi and her military to account?

Mr Hunt: The hon. Lady should rest assured that we absolutely believe that everyone responsible for these atrocities must be held to account. I hope to meet Aung San Suu Kyi; I think I have probably expressed the disappointment felt on both sides of the House that she has not taken the stand that many of us who have admired her for many years had hoped she might. The key issue is whether she chooses to go down the path of Burmese nationalism or whether she recognises that all citizens of her country are entitled to high standards of treatment.

Several hon. Members *rose—*

Mr Speaker: Order. There is now a premium on brevity. I call Sarah Jones.

Sarah Jones (Croydon Central) (Lab): My constituent Mr Rasalingam has been in prison for four years in Myanmar, having been sentenced to 17 years on a fraud conviction. There is evidence that his conviction represents a major miscarriage of justice. Next Wednesday, the facts of his case will be reviewed by a judge to assess

whether Mr Rasalingam can appeal. Will the Secretary of State look into his case and see whether action from the UK Government might help with the appeal?

Mr Hunt: I am very happy to make all consular assistance available to the hon. Lady's constituent.

Emily Thornberry (Islington South and Finsbury) (Lab): I join Members from throughout the House in welcoming the new Foreign Secretary to his place; I genuinely hope that he will bring a more constructive tone in debating foreign policy challenges around the world and a more proactive attitude when it comes to resolving them. With that in mind, I welcome the fact that the Secretary of State has shown such strong concern over last week's United Nations report on the actions of the Myanmar military against the Rohingya. I hear that he will be visiting Myanmar at the earliest opportunity to seek answers, but I am not sure what he means by that. The evidence is damning and the conclusions obvious, so what questions does he believe still need to be asked?

Mr Hunt: First, I should say that it is a great pleasure to have the right hon. Lady shadowing me. As Health Secretary, I was shadowed by four different shadow Secretaries of State; I hope the right hon. Lady will stay long enough for us to really get to know each other.

Things need to happen if we are to deal with these very serious issues. It is important that I visit Burma/Myanmar to meet the military and Aung San Suu Kyi and see for myself the situation on the ground. But there are things that we can do only in concert with other countries: one is referral to the International Criminal Court, which can come only if there is a consensus on the Security Council. There is a huge amount of work for Britain to do—both individually, as we are doing with our aid support, and with other countries.

Emily Thornberry: I thank the Foreign Secretary for that answer. I listened carefully to his earlier explanation of the long, hard road to a referral to the International Criminal Court, but we have not been afraid in the past to support resolutions to refer Syria to the ICC and expose Russia in the court of public opinion when it vetoes them. Why are we not prepared to do the same with China? In 2005, China and the United States abstained on Darfur rather than using their vetoes—the weight of public opinion can be a powerful tool.

With all due respect to the Foreign Secretary, if he wants to mark a genuine break with his predecessor, instead of travelling to Myanmar to ask more questions to which we already have the answers, why does he not just travel to New York and demand justice through the United Nations?

Mr Hunt: With the greatest respect to my new shadow, that is exactly what I am going to do and what I have said I will do. I will be in the margins of the UN General Assembly raising the issue with my counterparts from the other permanent members of the Security Council. But I also want to visit Burma/Myanmar, and I think I will be able to make a stronger case if I do.

Leaving the EU: Co-operation

4. **Rosie Duffield** (Canterbury) (Lab): What recent discussions he has had with his EU counterparts on continued foreign policy co-operation after the UK has left the EU. [906711]

7. **Chris Stephens** (Glasgow South West) (SNP): What discussions he had with his EU counterparts during the summer recess on diplomatic relations after the UK has left the EU. [906714]

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): Over the summer I visited seven EU countries and had substantive bilateral talks with 18 EU Foreign Ministers, and to all of them I said the same thing: if there is not a deal on our exit from the EU, Britain will find a way to survive and prosper, but it would be a big mistake for the continent of Europe, because at a time of great international upheaval, countries that share the same values should stand together.

Rosie Duffield: Last week, my hon. Friend the Member for Brent North (Barry Gardiner) met with the Port of Dover in my neighbouring constituency. The port, my colleagues, and all those dealing with trade matters in particular would appreciate clarification on whether other EU countries have signalled their willingness to collect tariffs on behalf of the UK and continue full co-operation with other EU agencies.

Mr Hunt: The facilitated customs arrangement is one of the issues being negotiated. Many discussions are happening between my colleague the Secretary of State for Exiting the European Union and Michel Barnier, and we are starting to make progress, but there is a long way to go.

Chris Stephens: What steps is the Secretary of State taking to ensure that the benefits of the European health insurance scheme for EU and UK citizens will continue post Brexit, and can he confirm reports that the UK will guarantee the rights of EU citizens to access the national health service and the social security system regardless of the outcome of negotiations?

Mr Hunt: That is something I can talk about a little bit, because of my last role as Health Secretary. We have made it clear to the EU that we are very happy to continue with the European health insurance card scheme, which allows British citizens to access healthcare free of charge anywhere in the EU and the same for EU citizens coming to Britain, but obviously there has to be agreement with the EU to do that, and we are waiting to see whether that is the outcome. On EU citizens living in the UK, we have made it clear that we want them to stay here—they make an important contribution to our economy and national life—with broadly the same rights as they currently have.

Tom Tugendhat (Tonbridge and Malling) (Con): It is nice to see you after the summer, Mr Speaker. I welcome my right hon. Friend to his new position. The Foreign Affairs Committee looks forward to working with him to deliver a policy overseas that delivers for British people wherever they find themselves and in whatever difficulty they may be.

On the EU and Europe, I want to ask my right hon. Friend about the defence of Europe. With an expansionist and aggressive country to the east corrupting and using its influence in various of our European allies, does he agree that standing up for NATO is just as important as standing up for co-operation with our EU partner states, and does he not also agree, therefore, that tying in the United States is important and that, for example, naming the new NATO headquarters after Senator McCain, a man who did so much for European defence and trans-Atlantic partnership, would be a strong symbol on both sides of the Atlantic that we are in this together?

Mr Hunt: I very much look forward to working with my hon. Friend in his role as the Chair of the Foreign Affairs Committee. I have great sympathy for what he says about Senator John McCain, who was a great statesman and friend of this country. He is absolutely right, too, that we have an opportunistic foe testing our defences at every opportunity, and we are far more likely to be successful if we stand together with our allies across Europe and the Atlantic.

Greg Hands (Chelsea and Fulham) (Con): One of my right hon. Friend's first visits was to see his German opposite number, Heiko Maas, in Berlin. Could he tell us a little bit about the discussions he had with him about Russia, and specifically about sanctions? Given that 40% of the western trade affected by those sanctions is with Germany, it is important that Germany remain resolute in pursuing economic sanctions against Russia.

Mr Hunt: I heard many compliments when I went to Germany about my right hon. Friend's diplomacy with and links to Germany, and we had very good discussions with Heiko Maas on the issue of sanctions. That is going to become more important in the months ahead, because the United States has said it will introduce sanctions as a result of the Salisbury attacks and is very clear that it would not be appropriate for Europe not to respond in kind, given that the attack happened on European soil. That is an area where we hope to make common cause with Germany.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): I am delighted that the Secretary of State is taking this question. I hope he will answer a very simple yes or no question that his predecessor always refused to answer: does the new Secretary of State believe that cameras and number plate readers placed on roads are physical infrastructure?

Mr Hunt: What we want is no physical infrastructure, because we want to defend the Good Friday agreement, and that is what our current proposals do.

Jeremy Lefroy (Stafford) (Con): I welcome the Foreign Secretary to his post. Given the greater importance of bilateral relations after the United Kingdom has left the European Union, what steps is he taking to increase British diplomatic representation, not only in the 27 other EU countries and the four states in the European economic area, but in the countries in which we are currently represented largely through an EU office, and in which we do not have our own mission?

Mr Hunt: My predecessor has already increased the budget for our representation throughout the European Union as a response to Brexit and the need to raise our game when it comes to diplomacy inside the EU. When it

comes to diplomacy outside the EU, I hope that it will sometimes be possible for the co-operative arrangements that we have now to continue—because I think that that works to the benefit of both sides—but we shall have to see whether the other countries are still up for that.

Stephen Gethins (North East Fife) (SNP): I congratulate the Foreign Secretary, and welcome him to his post. I know that he will take the job seriously, and I know that, at the end of his time, he will have at least tried in everything that he does, but will he now tell me what impact a challenging, divisive and difficult Brexit will have on our relationship with our European partners?

Mr Hunt: I welcome the hon. Gentleman as one of my shadows. Our objective is a friendly, smooth Brexit, which is why we have made the proposals that we have made. We think that a messy divorce is in no one's interests. However, the hon. Gentleman will understand that this Government would never sign up to proposals that were not consistent with the spirit and letter of the referendum decision, and we must honour that as well.

Stephen Gethins: I think that we need to probe our relationship with our European partners as we go forward. The Foreign Secretary was right to point out—and I am glad he did—that countries in Europe need to stand together at this critical juncture, given the challenges in Syria, Ukraine and elsewhere. What damage will a no deal Brexit do to that relationship?

Mr Hunt: I think that a no deal scenario would inevitably have an impact on the friendship that we currently have with European nations. That is why I think that all sides should think carefully before proceeding. I would say that this country is proud and strong and we would find a way in which to prosper and succeed whatever the outcome of these talks, but that, given the threats that we face, it would be better to stand together.

Yemen

5. **Peter Grant** (Glenrothes) (SNP): What representations he has made to his Saudi Arabian counterpart on the bombing of a school bus in Yemen by Saudi-led coalition forces. [906712]

11. **Douglas Chapman** (Dunfermline and West Fife) (SNP): What representations he has made to his Saudi Arabian counterpart on the bombing of a school bus in Yemen by Saudi-led coalition forces. [906718]

22. **Gill Furniss** (Sheffield, Brightside and Hillsborough) (Lab): What political and diplomatic steps he is taking to help resolve the conflict in Yemen. [906729]

23. **Mr Ronnie Campbell** (Blyth Valley) (Lab): What political and diplomatic steps he is taking to help resolve the conflict in Yemen. [906730]

The Minister for the Middle East (Alistair Burt): We are deeply concerned by the tragic incident in which so many were killed. My right hon. Friend the Foreign Secretary spoke to his Saudi counterpart shortly afterwards and pressed for a quick and transparent investigation, so the recent announcement of the outcome, the coalition's regret and action to address the recommendations are

important developments. We call on all parties to adhere to international humanitarian law, and to engage in the UN-led talks this week to reach a political settlement.

Peter Grant: It beggars belief that anyone could claim that a school bus travelling through a marketplace crowded with civilians could ever be a legitimate military target, but that is precisely what the Saudi Arabian regime did. Does the Minister now accept that the previous Government policy of leaving Saudi Arabia to investigate its own crimes is not working, and will the Government support the call from the United Nations Human Rights Council for us to refrain from providing arms that could be used in this dreadful conflict?

Alistair Burt: The hon. Gentleman's concerns are obviously shared by all, but let me draw attention to the fact that the report produced by the Joint Incidents Assessment Team is almost unparalleled in terms of admitting error and pointing out where that error was. I think that the hand of the United Kingdom can be seen in the work that we have done with the coalition over time in order to ensure that should things go wrong, there is proper accountability, and I think that that is what we have seen in the report. Of course we regret the circumstances hugely, but what is most important is for the conflict to come to an end so that we see no more of this.

Douglas Chapman: As the Minister will know, in the past I have offered help from SNP Members to support the work of Martin Griffiths, the UN special envoy for Yemen. I have also issued a plea for a halt to the bombing and the weapon sales from the UK to Saudi Arabia, and for the envoy to be given space in which to do his work and, indeed, back up some of the great work done by Karen Pierce, our ambassador to the UN, who has asked for a review in the event that an investigation proves flimsy. Why is the Minister tone deaf to those calls? How many more Yemeni children have to die?

Alistair Burt: I am grateful for the hon. Gentleman's approach to this and know that he wants Martin Griffiths's work to succeed. The United Kingdom is not tone deaf to this at all; I draw attention to the detail of the report which sets out the errors that were made and suggests that this would just not have happened some time ago. I am not aware of it happening in parallel with others responsible for humanitarian offences and issues in the region, such as the Houthis; there is no comparison with this. We are not tone deaf; we will continue to work with partners but the most important thing is to give Martin Griffiths that space so that the conflict comes to an end.

Gill Furniss: The value of British arms sales to Saudi Arabia surpassed £1billion in the first six months of 2017 alone. Is not one of the most effective diplomatic and political steps the Government can take right now to join other countries such as Germany and Norway and stop selling arms and call for a genuinely independent international inquiry to fully establish culpability?

Alistair Burt: I understand the force of the question and I think we will be coming to that in detail in a further question, but the short answer is no. The coalition acted in support of a legitimate Government; they are

currently having missiles fired at civilian targets in their own state and I do not see the political justification for withdrawing our arms.

Mr Ronnie Campbell: Assad has been roundly condemned in this Parliament many times for dropping bombs on schools and hospitals, let alone the barrel bombs, so why are the Saudis getting off lightly in this case when they are acting like barbarians? The Minister should go and tell them that.

Alistair Burt: There is no justification for any breaches of international humanitarian law. It is absolutely essential that it is adhered to, and should errors be made in any bombing, the United Kingdom will continue to ensure that those responsible are called to account, but the way in which there has been a particular response on this is, in my opinion, unparalleled.

Daniel Kawczynski (Shrewsbury and Atcham) (Con): I am pleased the Minister has condemned the latest tragic mistakes made by the Saudi-led coalition forces in Yemen, but what steps is he taking to ensure that we support UN attempts to broker dialogue between the Houthi rebels and the Saudis?

Alistair Burt: The United Kingdom continues to work very closely with all parties to ensure that special envoy Martin Griffiths has the necessary space. We are in constant contact; I spoke to the Deputy Foreign Minister of the United Arab Emirates yesterday and spoke to the Saudi Arabian Foreign Minister just this morning to urge the maximum support for the negotiations, and we have spoken to other parties who have an opportunity to make representations to others involved in the conflict to do exactly the same.

Fabian Hamilton (Leeds North East) (Lab): Last week's United Nations expert panel report on Yemen completed before the bus bombing of 9 August said that the Saudi coalition was routinely ignoring its own no-strike list of 30,000 civilian sites. Surely that is the very definition of indiscriminate bombing. In light of that, how can the Government continue to claim that there is no clear risk that the arms we sell to Riyadh are being used to violate international humanitarian law?

Alistair Burt: The particular report that has been brought forward is not accepted in full by the coalition, and there are some elements of it that the UK does not accept, so we are looking at that more carefully. The important thing is—the hon. Gentleman is absolutely correct on this—that international humanitarian law must be adhered to, but the practices of the coalition that have developed over the conflict to ensure proper investigation should anything go wrong are far more developed than they were. Nobody wants to see such investigations because nobody wants to see the actions that have caused them, and that is the UK position.

Benidorm Attack

6. **Rosie Cooper** (West Lancashire) (Lab): What recent discussions he has had with his Spanish counterpart on the attack on Jimmy Carol in Benidorm. [906713]

The Minister for Europe and the Americas (Sir Alan Duncan): I was appalled by the attack in the bar in Benidorm that put Jimmy Carol in a coma. Our consular staff have been supporting him and his family and talking to the Spanish police responsible for the investigation, and I hope Mr Carol makes a full recovery and that his attacker is brought to justice.

Rosie Cooper: What information does the Minister have that might explain the serious delay in the investigation of that violent attack on my constituent?

Sir Alan Duncan: The circumstances were a little confusing. The Spanish police might have seen it as a straightforward pub brawl, when in fact Mr Carol was intervening to back up some women who were being badly harassed. I think the answer to the hon. Lady's question is that it took some time for the local police to pass the case on to the national police. I would be perfectly happy for her to come and see me, perhaps with a close relative of Mr Carol, and I will do my utmost to ensure that consular officials do all that they can on this case.

Arms Sales to Saudi Arabia

8. **Alison Thewliss** (Glasgow Central) (SNP): If he will make it his policy to suspend arms sales to Saudi Arabia. [906715]

The Minister for the Middle East (Alistair Burt): We assess arms exports to Saudi Arabia against strict criteria. The key test is whether there is a clear risk that the items might be used in the commission of a serious violation of international humanitarian law. We take this very seriously and keep licensing decisions under careful review.

Alison Thewliss: *The New York Times* reports today that Spain has heeded the United Nations Human Rights Council's group of eminent experts on Yemen and ceased its sales of arms to Saudi Arabia for fear that they might be used in Yemen. This decision was taken following the publication of the report, which also expressed serious concern about the independence of the Joint Incidents Assessments Team. How many children in Yemen have to be blown to pieces on a bus before we cease our arms sales to Saudi Arabia?

Alistair Burt: That incident, and the deaths of any civilians, particularly children, caught up in a conflict are always dreadful. The most important thing is to bring the conflict to an end. We assess our arms sales on a case-by-case basis. I indicated earlier that the coalition was engaged in Yemen to try to reverse an insurgency. That insurgency is now firing missiles at civilian targets and, accordingly, I do not think that the political justification to withdraw arms sales to Saudi Arabia is made, but it is essential that international humanitarian law is adhered to and that there are no such further incidents.

Venezuela: Economic Stability

9. **David T. C. Davies** (Monmouth) (Con): What diplomatic steps he is taking to encourage economic stability in Venezuela. [906716]

The Minister for Europe and the Americas (Sir Alan Duncan): We are deeply concerned by the severe economic challenges and deepening humanitarian crisis in Venezuela, and indeed by their impact on the wider region. We have noted the Government's recently announced economic measures, but it remains to be seen whether they are going to improve the situation in any way at all.

David T. C. Davies: An oil-rich nation that once boasted the highest living standards of the whole of Latin America has now been plunged into starvation and crisis as a result of years of socialist policy and the removal of democracy. Does my right hon. Friend join me in condemning those who have imposed socialism and removed democracy in Venezuela, and those who have given them succour from the House of Commons?

Sir Alan Duncan: I must say that I do. Venezuela enjoys the world's largest proven oil reserves and it has the largest gas reserves in Latin America, but all of these are being squandered. It has had years of economic mismanagement based on outdated and misguided ideologies, and it cannot even provide the most basic necessities for its people. The country is facing rampant inflation. This is an example of how one man at the top of a country can destroy that country's economy and prospects.

John Spellar (Warley) (Lab): Clearly, a precondition for resolving the dreadful situation in Venezuela is an early end to the disastrous communist Maduro regime and a return to parliamentary democracy, but the desperate people of Venezuela—those in the country and the millions in exile—need food and medical supplies now. What are the Minister and the Department for International Development doing about that?

Sir Alan Duncan: I have to say to the right hon. Gentleman that DFID has limited experience in Latin America. We would like to be doing more, and there has been the provision of humanitarian advice, but I would be the first to admit that that is not nearly enough to address the seriousness of the plight that Venezuelans face. As he rightly says, millions of people have left Venezuela and these problems are now affecting neighbouring countries in a serious way. We are working closely with the Lima group, led by the Peruvian Foreign Minister, to do what we can to try to change the disastrous situation in Venezuela.

Sierra Leone: Political Violence and Arrests

10. **Neil Coyle (Bermondsey and Old Southwark) (Lab):** What recent assessment has his Department made of the level of political (a) violence and (b) arrests in Sierra Leone. [906717]

The Minister for Africa (Harriett Baldwin): Sierra Leone held presidential and parliamentary elections in March, and power was transferred peacefully. We are aware of recent allegations of politically motivated violence and we continue to monitor the situation. The new Government have made a commitment to govern for all Sierra Leoneans, and I call on them to honour that pledge and to ensure due process in all cases.

Neil Coyle: I am proud of the large and vibrant Sierra Leonean community in my constituency, but many community leaders have come to see me to discuss their worries about escalating tensions, arrests, violence and restrictions on political activity since the elections earlier this year. Will the Minister meet Southwark's Sierra Leonean community representatives to outline what the Government are doing in response to their concerns?

Harriett Baldwin: On my visit to the country earlier this year, I was struck by the journey that it has gone through from civil war to the presence of United Nations peacekeepers to the terrible Ebola outbreak, so it was welcome that elections were held this year and that there was a peaceful transition of power. I would, of course, always be happy to meet the hon. Gentleman's constituents and the community. To reiterate the point I just made, we welcome the inclusive approach that the Sierra Leonean Government are talking about and hope to see it implemented.

Human Rights

12. **Gerald Jones (Merthyr Tydfil and Rhymney) (Lab):** What steps has his Department is taking to promote and support human rights internationally. [906719]

The Minister for Europe and the Americas (Sir Alan Duncan): Promoting and defending human rights is an essential aim of the foreign policy of "Global Britain". The Foreign Office's 2017 "Human Rights & Democracy" report demonstrates the breadth of the issues that we campaign on and how we mobilise the diplomatic network to champion universal rights.

Gerald Jones: It is now over a week since the Government missed their own deadline to take a decision on whether to order an independent inquiry into the role of the UK in the use of torture. When can a decision be expected? Why have the Government not accepted the recommendations of Members across the House to hold such an inquiry?

Sir Alan Duncan: Obviously, this matter will in due course be addressed in front of the House, not in public first. The Prime Minister will make a decision and will inform the House accordingly.

Mrs Maria Miller (Basingstoke) (Con): The human rights situation of Ukrainian film director Oleg Sentsov should give us all cause for concern. When I first raised Mr Sentsov's plight in October 2016, the then Foreign Secretary said that the UK Government were appealing to the Russian authorities for his release. Sentsov is now three months into a hunger strike and faces almost certain death unless he is released. What further representations can our Government make to secure his release and save his life?

Sir Alan Duncan: I am grateful to my right hon. Friend for raising this pressing case. We should all be speaking loudly in favour of the release of this prisoner from unjustified detention. My right hon. Friend the Foreign Secretary undertakes to raise the matter directly with Sergey Lavrov when he meets him, and I hope that the prisoner will be released. There is absolutely no justification for this man being imprisoned. Indeed, he risks death as a result of his hunger strike.

18. [906725] **Dr Rupa Huq** (Ealing Central and Acton) (Lab): What are the Government doing towards the release of Shahidul Alam, the photographer imprisoned and tortured in Bangladesh, whose case has been championed by 10 Nobel prize winners and Sharon Stone? He is one of 700 detained under that country's Information and Communication Technology Act, which Amnesty International says represents a muzzling of all critics of the regime. Offences carry a minimum seven-year sentence, and the judiciary is not impartial. Will the Minister impress upon this ally that such draconian legislation is killing Bangladesh's once vibrant civil society?

Sir Alan Duncan: My right hon. Friend the Member for North East Bedfordshire (Alistair Burt), who doubles up as a Department for International Development Minister, made direct representations when he visited last week, and the high commissioner in Bangladesh is continuing to make strong representations as frequently and as effectively as she possibly can.

Rachel Maclean (Redditch) (Con): A vital human right is that girls receive an education. Given that girls are likely to be out of education in conflict zones, what further actions are the Government and the Department taking to tackle that serious and worrying issue?

Sir Alan Duncan: We championed that important issue when I was DFID Minister, as did my right hon. Friend the Member for Sutton Coldfield (Mr Mitchell). It is a joint objective of DFID and the Foreign Office to ensure that girls have a full education for as many years as possible, and my right hon. Friend the Foreign Secretary will be meeting the DFID Secretary this afternoon to discuss exactly this topic.

Liz McInnes (Heywood and Middleton) (Lab): In June, the International Trade Secretary hailed a new £1.5 billion natural gas deal with President Biya's regime in Cameroon in a Government press release entitled "International visits pay off". Can the Minister tell us whether the International Trade Secretary knew about the Biya regime's ongoing persecution and massacres in Cameroon's English-speaking regions, or did he just not care?

Sir Alan Duncan: I hope that the hon. Lady welcomes the investment that goes into Cameroon, particularly from the United Kingdom, but she is also right to say that any investment, particularly in the extractive industries, must meet the highest possible environmental and social standards, and we will endeavour to make sure it does.

Nazanin Zaghari-Ratcliffe

13. **Tom Brake** (Carshalton and Wallington) (LD): What recent progress he has made on securing the release of Nazanin Zaghari-Ratcliffe. [906720]

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): The detention of Nazanin Zaghari-Ratcliffe is a gross injustice. She is innocent; she is separated from her four-year-old daughter and her husband; and we will continue to leave no stone unturned to get her home.

Tom Brake: I thank the Foreign Secretary for his proactive and willing support of Nazanin's case from the outset. He clearly shares the concerns on both sides of the House about the impact that the unlawful detention is having on her health.

Following the visit of the Minister for the Middle East to Iran last week, can the Foreign Secretary set out any new initiatives that he is trying to secure, particularly on, for instance, using diplomatic protection or working with the UN and our international partners?

Mr Hunt: We will keep going with a whole range of activities. As well as the visit of my right hon. Friend the Minister for the Middle East, the Prime Minister spoke to President Rouhani on 10 May. I spoke to Foreign Minister Zarif on 24 August, and I hope to meet him at the United Nations General Assembly. I am also willing to go to Tehran, if necessary.

Paul Masterton (East Renfrewshire) (Con): What steps are the Government taking to ensure that Iran cannot use its embassies in the UK to harbour terrorists?

Mr Hunt: We take all steps necessary to make sure that does not happen. When we have any evidence of that kind of activity, we react accordingly.

Australia: Diplomatic Relations

14. **Maggie Throup** (Erewash) (Con): What steps the Government are taking to strengthen diplomatic relations with Australia. [906721]

The Minister for Africa (Harriett Baldwin): Australia is one of our closest bilateral partners, and diplomatic relations are excellent. In July, we held our 10th annual ministerial talks, where we agreed to strengthen foreign, security and trade relations. The Prime Minister spoke to Australia's new Prime Minister, Scott Morrison, on 27 August.

Maggie Throup: I welcome the fact that the first major summit attended by the Foreign Secretary on his appointment was his and the Defence Secretary's meeting with their Australian counterparts. Will he update the House on the progress made in preparing a free trade deal between our two countries?

Harriett Baldwin: I am sure the whole House will want to welcome Australia's purchase of nine Type 26 frigates from the UK, which is a significant defence export and means that we have the "Five Eyes" frigate with our friends in Australia.

The UK-Australia trade working group is meeting regularly to lay the foundations for future free trade negotiations. Indeed, there is a public consultation so that the public can express their opinions.

Mike Gapes (Ilford South) (Lab/Co-op): Does the recent removal of the Prime Minister of Australia have any lessons for this country?

Harriett Baldwin: I am sure that diplomatic relations between the UK and Australia, despite the changes the Australians have had at their end, will endure with the stability of this Government.

Peace Process: Israel and Palestine

15. Alex Cunningham (Stockton North) (Lab): What recent discussions he has had with his international counterparts on the peace process in Israel and Palestine. [906722]

19. Theresa Villiers (Chipping Barnet) (Con): What assessment he has made of the effect of recent rocket fire from Gaza into Israel. [906726]

20. Matthew Pennycook (Greenwich and Woolwich) (Lab): What recent discussions he has had with his international counterparts on the peace process in Israel and Palestine. [906727]

The Minister for the Middle East (Alistair Burt): There is an urgent need to restart the peace process, and we regularly press Israel and the Palestinians to resume direct negotiations towards a two-state solution. We are in close consultation with international partners on how to encourage the parties to the middle east peace process to reverse the negative trends on the ground. Rocket fire and other violence makes achieving peace more difficult.

Alex Cunningham: I am grateful for that answer. The World Health Organisation reports that 10 Palestinian people, including a pregnant woman and her two children, were killed and more than 400 were injured by Israeli forces in one week in August. Instead of deploying even more chatter, why will the international community not actually act and protect some of the most vulnerable people on earth?

Alistair Burt: The experiences in Gaza and the crisis we have seen over the summer have different roots and causes. It is essential that all those who are contributing in any way to the violence in relation to the process desist and find a way through to the peace opportunities that are there. We deeply regret the loss of life, and it is essential that all sides respond to that. Also, the violence that comes from Gaza towards Israel is making negotiations very difficult.

Theresa Villiers: Does my right hon. Friend agree that recent rocket attacks by Hamas demonstrate, once again, that they are the biggest roadblock to peace in the middle east, frustrating the sincere efforts made by Israel to try to secure a peaceful future for the region?

Alistair Burt: Both the rocket fire and the incendiary devices that have come from Gaza have certainly made this difficult for Israeli politics, because a great deal of damage has been done in the area, which encourages people to demand that their Government protect them and keep them safe. As we know well, there are difficulties on all sides. Our concern has been that the problems in Gaza have made it more difficult for the negotiations, which we all anticipate following the US envoy's reports, to get started. That is why we urge a restraint on violence and that the talking going on all through the region bears some fruit.

Matthew Pennycook: In response to the cruel decision taken by the Trump Administration to cut US funding for the United Nations Relief and Works Agency, the

German Government have pledged to increase their financial support for the agency. Will the Minister commit his Government to do the same, so that Palestinian refugees do not suffer as a result of the President's decision?

Alistair Burt: I am pleased to announce to the hon. Gentleman and to the House that today we have taken the decision to increase funding to UNRWA by a further £7 million. I spoke just a couple of hours ago to Commissioner-General Pierre Krähenbühl to express our support for UNRWA. We understand the concerns of the United States, but we do not believe that the way it has gone about this is correct. We will continue to support the most vulnerable people, because that also forms a vital part of a just solution to the issues between the Palestinians and Israel.

Stephen Crabb (Preseli Pembrokeshire) (Con): Does my right hon. Friend agree that the single most important thing for both unlocking the peace process and bringing relief to the desperate lives of Palestinians in Gaza is for Hamas to renounce violence and terror, and turn its back on those ways?

Alistair Burt: Yes. Hamas's resistance to meeting the Quartet principles and to renouncing violence, by contrast to the Palestinian Authority, who have done that for many years, is indeed a stumbling block. Talks, brokered by Egypt, are taking place in the region, as we are well aware. Who knows what will come out of those talks, but if there is to be any progress in the future, Hamas's position on Israel has to change.

Nigel Dodds (Belfast North) (DUP): To follow up on that point, there needs to be the renunciation of not only violence, but of the idea of the annihilation of Israel as a state. If we are to have proper negotiations, is it not critical that they are based on a mutual recognition of people's rights and not on the basis of Hamas and others wanting to see the destruction of Israel?

Alistair Burt: Of course, the right hon. Gentleman is right; Israel cannot be expected to find an accommodation with terrorist groups that seek an annihilation and the extinction of the country. However, there are opportunities to make progress on that. Hamas's position is in contrast with that of the Palestinian Authority, who have accepted the existence of Israel and worked with it on security matters in the past 20 years. A resolution has to be just to all sides in the situation, but Hamas's position cannot hold.

Helen Goodman (Bishop Auckland) (Lab): I welcome what the Minister has just said about new funding for UNRWA. Labour has been saying for months that proposed cuts from Donald Trump would damage Palestinian schooling and education and harm the peace process. Will the Foreign Office also now take the lead in organising an international emergency conference, so that others may also pledge more support?

Alistair Burt: I am grateful for the hon. Lady's support, and it is a common view in the House. We have increased funding more than once during this year, and more than £40 million extra has been brought forward to support UNRWA. I spoke to the commissioner-general about

education in particular. He has the funds to open the schools at present and keep them going, but this will depend on further funding decisions in the future. I hope that we will be able to take part in mutual discussions at the UN General Assembly with other states that are affected. This is not just about the west bank and Gaza; it is also about Jordan and Lebanon. It is about places where children are getting an education. We are talking about an education that is gender neutral in a way in which other parts of the education system in the region are not. The question is: if UNRWA does not provide the education, who might? That is why it is so important to keep this going.

Topical Questions

T1. [906733] **Richard Burden** (Birmingham, Northfield) (Lab): If he will make a statement on his departmental responsibilities.

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): Following earlier comments, I know that many Members of the House would like to pay tribute, formally, to the life of Senator John McCain, who described the UK as

“the country which Americans have long regarded, in good times and bad, as our greatest and most influential friend.”

He also talked about the importance of the global role played by our two countries, saying that

“the future is in the safe hands of the two great peoples who long ago decided to make history together.”

So we celebrate his courage, integrity and generosity of spirit.

Richard Burden: I endorse what the Secretary of State said in tribute to John McCain. May I put it to him that one of the most disreputable aspects of President Trump's decision to end United States funding for the United Nations Relief and Works Agency is the fact that he dressed it up as part of a grand negotiating strategy towards what he calls the deal of the century, when in reality that decision is hitting schools and hospitals and the food aid for hundreds of thousands of people in abject poverty? I applaud the increase in funding for UNRWA, but may I press the Secretary of State a bit more about what action the UK Government and their partners will take to ensure that the vital lifeline that UNRWA provides to vulnerable people around the world will not be lost?

Mr Hunt: As my right hon. Friend the Minister for the Middle East said earlier, we do not agree with the American Administration's decision on this issue. Today's funding announcement is part of our response, but I reassure the hon. Gentleman that we will talk to other donors as well, to see whether we can make up the gap in funding to UNRWA that has been caused by that decision.

T2. [906734] **Giles Watling** (Clacton) (Con): The people of Clacton are getting ready to commemorate the end of world war one in November this year. I have had the honour of visiting our forces in Cyprus, some of whom are on vital NATO operations right now. Does my right hon. Friend agree that our membership of NATO has been key to the maintenance of peace in Europe since the end of world war two?

Mr Hunt: Labour can be incredibly proud that Clement Attlee was responsible for setting up NATO in 1949. NATO has been supported by every single Labour leader since then—except the current one. It would be interesting to know whether the current shadow Foreign Secretary supports the current Labour leader or his predecessors.

T4. [906736] **Julie Cooper** (Burnley) (Lab): I welcome the Secretary of State to his new role. I listened with interest to his comments about the plight of the Rohingya, but I am becoming impatient. It is now 12 months since the House heard of the massacre of 7,000 Rohingya people and the horrific circumstances that led to more than 700,000 having to flee into neighbouring Bangladesh. Will the Secretary of State assure me that he views the situation as a matter of urgency and that the British Government, as a former colonial leader in the region, will take a lead on the issue, so that in 12 months we will not be in the same position, listening to reports of genocide?

Mr Hunt: I absolutely give the hon. Lady those assurances, because it is vital not just for the Rohingya people but for people everywhere that countries with values such as ours take a firm stand when there is genocide.

T3. [906735] **Maggie Throup** (Erewash) (Con): I welcome my right hon. Friend's recent comments about the need for further sanctions on Russia following the Salisbury attacks. Will he update the House on the progress that has been made on taking the case to the EU and its members and, indeed, to other trading partners, such as our Commonwealth friends?

Mr Hunt: I am very happy to do that. It is extremely important that there is a clear red line: the use of chemical weapons, of which nerve agents are one, is totally unacceptable. The price will always be too high. The EU has already agreed to a chemical weapons sanctions regime, and we will press it to implement that regime as soon as possible.

T5. [906737] **Rushanara Ali** (Bethnal Green and Bow) (Lab): The recent UN independent fact-finding mission on Myanmar called for the country's top general, Min Aung Hlaing, to be investigated and prosecuted for crimes against humanity and genocide in northern Rakhine. Other Members have already referred to the situation there. Does the Foreign Secretary agree that if the UK does not use its leadership role as the UN Security Council's official penholder, there is a real risk that those Rohingya people who remain in Myanmar will face the same consequences as others have and that the genocide will continue? We have warned the Government about this issue, and action needs to be taken now.

Mr Hunt: I do agree with the hon. Lady. A referral to the International Criminal Court would need Security Council consensus, and we need to discuss with our Security Council colleagues whether that is achievable. We will not stop making sure that justice is done in this situation.

T6. [906738] **Tom Pursglove** (Corby) (Con): As we prepare to leave the European Union, what steps is my right hon. Friend taking to strengthen our diplomatic ties with Commonwealth countries around the world?

The Minister for Europe and the Americas (Sir Alan Duncan): My right hon. Friend the Foreign Secretary has spent much of the summer travelling across Europe and meeting his European counterparts. Through EU membership, the UK is part of around 40 international agreements covering 70 countries. We are committed to ensuring continuity for existing EU trade agreements as we leave the European Union and to building up the closest trade agreements that we can with countries in the Commonwealth.

T7. [906739] **Jo Stevens** (Cardiff Central) (Lab): I thank the Minister of State for Europe and the Americas for meeting me just before recess to hear my concerns about the Colombian peace process. I visited Congressman-Elect Jesus Santrich in prison in Bogota last month. He has been on a 41-day hunger strike. He is very frail, and has been denied access to doctors and to medication—the only medication that he has had is through his lawyers. Will the Minister please speak to the new Colombian Government not just about access to medication for him because he is frail, but about his continued administrative detention?

Sir Alan Duncan: I hope to make the hon. Lady's comments of even greater value by saying that I will have such conversations and that I will put in calls to Colombia. I know that our mission in Colombia, in Bogota, is always doing its best to make representations of this sort.

T9. [906741] **Henry Smith** (Crawley) (Con): I congratulate my right hon. Friend on his appointment as Foreign Secretary two months ago. I would be grateful if he committed to reviewing the resettlement of the Chagos islands, the British Indian Ocean Territory, by the native islanders.

Sir Alan Duncan: As my hon. Friend appreciates we do have a long-standing policy on this issue and we do not recognise the sovereignty claim of the Republic of Mauritius over Chagos archipelago. We very much regret that Mauritius is taking its case to the International Court of Justice. That case started yesterday, so it would be more appropriate for us to wait until the outcome of any judgment, which should conclude this week.

T8. [906740] **Mr Virendra Sharma** (Ealing, Southall) (Lab): The Indian state of Kerala has suffered its worst flooding in almost 100 years. One million people have been displaced and more than 400 have already died. What is the Foreign and Commonwealth Office doing to ensure that it offers adequate consular assistance to British citizens in Kerala and to those with relatives in the state?

The Minister for the Middle East (Alistair Burt): This is some distance from the middle east, but in the absence of my right hon. Friend the Minister for Asia and the Pacific, I will say that I am aware that we have been engaged in supporting British citizens and in offering support to the Government of India where necessary. The Government are very self-sufficient, as they have dealt with similar issues before, but we have said that, should there be things they need, we will help. As always, our FCO team has been touch through its consular service with those who seek support.

Rebecca Pow (Taunton Deane) (Con): I am proud that the UK has taken a global lead on tackling plastics in our oceans and the terrible pollution that it causes, including, of course, the ban on microbeads and microplastics. None the less, more must be done. Does my right hon. Friend agree that we should continue to talk with other nations, so that they follow our example, and that we bring in the cause of microfibres as well, which are causing devastating pollution, too?

Sir Alan Duncan: At the Commonwealth meeting, the Prime Minister launched the UK-Vanuatu-led Commonwealth Clean Oceans Alliance, which sees countries across the Commonwealth join forces in the fight against plastic, including a ban on microbeads. I shall take further steps after these questions to investigate further the extent to which it also might include microfibres.

T10. [906742] **Ian C. Lucas** (Wrexham) (Lab): Lesotho Minister John Maseribane admitted to “Channel 4 News” that he had received payments to his personal private bank account from Mr Arron Banks. Will the Foreign Secretary speak to the Attorney General about investigating this matter under the Bribery Act 2010 as this Government contribute to the Government of Lesotho?

The Minister for Africa (Harriett Baldwin): I can confirm that we have announced this year that we are reopening an embassy in Lesotho. I thank the hon. Gentleman for drawing this case to my attention, and I will certainly follow up by writing to him about the matter.

Scott Mann (North Cornwall) (Con): Will the Minister join me in congratulating Lewis Pugh on his recent swim across the English channel? It was a fantastic achievement. Along with 285 Members of Parliament, Lewis is championing the cause of the Great British Ocean Coalition. May I ask what progress is being made on marine conservation areas around the South Sandwich islands?

Sir Alan Duncan: I think that the whole House will want to congratulate Lewis Pugh on his quite amazing swim. It puts my crawl—if I might put it that way—to shame. What he achieved was quite remarkable. The South Sandwich islands are very well managed. We are committed to protecting 10% of the world's penguins there and around about. The UK is on course to protect 4 million square kilometres by 2020, which represents 60% of the UK's oceans.

Clive Efford (Eltham) (Lab): Further to the answer that the Minister gave my hon. Friend the Member for Cardiff Central (Jo Stevens), since President Duque took office there have been over 30 extra-judicial murders in Colombia; that is one every 18 hours. What can the Minister do when he calls Colombia to draw these murders to the attention of the Government in Colombia and to ensure that they bring the perpetrators to justice?

Sir Alan Duncan: We are happy to include all such issues in any conversations that we might have with Colombian Ministers. Indeed, we are particularly concerned to ensure that the peace process remains on course. It has been deviating slightly recently. The Prime Minister

confirmed the UK's full support of that process during her phone call with the new Colombian President on 9 August. The Foreign Secretary and Foreign Minister Holmes also discussed UN Security Council support for peace in Colombia when they met in New York on 24 August.

Sir Hugo Swire (East Devon) (Con): How are plans progressing to redeploy secondees to the European External Action Service, and what plans does the Foreign Office have to reconfigure our diplomatic footprint in Europe post Brexit?

Sir Alan Duncan: As my right hon. Friend will be aware, we have dedicated more resources to increasing our representation across Europe, so that we are fully equipped to do all that we can to represent the UK's interest once we have left the European Union.

Chris Bryant (Rhondda) (Lab): The 50-year conflict in Colombia has seen thousands and thousands of campesino and indigenous families thrown off their territory, tortured and murdered, so the Minister is absolutely right to say that it is distressing in the extreme to see that the peace process has now stalled. The Spanish Prime Minister went to Colombia last week to impress on President Duque that he must get this back on track. Will the Minister make sure that British representations to President Duque are just as strong as those from Spain?

Sir Alan Duncan: Yes, I will do so very genuinely. I think that I am right in saying that the hon. Gentleman has recently visited Colombia. I would therefore like to invite him and any other colleagues to see me in order to brief me on what they learned during their visit.

Mr Andrew Mitchell (Sutton Coldfield) (Con): Further to the Minister's earlier remarks, will he make it clear to our Saudi allies that they are on a hiding to nothing in this war in Yemen and that every effort must be made to support the peace process being brokered by Martin Griffiths, the UN Special Representative for Yemen? Will the UK support renewal of the mandate of the UN's group of eminent experts on Yemen at the Human Rights Council this month?

Alistair Burt: I think that the answer to all that is yes.

Several hon. Members *rose*—

Mr Speaker: Could we have a couple of one-sentence questions, perchance?

Ruth Cadbury (Brentford and Isleworth) (Lab): Will the Minister insist as a matter of urgency that Kurdish representatives are allowed to attend the peace process meetings on the future of Syria?

Alistair Burt: Kurdish representatives are already included with the representatives of the Syrian opposition. Any further invitations are up to Staffan de Mistura, who is responsible for the negotiations, but the hon. Lady is right that it is absolutely important that Kurdish interests are represented.

Stephen Kerr (Stirling) (Con): It is now four years since my constituent Iftikhar Ahmad's three-year-old son Shahryar—a British subject—was abducted and brutally murdered in Faisalabad, Pakistan. Will the Secretary of State meet me and others to see how we can get justice for this family?

Harriett Baldwin: Yes.

Jeff Smith (Manchester, Withington) (Lab): There are reports this afternoon that Russian war planes have resumed bombing in Idlib province. What can we do to help Staffan de Mistura's plan to create a humanitarian corridor to prevent more civilian tragedy in Syria?

Alistair Burt: In the first place, it is essential to convey to the Syrian regime, through its partners, the need to avoid a tragedy in Idlib, and that includes a bombing campaign or anything similar. I have been in contact with Turkey. I will be speaking to the Turkish Deputy Foreign Minister later this afternoon. It is essential that we find a way for non-combatants to leave the area, and all efforts are being made with all partners to try to ensure that this will be the case. However, the House should not be in any doubt that there is likely to be some military action. There are some terrorist entities in Idlib against whom the United Kingdom has been engaged in the past and who pose a threat. It is essential that there is not a humanitarian disaster, nor the use of chemical weapons.

Bob Blackman (Harrow East) (Con): What assistance has the Foreign and Commonwealth Office given to the victims of the devastating earthquakes on the island of Lombok over the past two months—UK citizens in particular—and to the humanitarian effort in general?

Alistair Burt: I am absolutely certain that the Foreign and Commonwealth, through its consular team, has given all assistance to those who have asked. I will redouble my efforts to find out more and relay that to my hon. Friend.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Will the Foreign Secretary respond positively to Etienne Krug of the World Health Organisation, who said that any Foreign Secretary's priority should be the end of violent deaths of so many children worldwide?

Alistair Burt: The hon. Gentleman is right to raise this. I have regular contact with the WHO through my responsibilities at the Department for International Development. There is a tragedy of children caught up in violence wherever it may be, whether it is the result of trafficking, abuse or conflict. This is not just for the WHO; it is for all parties involved. It should be of interest that only last week we spoke about mediation at the UN General Assembly. There must be more mediation, rather than confrontation, to end conflict.

Mrs Pauline Latham (Mid Derbyshire) (Con): What conversations has my right hon. Friend had with his counterpart in Spain about the Catalan prisoners, some Ministers, who are imprisoned without charge?

Sir Alan Duncan: As my hon. Friend will appreciate, this is of course primarily a matter for Spain itself, but in our conversations with Spain we urge it to make sure that every step it takes is fully in compliance with its constitutional obligations.

Joan Ryan (Enfield North) (Lab): It is very welcome that the UK is the first country to support the International Fund for Israeli-Palestinian Peace to bring people together to build peace, reconciliation and coexistence—vital for a lasting settlement. What multilateral and bilateral steps will the Government now be taking to build international support for that vital fund?

Alistair Burt: The right hon. Lady is right that one of the elements of distress over the years has been the gradual separation of young people, in particular, in the Palestinian areas and those in Israel. All efforts to use the organisations that bring people together are to be supported and sponsored. She will know well that we have a bilateral programme to do this. I hope to ensure when I am in conversation with others, particularly at the UN General Assembly, that this area is not neglected and that we see more of it. It also forms part of the comprehensive settlement we know is necessary to end the conflict in the area.

Several hon. Members *rose*—

Mr Speaker: I am sorry, because I could enjoy the eloquence of my colleagues for an indefinite period, but we must now move on to the next business.

Before we come to the urgent questions, I must advise the House of the following. I have received notification from the right hon. Member for Rother Valley (Sir Kevin Barron) of his intention to resign from the chair of the Standards Committee once a successor has been elected. He has served with great dedication and commitment for more than eight years in this role, often a thankless task, which has seen, of course, the introduction of lay members—a cause that I know is close to his heart—and, in recent months, the introduction of the new independent complaints and grievance policy, where the right hon. Gentleman has played an important role. He will also be stepping down from the chair of the Committee on Privileges.

Under the Standing Order, 10 sitting days have to elapse before an election. I have decided that the election for the new Chair of the Standards Committee will be held on Wednesday 17 October. The right hon. Gentleman has kindly agreed to continue in the chair until that date. I hope—I say this in all sincerity to colleagues across the House—that colleagues will want to show their appreciation of the work and commitment of the right hon. Gentleman. [HON. MEMBERS: “Hear, hear.”] Thank you.

Windrush

3.44 pm

Ms Diane Abbott (Hackney North and Stoke Newington) (Lab) (*Urgent Question*): To ask the Secretary of State for the Home Department to make a statement on the Government's policy on Windrush.

The Minister for Immigration (Caroline Nokes): It is a pleasure to be back, Mr Speaker.

The Home Secretary has been very clear both that the Government deeply regret what has happened over decades to some of the Windrush generation and that we are determined to put it right. The Home Secretary laid a written statement in the House on 24 May to establish the Windrush scheme, which ensures that members of the Windrush generation, their children born in the UK and those who arrived in the UK as minors and others who have been in the United Kingdom for a long period of time will be able to obtain the documents to confirm their status and, in appropriate cases, obtain British citizenship free of charge.

The last update on our historical review of removals and detentions was presented to the Home Affairs Committee on 21 August. The Home Secretary has written to apologise in the case of 18 people whom we have identified are most likely to have suffered detriment as a result of Government action. To the end of July, 2,272 people have been helped by the taskforce to get the documentation they need to prove their existing right to be in the UK under the initial arrangements put in place prior to the establishment of the Windrush scheme, and 1,465 people have also been granted citizenship or documentation to prove their status under the formal Windrush scheme. The taskforce is also working to help eligible individuals return to the UK.

The Home Secretary has announced a compensation scheme for those who have been affected as a result of not being able to demonstrate their status. The public consultation for that scheme was launched on 19 July and will run to 11 October. The Home Office is using a range of channels to engage with those who have been affected and to encourage people to respond to the consultation. We will announce details of the final scheme and how to apply as soon as possible after the consultation has ended.

Finally, the Home Secretary has commissioned a lessons learned review, to identify how members of the Windrush generation came to be entangled in measures designed for illegal immigrants. He has been clear that the lessons learned review requires independent oversight and scrutiny and has appointed Wendy Williams as independent adviser to the review. I know that, across the House, we are united in our determination to deal with the problems faced by people of the Windrush generation. I therefore hope we can take a cross-party approach which recognises that the most important thing we can do is ensure the wrongs that some have faced are put right.

Ms Abbott: Thank you for granting this urgent question, Mr Speaker.

Ministers might have thought that they had drawn a line under the Windrush scandal, but it continues to throw up new horrors. This summer I was in the Caribbean,

and Ministers should not underestimate the concern that the Windrush issue has caused throughout the Commonwealth. We are preparing to leave the EU. At a time when we should be strengthening our trading links with Commonwealth partners in Africa, the Caribbean and south Asia, are Ministers aware of how much damage the Windrush scandal has caused?

Now we have learnt that three citizens have died in Jamaica after having been wrongfully deported from this country. This is something that ought to shame Ministers. Worse, we did not learn this from our own Government. This intelligence comes from Her Excellency the Foreign Minister for Jamaica, Kamina Johnson-Smith. Left to this Government's own devices, we might never have learnt of those deaths.

The Government have been dilatory in fulfilling their repeated verbal commitments to find out who the victims are of this scandal and what they will do to correct it. Instead, we have the Home Secretary making an apology to just 18 of the victims identified who have been wrongly detained or deported. This is despite the fact that the Government themselves have identified 164 such victims. Were any of the three victims now deceased who have been identified by Jamaican Ministers included in the Government's list of 164? If they were, what was done to try to remedy the situation before the deaths? If not, we are entitled to believe that the Government's list of 164 is of little value, with gaping holes in its information.

The Home Secretary's apology to the 18 is welcome. A sincere apology is long overdue, but why only these 18, when the Government have identified many, many more cases? What is the basis of the apology? Does it include an assurance to address the hardship being caused here and now, or will the 18 have to wait like everyone else until the Government finalise their compensation scheme?

We learned from newspaper reports that the Government are losing the majority of their appeals in immigration cases. They are still trying to deport thousands of people who are entitled to be here. The Windrush scandal lives, even while some of its victims have died. This scandal is due to the Government's hostile environment policy, which is supported by the entire Government, including the Home Secretary, who has tried to rebrand it. Ministers need to abandon the hostile environment policy. Unless and until they do, the reek of the Windrush scandal will forever be associated with the Home Secretary and this Government, not just here in Britain but throughout the Commonwealth.

Caroline Nokes: I was delighted to hear the right hon. Lady refer to the importance of reaching out to different parts of the world in a post-Brexit scenario. She will be aware, as I am, of the work the Prime Minister has done in Africa over the past few weeks. I agree that it is important that we foster relations right around the globe, which is why we have been extremely proactive in working with high commissioners across the Caribbean to make sure that the 164 people identified so far as part of our review are proactively contacted and that we can, as I said earlier, put right the wrongs that have been done to the Windrush generation.

The former Home Secretary and the current Home Secretary have been clear in their apologies to the Windrush generation, and those have been sincere and heartfelt. However, I would point out to the right hon.

Lady that there have been policies under successive Governments to make sure that those who have the right to be here are able to access benefits, employment and services, but those who do not are correctly identified by a series of compliant-environment policies. The right hon. Lady speaks as if those policies were begun by this Government, but in fact right-to-work checks commenced in 1997, controls on benefits in 1999, controls on social care in 2002, and civil penalties for employers of illegal workers in 2008.

It is notable, as I said right at the beginning of my statement, that people from the Windrush generation who have had wrong done to them, for which we have apologised and will continue to apologise, have been affected over decades. The right hon. Lady might like to reflect that, of the 164 individuals identified so far by the review, in the region of half were impacted prior to 2010.

Sir Hugo Swire (East Devon) (Con): For how much longer are the Government going to refuse to publish the unredacted report by Sir Alex Allan on the whole Windrush situation?

Caroline Nokes: The Government have of course commissioned the lessons learned review, and the permanent secretary in the Home Office commissioned Alex Allan to conduct that review. It is important that we focus very much in this regard on making sure that we put right the wrongs for those who are part of the Windrush generation, but also that we work proactively with the Home Affairs Committee to make sure that these mistakes do not happen again.

Joanna Cherry (Edinburgh South West) (SNP): I commend the right hon. Lady, the shadow Home Secretary, for securing this urgent question on such an important issue.

Over the summer we have learned that wrongly deported Windrush generation citizens died before they could be repatriated. We have learned that the private firm responsible for removing Windrush citizens operated on the basis of incentives for exceeding its removal targets. We have also learned that the Home Office may be withholding crucial evidence from the Joint Committee on Human Rights inquiry into the wrongful detentions and deportations. Does the Minister regret any of those matters, and can she tell us why the Home Secretary and the Prime Minister are still refusing to make a full and proper apology to all the victims of this appalling episode?

When will the Home Secretary respond to calls from the Scottish National party and others, which we have heard today, for a full and proper revisiting of the hostile environment policy, which led to this scandal and which may yet lead to others?

Caroline Nokes: The Government's compliant-environment policies, which were, of course, started under the previous Labour Administration, are an important part of our ability to make sure that those who have the right to be here and are entitled to goods, services and benefits can be correctly identified, and, equally, that those who are here illegally can also be identified. This Government do not intend to remove our compliant-environment policies; we believe that

they provide an important part of our suite to address illegal immigration. The hon. and learned Lady referred to the private company that had a contract to enable those who had no right to be here to accept voluntary returns. It played no part in decision making and, of course, that contract was ended in 2016.

Mr Philip Hollobone (Kettering) (Con): May I congratulate my right hon. Friend on the way in which she personally is getting to grips with this important issue? I believe she said that 2,272 individuals have had their documentation sorted. What is the total number of applications to the helpline to date, and what is her estimate of the likely number of applications before this whole sorry episode is brought to a successful conclusion?

Caroline Nokes: My hon. Friend is right to point out that many thousands of people have received their documentation. We should be pleased that that has occurred, and in the vast majority of cases it has occurred very swiftly after they have provided details to the taskforce. That is crucial, so that they can access the benefits and services to which they are entitled. The taskforce has received well in excess of 8,000 calls, but only a proportion of them will be part of the Windrush scheme, and there is very careful triaging so that people receive calls back and the correct information is identified at that time.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): We will publish today the Home Office's response to our Select Committee's Windrush report. The response rejects our cross-party recommendation to reinstate immigration appeals. Does not the Minister recognise that, in Windrush cases, people lost their homes, their residency and citizenship rights, their healthcare rights and their jobs because the Home Office got decisions wrong and there was no right of appeal and no independent checks and balances? Does she not recognise that, if we are to have any chance of preventing Windrush injustices from happening again, there needs to be the restoration of immigration appeal rights?

Caroline Nokes: I thank the right hon. Lady for her question. The Windrush taskforce and the review processes that are commencing and, indeed, will be ongoing for a considerable time show that, yes, absolutely, mistakes were made over a long period, for which this Government have apologised and continue to apologise, because we are very sorry for those to whom wrong was done. It is absolutely imperative that we learn those lessons, which is why Wendy Williams has been commissioned for the independent review, and that we make sure that we take account of the recommendations that come forward from that review and make appropriate changes.

Vicky Ford (Chelmsford) (Con): May I thank the Minister for the rapid way in which her Department has helped to assist a constituent of mine who has been affected? Will she assure me that direct contact will be made with those affected so that they can receive compensation with minimum difficulty?

Caroline Nokes: It is absolutely our intention that those who will be entitled to compensation should be able to access it with minimum difficulty. The public consultation opened in July and will close on 11 October,

[*Caroline Nokes*]

and it is absolutely imperative that we take into account all the suggestions and comments that come forward as part of it, and that we make sure that we have a scheme that works for those individuals affected.

Sir Edward Davey (Kingston and Surbiton) (LD): The Home Secretary was right to apologise to the victims of the Windrush scandal, but if the Government want to end their hostile environment, which led to the Windrush scandal, is not it time to abolish their net migration target?

Caroline Nokes: Given the commitment in successive general election manifestos that have been endorsed by the public, it is absolutely imperative to reduce immigration to sustainable levels. As part of that, we have a compliant environment, which makes sure that people who are in this country illegally are not entitled to access the benefits and services that those who are here legally can.

Bill Grant (Ayr, Carrick and Cumnock) (Con): Will my right hon. Friend confirm that analysis of the Windrush cases reveals problems over many years under successive Governments, and that this Government will resolve those problems?

Caroline Nokes: My hon. Friend is right to point that out. These issues have occurred over successive Governments and many years. This Government are absolutely determined to make sure we put right those wrongs.

Thangam Debbonaire (Bristol West) (Lab): My caseworkers tell me that intolerable delays are occurring and that people in the pipeline are not being dealt with promptly, even though we were promised they would be. We had good experiences at the start of this process, but I am afraid to say that that has gone backwards. What is the Minister doing to deal with delays, and how many people are in that delayed situation?

Caroline Nokes: The vast majority of cases have been dealt with within the two-week deadline after the receipt of full documentation; both the former and the current Home Secretary committed to that. However, I hope the hon. Lady will understand that some cases are extremely complex, that we are looking for reasons to grant, not reasons to refuse and that, in some cases, that has taken longer.

Rebecca Pow (Taunton Deane) (Con): I welcome my right hon. Friend's statement, especially the lessons learned review and the fact that a great many people have indeed been helped so far. Can she confirm that the children of the Windrush generation are able to apply to naturalise at no cost?

Caroline Nokes: As I set out in my initial response, we are making sure that that is the case. I am very conscious of the issues with the children of Windrush, as well as of those of the Windrush generation themselves. It is important that those who have a claim under the Windrush scheme make contact with the taskforce, so that their case can be gone through individually and with the incredibly experienced caseworkers who are charged with making sure we get decisions right.

Patrick Grady (Glasgow North) (SNP): The Minister will be aware, as I have raised it before, that many of the Chagos islander community in this country are also seeking to establish their citizenship. We would not want any more scandals in the mould of Windrush. Will she therefore make sure that their citizenship is considered as the Government take forward progress on Windrush?

Caroline Nokes: I am not sure if the hon. Gentleman was in the Chamber for Foreign and Commonwealth Office questions earlier, when he would have heard the response by the Minister for Europe and the Americas on the subject of the Chagos islanders and the Government's long-standing policy.

Kevin Foster (Torbay) (Con): It is right that the Government have offered both an apology and compensation to those in the Windrush generation who have been affected. However, is the Minister aware that in many instances people feel they have to choose between being able to speak out and receiving compensation? Will she therefore confirm that no one who applies to the Windrush compensation scheme will be asked to sign a non-disclosure agreement?

Caroline Nokes: The Home Secretary has been absolutely clear: nobody applying to the Windrush compensation scheme will be asked to sign a non-disclosure agreement.

Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): It is worth noting that the 164 figure for those wrongfully removed or detained is still provisional and may change. Does the Minister expect the figure to go up? More importantly, the scandal goes well beyond the Windrush generation; this is about the impact of the hostile environment and of the lack of a right to appeal. Can she tell us how many non-Windrush cases have been wrongfully removed or detained in the last year?

Caroline Nokes: The hon. Gentleman makes a specific point about whether we expect those numbers to change. It is really important that we have an independent assurance exercise once the review has completed. We are determined to find out the exact number and to do our absolute best to make sure that any people identified are encouraged to go through the Windrush taskforce and, if eligible for compensation, to apply for the scheme when it is open. The hon. Gentleman asked a specific question about the number of people who may have been wrongfully removed in the last year. I cannot provide him with that information right at this moment, but I am very happy to provide him with the latest statistics that we have.

Tom Pursglove (Corby) (Con): I congratulate my right hon. Friend and the Home Secretary for the leadership they have shown in righting the wrongs that have happened in these Windrush cases. Will she set out for the House the progress of the independent review and its anticipated timescale?

Caroline Nokes: As my hon. Friend will know, Wendy Williams has been appointed to lead the independent review, which will be a thorough look at everything that has occurred and the lessons that we must learn. We expect her report to be available in March next year.

Janet Daby (Lewisham East) (Lab): I thank my right hon. Friend the shadow Home Secretary for requesting this urgent question. What I find shocking and disturbing is the fact that three people have died in Jamaica as a result of this hostile policy. We are hearing an apology, but I would like to hear more about action from the Government. I would particularly like to know what proactive action is being taken in the cases of the three people who have died overseas.

Caroline Nokes: The Government are very appreciative of the work that has been going on with Commonwealth high commissioners, among others, to make sure that those who have been affected have been correctly identified. When people have subsequently passed away, our sympathies and condolences, of course, are with their families. My right hon. Friend the Home Secretary has written not only to those affected but to the families of those who have passed away.

The hon. Lady is right that a wrong was done, and the Government are determined to right that wrong, but I point out to her that a good number of these people were removed prior to 2010.

Helen Hayes (Dulwich and West Norwood) (Lab): The appalling treatment of the Windrush generation and their descendants extends far beyond those who have come forward to contact the Home Office team to date. Many of my constituents are living in fear and deep mistrust of the Home Office—not least because of the continual conflation with illegal immigration in discussions of Windrush, which we have heard again from the Minister today.

There is an urgent need for access to independent confidential advice for Windrush citizens and their descendants, who are concerned about their status but do not trust the Home Office. So far, that work has been left to the voluntary sector, but the lack of funding over the summer has meant that Black Cultural Archives in my constituency has had to stop running advice surgeries. Will the Minister now acknowledge the far-reaching breach of trust that the Windrush scandal has caused and commit to funding genuinely independent advice for those who are too fearful of the Home Office to come forward?

Caroline Nokes: The hon. Lady raises a really important point about people who might be afraid to come forward. We have given a clear assurance that no information provided to the Windrush taskforce will be passed to immigration enforcement and we will work extremely hard to assist all those with partial information to demonstrate their time in the UK.

Martin Forde QC, the independent consultant for the compensation scheme, has been working hard with outreach programmes, which are an important part of the process. The Windrush taskforce has held a number of surgeries up and down the country, reaching out to members of the Caribbean communities to engender confidence.

Some of the best advocates for the Windrush taskforce are those who have been through it successfully. There have been a number of reports from those who have found the process easy, and thousands have been granted not only documentation but citizenship.

Emma Dent Coad (Kensington) (Lab): Will the Minister explain why the Government are still failing to support those affected who are going through the process? That is the case with eight of my constituents, one of whom was left destitute, having lost all his benefits—evicted by the council and forced to sleep on the streets until my office intervened. That happened three weeks ago.

Caroline Nokes: I thank the hon. Lady for drawing that to my attention. The Windrush taskforce has been working proactively with local authorities, housing providers and the third sector so that those in hardship are put in touch with the correct agencies to make sure that they are receiving the benefits to which they are entitled. If she gives me individual information after this urgent question, I shall be very happy to take it away.

Carol Monaghan (Glasgow North West) (SNP): My constituent who got caught up in this carry-on has finally received his passport. He is both relieved and grateful for that, but has yet to receive any compensation for lost earnings, lawyers' fees and NHS fees. This summer, things took an unbelievable turn when he finally tried to sign on for benefits and was told that because he had lost his job four years ago as a result of the situation, he was not eligible because he had not made enough national insurance contributions. If the Government are, as the Minister says, "determined to put it right", is she working with her colleague, the Secretary of State for Work and Pensions, to sort this out now?

Caroline Nokes: When we first became aware of the scale of the Windrush problem, I chaired a ministerial meeting across Government, and the Minister from the Department for Work and Pensions was one of the most proactive Ministers there and determined to make sure that the DWP regarded somebody as eligible if they had an appointment with the Windrush taskforce. That important work continues at an official level. The hon. Lady has raised an individual case. She will have heard me say earlier that the consultation on the compensation scheme closes on 11 October, and we will bring forward a scheme as soon as possible after that, but we are also working with third sector organisations to make sure that advice and support is available for people.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): The Minister is a fortunate woman—my right hon. Friend the Member for Normanton, Pontefract and Castleford (Yvette Cooper) and her excellent Select Committee have done all the work for her. She should get on with implementing their recommendations; it will make her life a lot easier. Those affected in my community in Huddersfield, mainly from Grenada and other parts of the Caribbean, are mostly elderly. This is an all-party, all-Government muck-up, and we are not talking about many people, so let us be generous with the compensation and in giving free access to new passports and citizenship rights. That is what they deserve.

Caroline Nokes: I point out to the hon. Gentleman that we have been generous in granting citizenship rights and have been determined, as I said a few moments ago, to find reasons to grant, not reasons to refuse. As I have said, the public consultation on the compensation

[*Caroline Nokes*]

scheme closes on 11 October, but I urge him to encourage all his constituents who may have been affected to take part in that consultation so that their voices can be heard.

Wes Streeting (Ilford North) (Lab): The Minister and the Government claim that the hostile environment is over, but in Westminster Hall shortly we will be describing the situation of international students who are currently victims of the hostile environment. Is it not the case that the Home Office is in this mess because it continues to come forward with cases on the basis of flimsy evidence; it is losing appeals left, right and centre, trying to deny people access to justice; and, perhaps worst of all, at the same time as victimising people in a David versus Goliath contest in the courts, it is wasting taxpayers' money hand over fist that should be spent on our schools, our police and our hospitals? Why will she not reinstate the appeals, as the cross-party Home Affairs Committee suggests, and why will she not genuinely end the hostile environment?

Caroline Nokes: The hon. Gentleman is indeed leading a debate later this afternoon about English language testing. We are very conscious that there was significant fraud. Many thousands of cases were found to have been fraudulent and many colleges not only closed as a result but were bogus colleges that we had already identified problems with. Where there is systemic fraud and abuse in the immigration system, as we saw with some language testing, it is important that the Government take action, and he will be aware that successive court cases have upheld our position.

Maria Eagle (Garston and Halewood) (Lab): The Minister has said several times that she wishes to ensure that the wrongs done to the Windrush generation are righted. We now know that three people who were wrongly deported have since died. What will her Department do to right the wrongs done to those three families?

Caroline Nokes: As the hon. Lady will have heard me say, the Home Secretary has already reached out to individuals impacted and the families of those who have passed away to offer his personal apology. They will of course be entitled to apply to the compensation scheme when that is open.

Emma Reynolds (Wolverhampton North East) (Lab): The Minister is aware of a constituent of mine, Paulette Wilson, a 62-year-old grandmother who came here more than 50 years ago from Jamaica and who was detained at Yarl's Wood and Heathrow detention centre last year and nearly deported back to Jamaica. I ask my question on behalf of her and all those in a similar situation. I heard what the Minister said about the compensation scheme and the consultation, but can she give a commitment to the House today that the scheme will be operational some time next year so that Paulette and others can be properly compensated?

Caroline Nokes: I would like to reassure the hon. Lady on this point. Her constituent's case was one of those clearly highlighted, of course, and I was pleased

that I was able to offer my personal apology to Paulette Wilson. It is imperative that we get the compensation scheme up and running as soon as possible, and I am determined to do that.

Mike Kane (Wythenshawe and Sale East) (Lab): Forgive me, Mr Speaker, but I thought that the Minister's answer to the hon. Member for Glasgow North (Patrick Grady) was wholly inadequate. What analysis have the Government done of the hostile environment affecting the other communities, such as the Chagos community in my constituency?

Caroline Nokes: The hon. Gentleman will be aware that the Government suspended the proactive sharing between Departments of data relating to those over 30 in the context of the compliant environment. It is important for us to ensure that we have a suite of policies that enable us to take action and correctly identify those who have no right to be here, but it is equally important for us to take the appropriate steps when we identify people who have a right to be here. As the hon. Gentleman will have heard earlier from the Minister for Europe and the Americas, my right hon. Friend the Member for Rutland and Melton (Sir Alan Duncan), our policy on the Chagos islanders is long-standing. I have listened carefully to what has been said by both the hon. Gentleman and the hon. Member for Glasgow North (Patrick Grady).

Kate Green (Stretford and Urmston) (Lab): The Minister will be aware that confidence among Windrush families remains low, despite the efforts of the Home Office in recent months. As I have said, publishing Sir Alex Allan's report in full would certainly provide some reassurance, but what opportunities will those families have to participate in and contribute to the independent lessons learned review as it is rolled out over the next few months?

Caroline Nokes: That is an important aspect: individuals should be able to contribute to the lessons learned review, and in many cases it is the personal stories that are most compelling. The Alex Allan review was, of course, an internal review commissioned by the permanent secretary at the Home Office. An executive summary was shared with the House, but the Home Secretary is currently considering whether a redacted version of the report can be published.

Alex Norris (Nottingham North) (Lab/Co-op): In our sixth report on the Windrush generation, the Home Affairs Committee stressed the need for transparency on the Sir Alex Allan report. As the Minister has said, the Home Secretary has promised to consider that, as he has been doing for a number of months. Do those at the Home Office really not understand that if they want to rebuild trust following this fiasco, hiding things that they know is not a good way to start?

Caroline Nokes: As I have just said, and as the hon. Gentleman has pointed out, the Home Secretary is currently considering this matter, and I would expect him, rather than me, to come forward with a decision.

Sir Hugo Swire (East Devon) (Con): On a point of order, Mr Speaker.

Mr Speaker: I will take the right hon. Gentleman's point of order now, because it relates to the exchanges that we have just heard.

Sir Hugo Swire: I am grateful to you, Mr Speaker.

I have asked on a number of occasions—including of the Prime Minister—when we can expect to see the publication of the report on Windrush that was commissioned from Sir Alex Allan. That desire is felt across the House, and it has even been articulated by the Chair of the Home Affairs Committee. Each and every time, we are told that various Ministers are thinking of publishing it and making it available to Back Benchers, but there seems to be no real desire to do so.

I seek your advice, Mr Speaker, on how—other than by raising it again and again on the Floor of the House, which I shall continue to do—we can make progress on this matter. Until we can see the contents of the report in an unredacted form, we will not get to the bottom of what advice was given to whom and when.

Mr Speaker: I think that I must add to the many other qualities of which the right hon. Gentleman can boast—although he rarely does so—the quality of being psychic, because he correctly anticipated what would be my likely advice to him, which, in its purest and most succinct form, consists of one word: persist, persist, persist. If the matter continues to be raised by right hon. and hon. Members on both sides of the House, the Government will be left in no doubt of the appetite of the House for the said report to be published. It is very difficult to come to a view of the merits of the recommendations in a report if one has not been allowed to see it. I note what the right hon. Gentleman has said, and I urge him not to lack self-confidence, but to go forth with vigour and robustness.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): And persistence.

Mr Speaker: And persistence.

HMP Birmingham

4.19 pm

Richard Burgon (Leeds East) (Lab) (*Urgent Question*): To ask the Secretary of State for Justice if he will make a statement on his Government's plans for HMP Birmingham.

The Minister of State, Ministry of Justice (Rory Stewart): I would like to begin by paying tribute to the work of the chief inspector, in particular in relation to Birmingham, and indeed his entire inspection team.

The situation in HMP Birmingham was simply unacceptable. It was shocking in terms of the levels of violence, in terms of the response to those levels of violence, in terms of the drugs, and in terms of basic decency. The situation in Birmingham has of course been of considerable concern for some time; for that reason I visited personally in the week before the inspector issued the report. The Secretary of State for Justice, the Lord Chancellor, also made a personal visit to Birmingham, and the chief executive of the Prison Service also visited Birmingham.

The reason for this is that over the last few weeks and months we have been increasingly concerned about G4S's inability to turn around the situation. The steps we took were initially to issue a notice to improve, followed by a second notice to improve. I then held meetings with G4S in London at which it replaced its governor—who had been in place for 18 months—and brought in a new governor. It then brought in a new team; we came up with a new action plan and a new team was brought in by the Ministry to work alongside it.

Notwithstanding all the steps that Birmingham and G4S took over those months, the conclusion that we reluctantly reached in the week before the inspector published his urgent notification was that G4S would not be able on its own to turn around the significant problems of Birmingham. Therefore the decision was made to take the unprecedented step of the Government stepping in and taking over control. That means in effect three things. First, we have brought in a highly experienced governor from the public sector, Mr Paul Newton, who has taken over as the governor of the prison. Secondly, we have reduced the number of prisoners in Birmingham prison by 300, which has allowed us to take key cells out of operation and renovate them. Thirdly, we have brought in an additional 32 highly experienced public sector prison staff in order to support the team on the ground.

All of this will be done with no cost to the taxpayer, and I want to take this opportunity also to say that, notwithstanding the very significant problems at Birmingham, there are dedicated, serious professional staff on the ground who have been facing a very difficult situation. There have been real challenges around drugs and leadership. We are confident that, with Paul Newton and the new team and the reduction in numbers, we can stabilise that prison, address the drugs and the violence, and turn it around and restore the confidence to the team.

I anticipate that this could rapidly become a debate over the merits or otherwise of privatisation, and I am expecting that the shadow Secretary of State will almost certainly go in that direction. For what it is worth, we

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on this side of the House do not believe that this is primarily an ideological battle. The situation in Birmingham has been serious for some time. It was a Labour Secretary of State for Justice who initially decided to proceed with the privatisation of Birmingham in 2010, although it was a Conservative Secretary of State who finally let the contract. The company concerned, G4S, has clearly significantly failed in Birmingham, but at the same time, as hon. Members such as the hon. Member for Bridgend (Mrs Moon) can confirm, it is running an impressive prison in Parc and at Altcourse in Liverpool, which is performing well particularly in education and work, while Parc is doing well on family services. The BBC has just produced a very positive report on its performance at Oakwood as well.

So this is not primarily about the difference between the public and the private sectors. Sadly, there have been significant challenges also within the public sector, at Nottingham prison, at Liverpool and at Exeter most recently. Indeed the chief inspector of prisons himself underlined that this is not primarily about public against private, but is about basic issues primarily around drugs, violence and management. We will be focusing on those three things above all through this step-in, and, as I have said, at no cost to the taxpayer.

Richard Burgon: I thank you, Mr Speaker, for granting this urgent question, and I thank the Minister for his reply. It is clear from the damning report on HMP Birmingham, as well as from the failings in the probation system, that the costly privatisation experiment in our justice system should be ended. Costs aside, one of the great failings of privatisation is that we in this House struggle to hold mega-corporations such as G4S to account. They use the cloak of commercial confidentiality until it is all too late, and then they need rescuing by the state. Despite that, I hope that we will get some straight answers to straight questions today.

Will the Ministry of Justice be imposing a financial penalty on G4S for its failures at HMP Birmingham? What additional funding will be provided to HMP Birmingham to remedy the current failings? Will any public funding be used to do that? If so, will this come from the current MOJ budget? Thirty additional officers are to be sent to Birmingham Prison. Will the Minister commit to giving all other failing prisons—including public prisons—the same percentage increase in staffing above current levels?

Why did the Government decide that HMP Birmingham would not be permanently returned to the public sector? Will the Minister today commit to an independent commission to look at the merits of doing so before handing the prison back to G4S? Will the Government now halt their plans to build new private prisons? If not, will the Minister at least rule out G4S bidding for them? And will the Government now commit to a wider independent review of the involvement of private companies in the justice system?

Rory Stewart: I thank the shadow Secretary of State for Justice for his questions. They are serious questions, and this was a serious failing in that prison. I shall try to answer them one by one. The financial cost to G4S of us stepping in will be very considerable. G4S already estimates that it is losing on this contract. It is to a great

extent paid according to the number of prison places. Specifically, therefore, the removal of 300 prisoners from that prison will impose a direct financial penalty on G4S, which will be covered by G4S itself. I can also confirm that the entire cost of this step-in will be covered not by the taxpayer but by G4S, because we will withhold the payment we would normally make in line with the contract with G4S to cover those costs.

The shadow Secretary of State also asked whether we would put exactly 32 officers into the other challenged prisons. We are not in a position to specify the exact numbers, but the broad approach that we would take to Birmingham is the same as the approach that we would take to the other public sector prisons. That approach involves focusing first on the inflow of drugs into those prisons, through the use of intelligence disruption for organised criminal groups as well as through the use of scanners. We are putting nearly £6 million-worth of investment into drug interdiction and scanners.

Secondly, our approach involves focusing on basic decency, and nearly £30 million-worth of extra investment is going into living conditions in our prisons. Thirdly, there is a focus on education, and the Secretary of State's education and employment strategy is central to this, giving prisoners purposeful activity within the prison walls and ensuring that they get jobs on release, thereby reducing reoffending and protecting the public.

Finally, and perhaps most importantly of all, we are focusing on supporting our hard-working prison officers with the right training in leadership and management skills. They are doing an incredibly tough job outside prison doors. They are facing unprecedented levels of challenges with the new psychoactive substances coming in, and we really need to support them. We are doing that through the Assaults on Emergency Workers (Offences) Bill introduced by the hon. Member for Rhondda (Chris Bryant) which will double the sentences for people who assault prison officers and other emergency workers. We are also doing it through additional training for prison officers before they go on the wings and supporting them through training as they continue.

The shadow Secretary of State asked about an independent commission. Respectfully, I would argue that we already understand very well what happened at Birmingham Prison, without the need for an additional independent report. The independent monitoring board has produced a full report on Birmingham Prison. The chief inspector of prisons has also produced a full report, and we have looked closely at Birmingham Prison over the past few weeks and months. Unfortunately, the story at Birmingham Prison is a relatively familiar one. It is about drugs, about violence and about management and training. There is no great secret there. The question of G4S bidding for future prison contracts is a hypothetical one, and no such contracts will be let for a number of years. However, we will of course, in accordance with all our rules, look seriously at the past record and performance of the companies involved, including G4S, before considering it for a tender.

Robert Neill (Bromley and Chislehurst) (Con): The Minister and the Secretary of State are to be commended on their prompt action. The Minister should be commended on his swift involvement, and I thank him for contacting me, as the Chair of the Justice Committee, so quickly. Does he agree that no pattern emerges in the evidence to

show that there is any distinction between the problems that arise in our prisons that relates to the public or private nature of their ownership and management? Two patterns do emerge, however. One is a consistent history of failure in our old Victorian local prisons, be they run by the public or private sector, and the second is a persistent failure by the Prison Service, whether acting directly or through contract, to act upon the recommendations of Her Majesty's inspectorate of prisons—a litany that has been picked up by the chief inspector. What are the Government going to do to address those two clear patterns of failure?

Rory Stewart: I will take those two matters separately. As for responding to the inspector's recommendations, we have changed—the Secretary of State for Justice has driven this through—how our management systems work to put the inspector's recommendations and reports at the heart of the way we set objectives for the Prison Service. We had our own independent assessment under the previous system, but we expect the House to see that how we manage prisons much more closely reflects inspection reports in the future.

On the question of old Victorian buildings, there clearly is a pattern, but it is not an absolute pattern. There are old buildings, such as Stafford, that are well run, good prisons, and there are new prisons, such as Nottingham, that have managed to get themselves into trouble despite the new buildings. However, generally speaking, running an old Victorian prison adds to the problems, and we should ensure that our investment in 10,000 new places endeavours to remove the worst-affected prisons from our system.

Joanna Cherry (Edinburgh South West) (SNP): It is clear that prisons in England and Wales are suffering from excessive budget pressures, inconsistent policy and a lack of direction. The Minister recently visited the prisons system in Scotland, and while prison staffing levels in England, Wales and Northern Ireland have fallen by around a third since 2010, in Scotland they have increased by 14%, and we have minimised cuts to our justice system, resulting in a 43-year crime low. Overcrowding has been addressed by the Scottish Government's successful presumption against short-term custodial sentences, which has been increased today to 12 months in the Scottish Government's programme for government. Having visited Scotland recently, will the Minister tell the House what lessons from the experience of successful prison reform in Scotland does he intend to apply to the system in England and Wales?

Rory Stewart: I genuinely pay tribute to some of the things that are happening in Scotland in relation to prisons, and I was privileged to visit HMP Perth, which is a good example of a busy, challenged local prison that is being run well. Prison officers in Scotland would also say that there have been significant cuts to their numbers since the early 2000s, and they, too, have had to make serious efficiency savings, which they have done well, and they are running good prisons.

We are watching closely what is happening on short sentences in Scotland. Like the Scottish Government, our priority is to protect the public, but the evidence on what could be done to reduce reoffending by not overusing short prison sentences inappropriately is a good lesson from Scotland, from which we wish to learn.

Sir Desmond Swayne (New Forest West) (Con): Prisoners who are at leisure to consume and trade Spice would benefit from penal servitude with hard labour. Will the Minister bring it back?

Rory Stewart: No.

Mr Khalid Mahmood (Birmingham, Perry Barr) (Lab): With your permission, Mr Speaker, I will first provide some information about my hon. Friend the Member for Birmingham, Ladywood (Shabana Mahmood). The prison is in her constituency, but she is unfortunately in a meeting and I am unsure whether she has received notice of this urgent question, so I apologise on her behalf that she is not here.

My question to the Minister is simple. He has made a huge commitment to clean up our prisons, but the real issues are with staff, training, and allowing drugs and other things into prisons. Tackling all that will require resources, so how will he ensure that it happens?

Rory Stewart: The hon. Gentleman is absolutely right that it is about staff. We now have 3,000 more prison officers than we had when we made the announcement, and having more staff will make a difference. The next stage is getting the training right, particularly the training for the band 5 and band 4 uniformed staff who are out there on the landings day in, day out. It is about getting the staff college right for governors, and it is also about making sure that, in places like our Newbold Revel training college, we have the right support for our prison officers. It is an amazing profession, but it needs support and training.

Mr Edward Vaizey (Wantage) (Con): I agree with the Minister that this is not a debate about privatised versus publicly run prisons; obviously it is about how we work to ensure that we do not have such trouble again. I echo what my hon. Friend the Member for Bromley and Chislehurst (Robert Neill), the Chairman of the Select Committee on Justice, said about the need to carry on the vision of reinvigorating the prison estate.

I also echo the Minister's comments about education. The great opportunity in our prisons is to work with prisoners and to use, for example, culture and sport to give them opportunities. Prisons are often dealing with people who have mental health issues and, sometimes, a lack of education, and it has been shown that the arts and sport can do a great deal to help rehabilitate prisoners, as opposed to, say, penal servitude.

Rory Stewart: My right hon. Friend encourages me to reflect on our sport strategy, which is coming through. Broadly speaking, there is also the key point about how education changes lives. By changing lives and helping people to get employment when they leave prison, education reduces reoffending and protects the public. Stabilising our prisons and delivering high-quality education in prisons is good not just for prisoners but for the rest of society.

Liam Byrne (Birmingham, Hodge Hill) (Lab): A month ago my constituent was beaten within an inch of his life at HMP Birmingham not once but twice, and not in a dark corner but in the full glare of a video that was then posted on social media. The chaos over which G4S presided at HMP Birmingham was dark, dangerous and violent. It is very hard to square a future in which

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this prison is returned to G4S with the level of investment and staffing that is needed to ensure it is a safe prison. Will the Minister reflect again on what the shadow Secretary of State said about the need for an independent commission to stand as a gateway, a test, before any decision is made to put this prison back into the private sector that so desperately failed the people of Birmingham?

Rory Stewart: That is a very shocking, very immediate illustration of just how horrifying what was happening at Birmingham was. The right hon. Gentleman is right that, when something like that happens, not only should we take back control from G4S but we should think very seriously before returning the prison to it. That is why, for exactly the reasons he raises, we are giving the House the assurance that we will be taking over for a minimum of six months—that is a minimum of six months—and we will be very tough and clear in the decisions we reach at the end of those six months on whether we believe the prison is stable enough to be handed back to G4S.

Victoria Prentis (Banbury) (Con): Following on from the previous question, does my hon. Friend agree that this debate is not about public or private management of prisons but is, in fact, about when it is appropriate for the Government to step in when prisons are failing? If I may say so, this debate is also about when it is appropriate for a Minister to take responsibility for the Prison Service, as I was pleased to read over the summer that he is willing to do.

Rory Stewart: Without getting dragged into an ideological discussion about public versus private, hopefully both sides of the House can agree that, if we are to have privatised systems, the best way for them to operate is by having the right degree of Government regulation and intervention when things go wrong. Whether we are talking about water, utilities or, indeed, prisons, we cannot have a system in which the Government do not have a clear grip. I hope stepping in at Birmingham demonstrates that the Government are prepared to do that when we reach this situation.

Sir Edward Davey (Kingston and Surbiton) (LD): The Minister has rightly decided to solve the shocking problems at HMP Birmingham by reducing its prison population and increasing staff numbers. I congratulate him on this radical policy and on the huge brain power that must have gone into this ingenious solution. When will the rest of Britain's crisis prisons benefit from more staff and reduced overcrowding?

Rory Stewart: The rebuke is taken; of course it is true that, as with any institution, it is easier to run this with more staff and fewer people. But the answer in practice is that we take this remedy to stabilise a prison that has reached a situation that Birmingham has reached. Once the prison is stabilised and functioning well, it is possible to run it with the full population. We can see that being done at Altcourse and Thameside, and at a busy, challenged local prison such as HMP Hull at the moment. But it is necessary to take these steps at Birmingham, and the right hon. Gentleman is right to say that it does not take a massive brain to work out that this is the first thing we need to do.

John Howell (Henley) (Con): How will the Minister ensure that the new governor has both the powers and the support to carry out the reform of the prison?

Rory Stewart: Again, this is a good challenge. It comes down to reasserting, in every way, both here in the House and through the management chain, that the governor is in charge, that we will give them the resources to get behind them and that we will support them in what they are doing. It is absolutely right to say that only with a properly empowered governor are we going to achieve that change.

Ellie Reeves (Lewisham West and Penge) (Lab): The Minister suggested during the summer that if he does not achieve a reduction in drugs in prisons by next year he will resign. The letter to the Secretary of State from the chief inspector of prisons stated that the conditions at HMP Birmingham were among the worst that inspectors had ever seen, with many prisoners under the influence of drugs. In April, five prisoners died within the space of seven weeks—that was widely reported. Why did Ministers not intervene then in a prison that was clearly falling apart and not fit for purpose?

Rory Stewart: This is a good challenge. Birmingham was challenged, and we were focused on that situation. That is why we had put in notices to improve, why we had negotiated to bring in a new governor and why we had put in a new team. A judgment had to be made as to the point at which we decided that G4S did not have the capacity to turn things around on its own and we had to step in. I think we were correct in taking a number of steps before we formally stepped in, but the hon. Lady is absolutely right to challenge whether we could have done this a little earlier or a little later. That, in the end, was the judgment call we had to make.

Mike Wood (Dudley South) (Con): How many prisons have triggered urgent notifications since the system was introduced at the end of last year? How does that number break down between privately managed prisons and those run by the public sector?

Rory Stewart: The inspector has clarified that so far this year the prisons that have triggered urgent notification have been Exeter and Nottingham, and that he would have triggered a UN on Liverpool. Birmingham is the fourth, so the answer is: three out of the four since the beginning of this year have been from the public sector.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): The Minister has already made reference to the situation at Nottingham Prison, in my constituency. For at least the past year, it has been going through considerable challenges, not only with deaths in custody, but with endemic psychoactive substance misuse. Will he explain and put a timeline on the interventions that he is making and on when we will be able to see some improvements in performance?

Rory Stewart: The situation at Nottingham Prison has been very concerning, with deaths at the prison of particular concern. We now have a new governor; a very highly respected, professional governor has come in. Tom Wheatley, the previous governor, is moving on to another role. We would expect to see the beginning of a

turnaround there within the next six months, with the things to look at in particular being the statistics on drugs and violence.

Gordon Henderson (Sittingbourne and Sheppey) (Con): Paul Newton is an excellent governor. He was transferred from Swaleside prison, in my constituency—a prison that has its own problems. What assurances can the Minister give me that the transfer of Mr Newton will not be detrimental to my local prison?

Rory Stewart: We have to be cognisant of that, but the Prison Service is a large system. We have more than 20,000 prison officers, so although moving 32 staff will challenge some of the prisons from which they are removed, this should be accommodated within our prisons system. We have a lot of other talented governors, and we remain confident that the need in Birmingham is greater than that at Swaleside. We will make sure that Paul Newton is replaced with a highly effective governor.

Emma Reynolds (Wolverhampton North East) (Lab): How on earth did G4S's management of HMP Birmingham lose control of the prison so dramatically? What is the Minister going to do about the poor level of retention of experienced officers, with the number of those leaving their jobs having doubled in the past two years?

Rory Stewart: The fundamental factor that triggered the change at Birmingham was that in December 2016 one of the prison officers managed to lose their keys, which led to nearly 200 prisoners being unlocked and a riot in the prison. G4S had been improving the prison over the previous three years, but that event really knocked the bottom out of it. It had a devastating effect on morale, and as the hon. Lady implied, it led to a lot of experienced staff leaving the prison. Looking back over that period, we can see that, although the chief inspector of prisons and the Government had hoped that things were beginning to improve during 2017, that turned out in the end to be a false promise, and we are still recovering from the blow of that December 2016 event.

Richard Drax (South Dorset) (Con): I have huge confidence in my hon. Friend the Minister, but I do not have confidence that the prison officers that the Government employ will stay on. The facts speak for themselves. I agree entirely with the hon. Member for Rhondda (Chris Bryant); many of my local prison officers, along with, I am sure, many across the prison estate, are concerned that the proper discipline, protection and all the other things are not in place to look after them. Will my hon. Friend assure the House that he will look into the matter and make sure that if, for example, a prison officer is assaulted, the assaulter is jailed for a much longer period?

Rory Stewart: That is absolutely the right challenge. The hon. Member for Rhondda (Chris Bryant) has introduced a private Member's Bill that will double the maximum sentence available for assaulting prison officers. But it is not enough just to double the maximum sentence. We need to make sure that the police and the Crown Prosecution Service work together to bring prosecutions forward. There are still today too many incidents of prison officers being assaulted. They are

hard-working, serious and professional public servants with a very challenging working life. We owe them a duty of care, and we must prosecute people who assault them.

Chris Bryant (Rhondda) (Lab): Of course I fully agree with the points that have just been made, but I wish to ask about brain injury in Birmingham Prison. The work that has been done in Leeds Prison shows that there is a very high incidence of traumatic brain injury in the prison population, and the work done in a pilot in Cardiff Prison shows that we can make dramatic differences to reoffending if we screen everybody who comes on to the secure estate and provide full neuro-rehabilitation to those who require it. Will that be available in Her Majesty's prison in Birmingham?

Rory Stewart: I pay tribute to the hon. Gentleman's work on this issue. In fact, I would like to offer to sit down with him immediately to discuss the findings he mentioned and how we can apply them to Birmingham Prison.

Vicky Ford (Chelmsford) (Con): Like Birmingham Prison, the prison in Chelmsford has some ancient Victorian wings and the staff numbers had become very low, but those numbers have now increased. Does my hon. Friend agree that new staff need support in the form of training, ongoing mentoring and tutoring? Will he ensure that they get that support?

Rory Stewart: Absolutely. I pay tribute to my hon. Friend, who has made seven visits to Chelmsford Prison and has worked closely with the acting governor there on the steps that are being taken to turn it around. *[Interruption.]* I hasten to add that she made those visits as a visitor. The key point that she raises is the one on mentoring, particularly the role that more experienced prison officers at band 4 can play in providing the day-to-day model for and partnership with the staff on the ground, to teach them the jail craft that is essential for everybody's safety, and ultimately for turning around lives.

Alex Norris (Nottingham North) (Lab/Co-op): It is clear that drugs have played a significant role in the problems in Birmingham; similarly, drugs have played a significant role in the challenges in Nottingham Prison, and I suspect across the prison estate. What is the Minister's latest assessment of the use of body scanners, and what is the latest legal advice he has been given about how widely they can be used?

Rory Stewart: There have been historical challenges with the use of body scanners. We have now gone through the legal advice very carefully, and I am clear that they can be and ought to be used much more frequently, so we have invested almost £6 million in additional scanning. That will allow us to detect, as we already do at Belmarsh, drugs carried by people inside their body, as well as drugs carried on their person. That will go along with the new scanners that we are bringing in to detect mail infused with Spice and all the work that we are doing to combat drones and other ways of getting drugs into prison. Protective security measures must work alongside demand reduction and therapy, but without protective security we cannot get on top of the drugs epidemic.

Mr Philip Hollobone (Kettering) (Con): Violent offences are committed in prison. If drugs are peddled in prison, appropriate punishment needs to be meted out to those who are responsible and the ringleaders removed. If the Minister will not bring back hard labour, will he at least look at the punishment regime so that prison officers and inmates who obey the rules can regard prison as a safe place to be, because at the moment it sounds to me as though the Government are losing control?

Rory Stewart: This is a very good challenge. There are two fundamental issues. One is the nature of the punishment that we impose. Somebody who is dealing drugs in prison is committing a criminal offence, so we would expect that person to proceed to court and receive extra days, or extra years, of sentence for importing drugs into a prison—that should be a consecutive, not concurrent, sentence. The second and most important issue is consistency. We need to ensure that any punishments that are inflicted are predictable and consistent, and we need not only to do that with drugs, but to challenge low-level disruptive behaviour consistently if we are to turn around the culture in our most troubled prisons.

Maria Eagle (Garston and Halewood) (Lab): Given that the Minister has accepted that, in the short-term at least, increasing the number of staff and cutting the number of prisoners is a way to stabilise the situation, will he make sure that if he does hand this prison back to G4S, which I do not think he should do, it does not then immediately cut the staffing levels again, because that is how it makes its money?

Rory Stewart: That is a very good point. If the prison is stabilised as a result of this action, we need to make sure that the plan that takes it forward respects those ratios and that, if those ratios are reduced, it is done on an evidence base. The hon. Lady is absolutely right to point to the danger of doing that suddenly after the takeover.

Michael Tomlinson (Mid Dorset and North Poole) (Con): The Minister has reduced the number of prisoners at HMP Birmingham. Will he look seriously at reducing the number of prisoners right across the prison estate and relentlessly focus on rehabilitation? For victims and for those serving sentences of under 12 months, prison is not working.

Rory Stewart: I thank my hon. Friend very much for his question. It is of course true that we have evidence that shows clearly that there is a higher incidence of reoffending by people on short prison sentences than by people who serve community sentences. That is why the example from the Government of Scotland is very relevant. The best way to protect the public is by reducing reoffending. Putting people unnecessarily into prison in a way that damages them, does not change their lives and leads to reoffending when they leave is not in the prisoners' interests, is not in the public purse's interest and, ultimately, is not in the interests of public safety.

Rebecca Pow (Taunton Deane) (Con): Does my hon. Friend agree that tackling the problems in prison is important, but that it is very important to reduce the number of those ending up in prison? Recent data shows that two thirds of all young offenders have speech,

language and communication disorders. Surely, if we can focus more on that in the early years, we can reduce the number of young people ever finding their way to prison.

Rory Stewart: That is absolutely right. A lot of people who are offending and ending up in prison come from very difficult backgrounds. We have a situation at the moment in our prisons where nearly half our prisoners have been excluded from school at some time compared with only 2% of the general population. We have a situation where almost 40% of the people in prison currently have a reading age of under 11 and a very significant number have a reading age of under six. Addressing those problems in early years is vital if we are to reduce offending.

Mary Glendon (North Tyneside) (Lab): Birmingham is one of the four most violent prisons in England and Wales, and all those prisons are privately operated. Does the Minister agree that, logically, this level of violence is a consequence of running prisons for profit where costs are cut to the bone to maximise returns for shareholders?

Rory Stewart: I say very respectfully that the chief inspector of prisons argues that the steepest increase in violence has taken place at Exeter Prison, which, sadly, is a public sector prison. Yes, it is true that we have very significant problems in Birmingham, which is a private prison, but we also have significant problems in Exeter, which is a public prison. The driver of this issue is not public against private; it is drugs, violence and, ultimately, the management leadership culture and the support for the staff on the ground. These problems can happen whatever the particular model.

Eddie Hughes (Walsall North) (Con): I understand that Altcourse Prison, to which the Minister referred, was inspected in November 2017. In the report published in March this year, the chief inspector of prisons described an excellent staff culture and said that almost all interactions between staff and inmates were positive. Does this show that the private sector does have a role to play in running prisons?

Rory Stewart: Altcourse Prison is a G4S prison; it is run by the same company that is being criticised in Birmingham. As my hon. Friend has pointed out, that prison—as I saw directly—has incredibly good education facilities and workshops, and it had a good inspection report. It is showing how to run a safe, clean and orderly regime that is genuinely changing lives, and how to do so through the private sector.

James Cartledge (South Suffolk) (Con): May I pay tribute to the way in which my hon. Friend is handling this very difficult and sensitive matter? The tendering process is critical wherever the private sector is involved in the provision of public services. Will he ensure that anyone bidding in any future tenders for prisons, including this one, will have to show that they have the capacity to avoid losing control of the prisons in their charge?

Rory Stewart: This is a fundamental challenge, and of course it is central to anything that happens when the Government work with the private sector. We must

make sure that the tender process ensures that the people bidding for any of these contracts have the credibility, legitimacy and capacity to run the contracts effectively.

Chris Bryant (Rhondda) (Lab): On a point of order, Mr Speaker.

Mr Speaker: If the point of order relates to these exchanges, let us hear it.

Chris Bryant: I am very grateful, Mr Speaker. The Minister and several other Members referred to my private Member's Bill, which might help with some of these matters. It has completed its passage through the House of Commons and through the House of Lords. I just wondered whether you have any means of ensuring that it receives Royal Assent as soon as possible.

Mr Speaker: I think that the prognosis is positive and the hon. Gentleman may be satisfied erelong, but I say that with caution because he is not easily satisfied and, even if satisfied, is not necessarily satisfied for long.

Dr Matthew Offord (Hendon) (Con): On a point of order, Mr Speaker.

Mr Speaker: It is not necessary for the hon. Gentleman to give the impression that he is hailing a taxi, but I am happy to take his point of order.

Dr Offord: Thank you, Mr Speaker. Over the recess, the number of people killed, stabbed and murdered on the streets of London this year reached 100. That figure has already surpassed the years of 2012, 2013 and 2014. I have received emails from constituents asking me what I will be doing to reduce that number or to prevent further deaths. As you know, Mr Speaker, the Mayor of London is responsible for the crime strategy for London. Would you advise me how I can hold the Mayor of London to account, because his crime strategy simply is not working?

Mr Speaker: What I would say to the hon. Gentleman, who I know would not seek to entice me in a political controversy, is that it is open to him both to question Ministers in relation to policy and, through the Committees of the House, to undertake such inquiries and seek to secure the attendance of such witnesses as will provide evidence that the hon. Gentleman can then use. I feel sure that he will use it always and only in the public interest.

Brexit Negotiations and No Deal Contingency Planning

4.58 pm

The Secretary of State for Exiting the European Union (Dominic Raab): With permission, Mr Speaker, I would like to provide the House with an update on the progress of Brexit negotiations and the Government's no deal contingency planning.

On Friday, I was in Brussels for the fourth time since I became Secretary of State for a further round of talks with Michel Barnier. We had an extended discussion covering outstanding withdrawal issues, internal and external security and our future economic partnership. We have injected some additional pace and intensity into the negotiations as we reach the final phases. The vast majority of the withdrawal agreement has been agreed. When signed, the agreement will safeguard the rights of EU citizens in the UK and UK nationals in the EU, so they can continue to live their lives broadly as they do now; provide for a time-limited implementation period, giving businesses and citizens the certainty they deserve until we reach the new partnership; and allow for the UK to make an orderly and smooth transition as we move towards a future deep and special partnership with the EU. During August, we made further progress across a range of the outstanding separation issues, including protection of data and information, the treatment of ongoing police and judicial co-operation in criminal matters, and ongoing Union judicial and administrative procedures after exit. So the scope and the contours of the withdrawal agreement are now clear, subject to some further technical detail that we will of course continue to work on.

At the same time, we continue to work to complete a backstop to deal with the position of Northern Ireland and Ireland, as we committed to do in the December joint report with the EU. As the Government have made clear, the EU proposals are unacceptable, because they would create a customs border down the Irish sea. We are determined to reach a solution that protects the Belfast agreement and avoids a hard border on the island of Ireland. We will not permit a customs border down the Irish sea, which would put at risk the constitutional and economic integrity of the United Kingdom. And, of course, this can be done without compromising the EU's core principles. Importantly, we look to meet our commitments to the people of Northern Ireland through our future partnership, so that no backstop would ever need to come into effect.

The White Paper we published in July has served as the basis for constructive discussions on our future relationship with the EU. I, my right hon. Friend the Prime Minister and other Cabinet colleagues have made visits across Europe, explaining our proposals and making the case for what we have put forward for our future relationship. I can tell the House that since the publication of the White Paper, Ministers have had more than 60 ministerial engagements with their counterparts across Europe. I met the French Europe Minister in Paris recently, and saw the Swedish Europe Minister and the Irish Foreign Minister in London. I also met Guy Verhofstadt, the European Parliament's Brexit co-ordinator, last week. We have received a wide range of positive and constructive feedback.

[Dominic Raab]

Equally, just as we have presented our proposals in a spirit of compromise, so, too, they have proved challenging in some respects for some in the EU. But our friends across Europe are engaging seriously with our proposals on the substance. As my right hon. Friend the Prime Minister set out, we are committed to delivering on the vision in the White Paper and delivering a future relationship that will see the United Kingdom leave the single market and the customs union, an end to freedom of movement so the UK controls its own borders, the end of the jurisdiction of the European Court, and the UK and the EU meeting their shared commitments to Northern Ireland and Ireland in the way that I have already described.

At the same time, we want to build up the foundations of a bright, strong and enduring new relationship for the future, with frictionless trade across our borders; continued close co-operation on law enforcement and other security matters; the UK free to develop its own independent trade policy; and broader UK-EU co-operation, from research to student exchanges, in many of the areas that we prize on both sides. We approach these talks with ambition, pragmatism and energy. If our EU friends match us, we will strike a deal that is in the clear and overwhelming interests of both sides.

I would also like to update the House on steps the Government have taken over the summer to prepare for the unlikely event that we do not reach a deal with the EU. While we expect to reach a deal with the EU, while it remains the most likely outcome and while it remains our top and, indeed, our overriding priority, as a responsible Government we have a duty to prepare for any eventuality. So on 23 August, we published 25 technical notices intended to inform people, businesses and stakeholders about steps they need to take in the event of a no deal scenario. They build on the steady and patient work that has taken place over the past two years to prepare this country for life outside the EU, irrespective of the outcome of the negotiations. That work has included passing key bits of legislation to ensure a smooth Brexit, including the European Union (Withdrawal) Act 2018; recruiting the staff in Whitehall and our operational agencies so we have the teams in place; and preparing our institutional capacity, from the Competition and Markets Authority to the Information Commissioner's Office.

The technical notices continue that same responsible, practical approach to preparing our country for Brexit. Among the technical notices, there is advice for businesses on some of the new processes they would be expected to follow when moving goods between the EU and the UK in a no deal scenario. Our technical notice on workplace rights sets out how workers in the UK will continue to be entitled to the rights they have under UK law. We have set out how, in the event of no deal, we would recognise the testing and safety approvals of existing medicines if they have been carried out by an EU member state regulator, to minimise any disruption to the supplies of medicines or medical devices from the EU.

Those notices are proportionate and measured, and they prioritise stability for our citizens, businesses, public bodies and NGOs. The 25 notices published in August were the first in a series of updates that we will be publishing over the coming weeks to keep stakeholders informed about what action, if any, they need to take.

Our approach acknowledges that there are some risks to a no deal scenario and demonstrates that we are taking action to avoid, minimise and mitigate those potential risks, so that we are equipped to manage any short-term disruption. While it is not what we want, a no deal scenario would bring some countervailing opportunities. We would be able to lower tariffs and negotiate and bring into effect new free trade deals straightaway. There would be the immediate recovery of full legislative and regulatory control, including over immigration policy, and, while we are mindful of our legal obligations, a swifter end to our financial contributions to the EU.

I will continue to meet regularly with Michel Barnier, confident that a deal is within our grasp if the ambition and pragmatism that we have shown are matched by our EU friends. But this House and the British people can rest assured that the UK will be ready for Brexit, deal or no deal, and prepared, whatever the outcome, so that this country goes from strength to strength. I commend this statement to the House.

5.7 pm

Keir Starmer (Holborn and St Pancras) (Lab): I thank the Secretary of State for early sight of his statement, but I am sorry to say that that statement is not going to reassure anyone.

I appreciate that the Secretary of State has to put a brave face on it, but there is no hiding the fact that the Government are in a real fix. There are two parts to that fix. The first is the reckless red lines set out by the Prime Minister two years ago, tearing us out of the customs union and single market with no European Court jurisdiction, which meant that a deal that safeguards our economy and avoids a hard border in Northern Ireland simply cannot be negotiated. The second part of the fix is the Chequers fudge, cobbled together nearly two years later. It satisfies no one and is being attacked from all quarters. It is obvious that something is going to have to give. The only question being asked up and down the country is, what is going to give?

Time is running out. The October summit is on 18 to 19 October. That is 44 days away. When the Secretary of State last updated the House in July, he said:

"Our expectation is to reach agreement in October."—[*Official Report*, 24 July 2018; Vol. 645, c. 891.]

I note that he has not repeated that today. Can he account for that change? The reality, of course, is that no one now seriously expects the deal to be agreed by then, hence the talk of a special summit in November. The trouble with that is that even November only buys four extra weeks. It is impossible to see how the Chequers proposal could lead to a deal that would command a majority in Parliament in that time. Meanwhile, the confidence of businesses and working people in the Government's ability to reach a deal sinks by the day.

Hence what we have seen is a summer of debate about no deal. There have been two sides to that debate. On one side is the Secretary of State talking up what he calls the "countervailing opportunities" of no deal—something he repeats today—and the Prime Minister saying that no deal would not be "the end of the world", which is an interesting but hardly inspiring description. On the other hand, we have the Chancellor warning that there will be "large fiscal consequences" of no deal and the recently appointed Foreign Secretary saying it would be a

"mistake we would regret for generations".

May I gently say to the Secretary of State that all his talk of no deal is not kidding anyone? Being told that we only need to stockpile medicines for six weeks and that there are no plans yet to deploy the Army to maintain food supplies has not reassured anyone.

There are obviously huge gaps in the Secretary of State's no deal strategy, and there is no better example than Northern Ireland. I want to dwell on this for a moment, because once again the Secretary of State's statement identifies the problem but offers no solution. The anxiety on both sides of the Irish border about the risk of no deal and the failure to agree a legally binding backstop is real. It is not a myth; it is shared by all communities. I have spoken to the Chief Constable of the Police Service of Northern Ireland, and I know how seriously he is taking this. For the former Foreign Secretary to say that this issue has been manipulated by the Irish and UK Governments is completely and, I am afraid to say, typically irresponsible, and I invite the Secretary of State to take this opportunity to dissociate himself from those remarks.

The technical notices that the Secretary of State mentioned—issued two weeks ago—are themselves revealing. When it comes to no deal and Northern Ireland, they say simply this:

“we stand ready to engage constructively”.

That is not a plan for no deal. The truth is that the Government have no idea how they will mitigate the impact of no deal when it comes to Northern Ireland. That is just not good enough. In December last year, the Government signed up to a solemn commitment to a backstop agreement in Northern Ireland. This House is entitled to know this afternoon how, in six weeks, the Secretary of State actually intends to keep that commitment.

The Brexit negotiations are in serious trouble. It appears from the Secretary of State's statement that the Government's strategy is simply to plough on regardless, to pretend everything is going to plan and to hope that, somehow, the dynamics of the negotiation and the arithmetic in this House will magically change. That is incredibly irresponsible. It will reassure no one. The Secretary of State is likely to face significant challenge from all sides this afternoon, and he knows it.

The Government must change course and put forward a credible plan that can break this impasse—one that can command the support of the House, protect jobs and the economy, and avoid a hard border in Northern Ireland. The Government have six weeks to get this right. More of the same will not do.

Dominic Raab: I thank the right hon. and learned Gentleman for his reply and some of the constructive tone in it. On timing, both I and Michel Barnier repeated on Friday that we were aiming for the October Council but recognised that there would be some margin of leeway, as is often the case with negotiations.

The right hon. and learned Gentleman has asked me at various points to comment on the newspaper commentary throughout the summer. Actually, I have been focused on the negotiation and getting the best deal for Britain.

On the negotiations themselves, may I just reassure the right hon. and learned Gentleman that progress is real on data sharing, criminal justice co-operation, passenger name record and Prüm data, and continuing fast-track extradition co-operation, which Michel Barnier and

I talked about on Friday? Those are the areas one might think a former Director of Public Prosecutions would attach serious weight to, but there was not one mention of them at all.

On the outstanding separation issues, including data protection and cases going through administrative and judicial procedures when we leave, I would have thought that the right hon. and learned Gentleman might at least have paused to welcome some of the progress in those areas.

That is what the Government have been doing over the summer: making progress towards a deal that is within our sights. As for the right hon. and learned Gentleman, well, last week he said that Labour's position is that a second referendum is “on the table”. I have to say that it is rare that I agree with the shadow Trade Secretary, who said that a second referendum would be “damaging” to the foundations of this country, but I think, in democratic terms, he is right about that.

I am afraid that that shows how frankly useless the Labour party would be, if it were ever in charge of Government, in terms of standing up for the United Kingdom in these negotiations. Nothing could be calibrated to weaken the UK's negotiating position more than dangling the prospect of a second referendum, which would only invite the very worst terms.

On the technical notices, we are doing the responsible thing that any responsible Government would need to do: striving for the very best deal but preparing for all outcomes. The right hon. and learned Gentleman has not actually asked me a single question of substance about any one of the 25 notices that we have published.

In relation to Northern Ireland, he clearly has not read the technical notices, because they were referred to at various points where they are applicable and relevant to the individual sectoral notices. Again, I am afraid that the Labour party is demonstrating that it is not fit to govern. We have the leader of the Labour party admitting in an interview on LBC that he would accept any deal, however bad its terms, and the shadow Chancellor explaining that he would not set aside any money to deal with the worst-case scenario of a no deal Brexit. Yet again, I am afraid that the Labour party has shown that it would roll over in Brussels and fail to stand up for this country.

John Redwood (Wokingham) (Con): Will the Secretary of State confirm that the UK has absolutely no plans to impose new barriers and bureaucratic complications against German pharmaceuticals, French food and other such products in the event of us leaving and trading under World Trade Organisation terms?

Dominic Raab: My right hon. Friend will know from the technical notices that we would prioritise continuity and stability, to make sure that in some of those areas he has raised we could continue to receive those goods and supplies into the UK.

Peter Grant (Glenrothes) (SNP): I am grateful to the Secretary of State for his statement and for advance sight of it. We of course welcome those areas where progress has been made, but he must share our concern at the lack of progress, which is still too slow, and the still too many fundamental important areas where little or no progress has been made.

[Peter Grant]

The Secretary of State's statement runs to eight pages—1,297 words in the version received in advance—and yet certainly the first half of it tells us nothing, or next to nothing, that is new. There is a lot of repetition of the old mantras and the old wildly confident assertions, with little or no evidence to back any of them up. On citizens' rights, there is nothing new; on Northern Ireland, there is nothing new; and on customs, there is nothing new, apart from the fact that Michel Barnier thinks that the customs element of the Chequers proposal is illegal and unworkable. The Prime Minister, in her pragmatic, constructive and helpful way, has said that the proposal is completely non-negotiable, so they can find common ground on that.

I assume that the positive and constructive feedback that the Secretary of State has received over the past few weeks does not include that from the plethora of former Ministers and former Secretaries of State, including the Prime Minister's first choice for his job, who have been enthusiastically tweeting away with the hashtag #ChuckChequers. I would suggest that, before the Secretary of State starts to criticise Labour on its lack of unity on Brexit, it might help—although maybe he will not want to do this—if he cast a look behind him.

What analysis have the Government done of the costs to businesses, schools, colleges, universities and everyone else of taking the steps the Secretary of State is now advising us to take to prepare for a no deal Brexit? When will the Government publish their backstop to the Northern Ireland and Irish border question, which was promised nine months ago? Will the Secretary of State confirm that recognising and respecting Ireland's sovereign decision to remain a full and integral part of the European Union means recognising that Ireland must and will respect EU legislation about the enforcement of its external border, whether it is deal or no deal?

Finally, instead of continuing to set unilateral, non-negotiable red lines, as happened before the negotiations had even started, will the Government finally accept that they got it wrong and that continued membership of the single market and the customs union will not only break the logjam in the negotiations and deliver the Brexit that the Vote Leave campaign promised people they would get if they voted to leave, but help to save at least some of the hundreds of thousands of jobs on these islands that are threatened by an ideologically driven hard Brexit?

Dominic Raab: I thank the hon. Gentleman for his questions and remarks. The Government have made it clear that we are leaving the single market. That is the only way we can faithfully give effect to the referendum in terms of taking back control of our laws, immigration policy and money.

In relation to my statement, the hon. Gentleman said that nothing had changed. I hope that tomorrow he will refer to *Hansard* and look at the areas of progress that I have described, because they are significant. They were described by me and Michel Barnier in Friday's press conference and include the outstanding separation issues, some of which I accept are technical, such as the data protection regime and the administrative and judicial procedures, but we have made significant progress in those areas and we are making significant progress

every week. If Members look at Michel Barnier's comments—forget my own—in relation to data sharing, PNR, Prüm and Galileo, they will see that we have made progress in all those areas. I do not think it is quite right for the hon. Gentleman to suggest that nothing has changed. We make progress every week and a deal is within our sights.

Mr Owen Paterson (North Shropshire) (Con): There is currently a border between Northern Ireland and the Republic of Ireland: a currency border, a tax border, an excise border and, very importantly, a security border. That all works very satisfactorily with good co-operation and modern technology. Could the Secretary of State explain which areas of cross-border activity cannot be solved by a further extension of modern technologies?

Dominic Raab: I share my right hon. Friend's conviction that we need to avoid any return to the hard border. All sorts of technical work is going on. We have seen the EU's proposals and made it very clear that they are unacceptable because they would involve a customs border down the Irish sea. We continue to work through these issues, mindful of the commitment that we have made together to give effect to the joint report that was made in December.

Hilary Benn (Leeds Central) (Lab): Michel Barnier made it very clear to the Exiting the European Union Committee, when we met him yesterday in Brussels, that the Government's proposal for a facilitated customs arrangement and a common rulebook is not acceptable to the European Union. Does that emphatic rejection of the central plank of the Chequers proposal concern the Secretary of State? If so, what alternative does he now propose to put forward to honour the promise that has been made to keep an open border in Northern Ireland and to ensure the continuation of friction-free trade in goods that is so important to the future of the British economy?

Dominic Raab: The right hon. Gentleman might have also, in quoting Michel Barnier, referred to his comments on 27 August, when he said:

"We are preparing to offer Britain a partnership such as there has never been with any other third country".

The right hon. Gentleman is certainly right to raise those points when they are pushed back, but this is a negotiation. We continue to explain our proposals to Michel Barnier and to the other member states, and we are confident that we will make progress.

Mr John Whittingdale (Maldon) (Con): May I confirm what the Chairman of the Select Committee has just said? Mr Barnier said to us in Brussels yesterday that the Chequers proposal fundamentally undermines the single market and is unacceptable. He went on to say, however, that he was keen to negotiate a free trade agreement, with associated agreements in the other areas that the Secretary of State has described. Is not it now time, therefore, to abandon the flawed proposal that is not going to work, and instead try to achieve an agreement that delivers Brexit and preserves the fullest level of co-operation?

Dominic Raab: I always listen very carefully to my right hon. Friend's advice. I do not think that, having presented our proposals, we are going to roll over

for Brussels. We are going to explain them to Michel Barnier and answer the questions, practical and others, he has raised. We are confident that our proposals respect the key and core equities and core principles of the EU, but also resolve all the issues we need to see resolved around frictionless trade at the border, critically, in terms of our future relationship, avoiding any need for recourse to the Irish backstop.

Yvette Cooper (Normanton, Pontefract and Castleford) (Lab): Over the summer, it was reported that the UK Border Force has had to recruit hundreds of extra staff just to deal with existing delays at the border; that recruitment of additional Brexit staff has been paused, and that the Government are off-track to have anywhere near the number of additional UK Border Force officials they would need for immigration or customs checks in the event of no deal. Can the Secretary of State confirm that that is the case, that he also has no guarantee that we will continue to have access to the criminal database that gives our border officials crucial information about terror and criminal suspects coming from the EU, and that no deal would undermine our border security as well as our economic security?

Dominic Raab: On recruitment and border staff, when I published the technical notices and gave a speech on 23 August, I set out all the recruitment, including in relation to the border agency. I would be very happy to send a copy of the speech, which sets that out in detail. In relation to the no deal scenario, of course this is not what we want but, through the technical notices and the planning we are putting in place, we are making sure that we are in the best position to avoid the risks of short-term disruption, to make sure we can manage them, and, ultimately, to make sure we can get through any short-term disruption so Britain can go from strength to strength.

Stephen Crabb (Preseli Pembrokeshire) (Con): There is only one real overriding issue that requires urgent political decisions right now: the Northern Irish backstop. Given how close we are to the autumn summit, could my right hon. Friend say when he expects to produce a draft counter-proposal to the unacceptable EU proposal?

Dominic Raab: We have already put forward our proposals in this regard. Through our future relationship White Paper, we have set out the proposals for the facilitated customs arrangement and the broader approach, which have the objective and goal of not just achieving frictionless trade but dealing with the issue between Northern Ireland and the Republic of Ireland. What we are not going to do is accept the EU's proposal through the protocol, because that would effectively draw a customs border down the Irish sea. That would threaten the constitutional and economic integrity of the UK, and we will not give in to that.

Nigel Dodds (Belfast North) (DUP): I sometimes wish that people would actually travel the road from Belfast to Dublin and Dublin to Belfast because people already pass camera infrastructure on the border. As the right hon. Member for North Shropshire (Mr Paterson), a former Secretary of State for Northern Ireland, said, there is already a currency, excise and other border between Northern Ireland and the Irish Republic.

The fact is that there are people in this House, the European Union and the Irish Republic who are using the issue of the Irish border—and, more despicably, the Irish peace process and political process—either to thwart Brexit or to mould it in their own way. The reality is that this House would never accept any kind of backstop that created regulatory or other differences between Northern Ireland and the rest of the United Kingdom because that would constitutionally break up the United Kingdom. Will the Secretary of State reassure the House that he will stick to that going forward?

Dominic Raab: I thank the right hon. Gentleman, who is of course absolutely right in his technical remarks and also, I fear, about the fact that some—not all, but some—are trying to politicise the issue. I do think that there are legitimate issues. We have committed to giving effect to the joint report that we agreed with the EU, but it is certainly true that some are trying to use the issue as leverage, and that will not work.

Mrs Anne Main (St Albans) (Con): In his remarks on a no deal scenario, my right hon. Friend said that while we are mindful of our legal obligations, there would be a swifter end to our financial contributions to the EU. For my sins, I have spent the summer in my office trying to find more detail about the EU budgetary spend and what exactly the EU has been doing with taxpayers' money. If we get into a position of no deal, could there be some degree of oversight? I am not prepared to write a cheque just because the EU says that we owe a certain amount if we are unaware of exactly how that money has been allocated and spent.

Dominic Raab: My hon. Friend is absolutely right to be scrutinising line by line how UK and other European countries' taxpayers' money is spent. We have been very clear that there is no deal until we get the whole deal—and, of course, that includes the money.

Emma Reynolds (Wolverhampton North East) (Lab): At the weekend, Michel Barnier said that after Brexit, European car makers would have to be careful not to use too many parts made in Britain if they wish to benefit from EU trade deals with third countries, such as South Korea. What is the Secretary of State's response to those comments and what will the Government do to mitigate that devastating impact on our car industry?

Dominic Raab: In this negotiation, there are efforts—on both sides, in fairness: the EU side and UK side—to apply pressure. Honestly, I would not be listening to or referring to warnings or forecasts made by the other side in this negotiation; I would be showing a bit of mettle and standing up for this country.

Mr David Jones (Clwyd West) (Con): On Sunday, the Prime Minister wrote that she would “not be pushed into accepting compromises on the Chequers proposals that are not in our national interest”.

Are we to infer from that that the Government are prepared to consider compromise on the Chequers proposals? If so, what sort of proposals does my right hon. Friend consider would be in the national interest?

Dominic Raab: I congratulate my right hon. Friend on all the hard work that he has done to get us to this point, both ministerially and in the House, and on the

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no deal preparation. He is perhaps over-reading the Prime Minister's words. We are very clear that we have set out a strong proposal that deals with all the outstanding issues on frictionless trade, but allows us to have an independent trade policy. It is good for the United Kingdom in those respects, but also good for the EU. We will be pressing for a resolution and swift conclusion of the negotiations in the coming months, around those proposals.

Tom Brake (Carshalton and Wallington) (LD): What a Tory Brexit shambles! Chequers is as dead as a dodo—the Secretary of State knows that, and so does everyone else in the House. It has been rejected by the Tory right and by the European Union. He knows that no deal would cause huge damage to British jobs and families. Is it not the truth that the only option left to him is the one that he advocated two years ago—to allow, after a pause for reflection, a final say on the deal?

Dominic Raab: I am afraid that the right hon. Gentleman is not correct on any of those points. We have a positive set of negotiations with our EU partners and friends—I have itemised some of those areas. It is often very difficult to get Brussels moving in August, but actually we have made assiduous progress in all those areas, and we will keep working on it. I will accept one thing though. We are not aiming for no deal; we are aiming for a good deal for the UK and the EU. The irresponsible thing to do is to make no preparations in case the negotiations do not reach the goal we are all seeking.

Sir Christopher Chope (Christchurch) (Con): May I counsel my right hon. Friend against self-delusion? None of us who were present listening to Mr Barnier yesterday can be in any doubt that he understands perfectly what is involved in the Chequers arrangements, and he rejects, without qualification, the facilitated customs arrangements and the common rulebook. Why does my right hon. Friend not accept his get-out clause and chuck Chequers now?

Dominic Raab: I thank my hon. Friend, particularly for his counsel against self-delusion. He is right that the Commission and Michel Barnier have raised concerns about some aspects of the economic partnership, but equally we have had positive feedback from member states. We are confident as we work through these proposals that they provide an enduring solution to the challenges that we and the EU face, and that is what we are pursuing.

Kate Hoey (Vauxhall) (Lab): The Minister will know that with genuine co-operation and good will on all sides the issue of the border between the Irish Republic and Northern Ireland can be sorted. If it is sorted, which it should be, can we then think of the Canada-plus-plus option?

Dominic Raab: The way we want to resolve the Northern Ireland-Republic of Ireland issue for the future and also deal with frictionless trade is through the economic partnership. Now, that does challenge some of the long-standing orthodoxies and dogmatic legalism of the EU—there is no doubt about that and no hiding from it.

However, we have to find a way—in fairness the EU is at its best when it is the most innovative—to recognise the specific factors and circumstances around it and look for a win-win solution that caters for those risks while also freeing us up to do the other positive things we want to do, particularly around free trade.

Vicky Ford (Chelmsford) (Con): In my experience of eight years of European negotiations, I often found different sides of the negotiating table rejecting each other's positions at the beginning but actually finding over talks that they were not that far apart. So may I urge my right hon. Friend to keep talking and especially to find harmony on this issue and an outcome that respects the Good Friday agreement while also keeping the UK united?

Dominic Raab: My hon. Friend has a long track record of experience in this area and is absolutely right about negotiations. I am mildly surprised by some of the suggestions that at pushback from the EU we should immediately roll over. That is not what we are going to do; we are going to take a resolute and tenacious approach to these negotiations and work on our plan. Whether it is the Polish Foreign Minister, who says that our proposals are a good basis for discussion, or the Danish Finance Minister, who says they provide realistic proposals for good negotiations, we are confident we can make further progress.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): According to the Treasury, all options for leaving the EU are bad for the UK's economy. We know that it will mean borders, because the Government want to leave the single market and the customs union behind. As a result, the debate is now between damage to the economy of 8%, without a deal, and damage to the economy of 6%, with a deal. Whether deal or no deal, it is a scorched earth policy, and the Secretary of State knows that. It is one of the reasons Scotland will decide on its independence within the next year. Why has he thrown himself into the middle of a debate between “no deal” damage of 8% and “deal” damage of 6% to the UK economy? It is an invidious position for any UK Government to be in to be damaging people's hopes in that way.

Dominic Raab: I think that economic forecasts ought to be treated with a measure of caution, given their track record. I note that the hon. Gentleman always reduces any matter relating to Brexit to the Scottish National party's blinkered, narrow political obsession with a referendum on independence, but I think that every part of the United Kingdom wants to see us strive to get the best possible deal, which will work for all corners of the UK.

Alex Chalk (Cheltenham) (Con): It is encouraging that agreement has been reached to ensure that UK and EU nationals will continue to live broadly as before. Will my right hon. Friend encourage our European friends to publicise that progress? It is important to give British nationals the reassurance that they seek.

Dominic Raab: My hon. Friend is absolutely right. We have talked about that, and we have encouraged it. Of course we want to ensure not just that EU nationals

whom we value and whom we want to stay feel secure in their position here, but that British expats are given the same treatment abroad.

Stephen Kinnock (Aberavon) (Lab): The Secretary of State said that the EU had raised some concerns about the Chequers proposals, but the fact of the matter is that they are completely and utterly dead in the water. What is the plan B? Is the Secretary of State now saying that the plan B should be Canada, and has he a full understanding of the impact that a Canada-style deal would have on, for example, our integrated supply chains?

Dominic Raab: I know that the hon. Gentleman has a considerable interest in the matter, but this is a negotiation. As was suggested by my hon. Friend the Member for Chelmsford (Vicky Ford), we do not roll over just because we get a bit of a pushback. We explain our arguments so that they are clearly understood, we try to resolve any concerns that the EU has, and we try to pursue the negotiations in a spirit of pragmatism. If that is matched on the other side—and I am confident that it will be—we will get a deal.

David Duguid (Banff and Buchan) (Con): Will my right hon. Friend confirm, to me and to the fishing communities in my constituency, that whether we strike a deal or not, we will be taking back control of our money, borders, laws and fishing waters?

Dominic Raab: My hon. Friend is absolutely right. One of the great advantages of Brexit—notwithstanding the doom and gloom on the other side—is that we will be an independent coastal state, with all the rights under international law that that brings.

Hywel Williams (Arfon) (PC): Is the Secretary of State aware that the most recent Welsh YouGov poll shows a clear majority in favour of staying in the European Union rather than risking a no deal exit? Does he not agree that that is a shift in public opinion, and that the most obvious pragmatic answer to the divisions over Brexit is to hold a people's referendum?

Dominic Raab: Let me gently say to the hon. Gentleman that we do not do political decision making in this country by reference to polls. We had a referendum, the country voted to leave the EU, and that is what we are going to do.

Mark Pawsey (Rugby) (Con): The continued success of the UK automotive industry is important in my constituency and throughout the west midlands. In its report, the Business, Energy and Industrial Strategy Committee draw attention to the reliance of complex supply chains on the friction-free transfer of components between the UK and Europe. Can the Secretary of State reassure the House that that will be maintained? What is his assessment of the impact of a 10% tariff on cars, in the event of no deal, on a company such as Jaguar Land Rover?

Dominic Raab: My hon. Friend is right to raise the issue of “just in time” supplies for manufacturing purposes. That is precisely why we configured the White Paper proposals in the way that we did. It must be the case

that in any scenario, on all sides, we try to avoid—and we do avoid—any erection of new trade barriers. Given the continental supply of cars to this country, it is clear that that would be harmful on both sides, but probably disproportionately on the other side.

Seema Malhotra (Feltham and Heston) (Lab/Co-op): Following discussions with the Secretary of State on Friday, Michel Barnier said that the backstop was critical to the conclusion of the negotiations, because without a backstop there would be no agreement. He has asked the Secretary of State and his team to provide his own team with the data that is needed for the work on the nature, location and modality of the controls that will be necessary on the Irish border. When will the Secretary of State be supplying that data to Michel Barnier, and will he also be making it available to the House?

Dominic Raab: I think that most of it is already in the public domain, but I will entertain any reasonable request that we receive from our EU partners in a constructive way. The hon. Lady should be under no illusions about the fact that Michel Barnier is seeking to make the case for regulatory checks along the Irish sea. We have made it very clear that we would need to be very careful about that, and that we will not countenance any customs border down the Irish sea.

Mr Peter Bone (Wellingborough) (Con): This morning the Secretary of State's permanent secretary was before the DExEU Committee. He was affable, fluent and spoke at great length, and, with panache, he did not answer any of the questions whatsoever. So can we try this on the Secretary of State? I recognise that he wants to do a deal with the EU, but there must be a moment in time when a decision has to be made that that cannot be achieved. Will he tell us what the date will be? Will it be October or November? It clearly cannot be 28 March.

Dominic Raab: My hon. Friend is absolutely right. It sounds like my permanent secretary was doing a rather good job earlier today, so I will go immediately back to the Department and praise him to the rooftops. On the timing, we need to aim for the October Council; there is a measure of leeway and we need to be mindful of the Brussels process and that there is some slippage, but I think we should be aiming for the October Council.

Joanna Cherry (Edinburgh South West) (SNP): An opinion poll commissioned by Best for Britain showed yesterday that a majority of Scots favour independence if the UK leaves the European Union as planned; is that a risk the Minister is willing to take?

Dominic Raab: The hon. and learned Lady will know that our proposals are devised to make sure we have a strong deal with the EU that works for all quarters of the UK and respects the territorial and economic integrity of the UK—and, no, what she asks is not something we are willing to countenance.

Stephen Kerr (Stirling) (Con): Stirling University benefits from the Erasmus+ programme, as do many other universities, institutions and individuals in this country. The Government's no deal guidance outlined our intention to arrange with the EU that the UK's universities and

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individuals could continue to participate fully. What is the remaining barrier to reaching an agreement in this area?

Dominic Raab: My hon. Friend has read the technical notice and will see that we are keen to make sure that we can provide continuity for Erasmus. In some aspects of the technical notice, in order to avert some of the more significant disruptions we need some good will, collaboration and co-operation from the other side. We will work through that with the EU and will be encouraging it to make sure that in the worst-case scenario there is enough good will, notwithstanding the failure of the negotiations, to make sure that we do the right thing by UK citizens and EU citizens—and that includes our students.

Chuka Umunna (Streatham) (Lab): Let us be clear: there is no majority in this House for crashing out of the European Union with no deal, given all the damage that will entail for communities in this country, but if no consensus can be reached in this House on how we leave the EU, how does the Secretary of State envisage resolving that issue if not by referring it back to the people? If he disagrees with me on that, does he at least accept that the Government may have to ask for an extension to the article 50 process so that a deal can be reached?

Dominic Raab: No, and I say to the hon. Gentleman, whom I hold in high regard and have debated this issue with during and since the referendum, that even bandying that around would almost invite the worst terms from our EU partners, which I know is not what he or I wish.

James Cleverly (Braintree) (Con): In December 2017 Michel Barnier said the UK would not have a bespoke deal, yet in August 2018 Michel Barnier said the deal given to the UK would be unlike that enjoyed by any other country. So may I urge my right hon. Friend not to listen to the voices opposite who encourage him to treat Michel Barnier as an intransigent person who is unwilling to negotiate and be flexible, but rather to treat him as a sensible pragmatic negotiating partner with whom we can and should negotiate the best deal for both the UK and the EU?

Dominic Raab: My hon. Friend is absolutely right. I pay respect to Michel Barnier and his team; they are very professional and I am confident that they are a team and Michel Barnier is an individual who we can do business with, and that, as my hon. Friend described, if the ambition and pragmatism that we have demonstrated in our proposals are matched, we will get a good deal—good for Britain and good for the EU.

Sammy Wilson (East Antrim) (DUP): The Secretary of State has given an assurance today that there will be no customs border between Northern Ireland and Great Britain down the Irish sea, but can he also give an assurance that there will be no regulatory border between Northern Ireland and Great Britain, especially since it is clear that that demand by the EU would lead to the disruption of trade between Northern Ireland and GB, would make Northern Ireland subject to EU law rather

than UK law, would give a foot in the door for the European Court of Justice, and, as Michel Barnier has said only this week, might even result in Northern Ireland being in a different time zone from the rest of the United Kingdom?

Dominic Raab: I can say to the right hon. Gentleman that we will not allow anything to be done that would threaten either the territorial or the constitutional integrity of the United Kingdom. I continue to be keen to keep up the strong engagement with all the devolved Administrations and with all the parties across those Administrations.

Mr Edward Vaizey (Wantage) (Con): It may well be that Chequers is in trouble, but can we please stop bandying about this idea that we can leave without any deal at all? Surely we need a series of deals, ranging from aviation onwards. For example, in my constituency many people work at Culham on nuclear fusion. Can the Secretary of State tell me what would happen if we were to leave with no deal? Would the British companies that have built up huge expertise in that area have access to the next stage of fusion, which is being built in France and of which we have membership as a member of the European Union? What would happen with no deal?

Dominic Raab: My right hon. Friend is absolutely right to say that no deal is not something that we would entertain lightly. It is not what we want and it is not our priority, but it takes two to tango in a negotiation, and if our ambition and pragmatism are not matched, we will need to ensure that we can give effect to the referendum. On the issue that he has described, if he peruses the technical notices at great length, he will find some of the answers that he is looking for. In relation to the technical notices and guidance that we are providing, we are now around a third of the way through to the final total that we will be putting out to provide reassurance to individuals, businesses, non-governmental organisations and public bodies.

Caroline Flint (Don Valley) (Lab): I have tried to avoid most of the summer chatter involving a strange alliance between hard-core leavers and hard-core remainers who seem to want no deal. I think that the British public want a deal. Should the Secretary of State return to the House this autumn with a deal that is basically a divorce arrangement, will he confirm that that will not be the final deal? Will he confirm that it would contain the architecture, the structure and the principles, but that long after that, during the transition period, further deals will have to be made after we leave the European Union as part of our ongoing positive relationship with the EU?

Dominic Raab: The right hon. Lady is right in every aspect. In the closing stages of the negotiations, we should be striving to bridge the outstanding gaps and secure a good deal. She is also right to say that there will be two components—the withdrawal agreement and the framework for the future relationship—and it is right to say that during the implementation period we will need to turn that into a binding treaty. One of the areas in which we have made progress, which was not touched on by other Labour Members, is the agreement in principle that we are pursuing to have linkage so that

the withdrawal agreement requires us all to proceed in good faith to that future relationship. That is important when we talk about not having a deal until we have the whole deal. Yes, there are different aspects of the package, but the deal has to be viewed in the round and in a balanced way.

Ross Thomson (Aberdeen South) (Con): Will my right hon. Friend confirm that No. 10 has categorically instructed his Department and all Government Departments to be ready and prepared for any no deal scenario?

Dominic Raab: The Prime Minister has made this very clear, and we are working across Whitehall to ensure that the laws are in place and that the money has been allocated, as the Chancellor did in the last Budget, as well as, crucially, ensuring that the regulatory and practical arrangements are in place. That is what these technical notices will help to achieve.

Chris Bryant (Rhondda) (Lab): What passport queues will British citizens use from next April when they are entering European Union countries? What passport queues will EU citizens use when they arrive at Heathrow, Gatwick or any of our other airports? Will there be any special British passport queues?

Dominic Raab: I am going to leave the question of passport queues to the Home Secretary. I will say, however, that the hon. Gentleman is right to point out, in relation to the deal and no deal planning, that in order to get the right outcome we will need collaboration and goodwill, which I am confident we will get from the EU side. That is why we are continuing these negotiations. Even in a no deal scenario, in relation to the default arrangements that would apply, we would want to keep co-operating and communicating to ensure that we minimise any disruption.

Richard Graham (Gloucester) (Con): As well as highlighting European Commission concerns over our trade and customs proposals, Michel Barnier made it clear in the meeting with the Exiting the European Union Committee yesterday that he also welcomed much of what was in the White Paper, and he emphasised above all that his mission, like that of the Secretary of State, is to achieve a deal. Given the uncertainties of the world in which we live, surely that is even more important than ever. Since the shadow Minister is so determined to avoid a no deal, a position which many of us would share, does my right hon. Friend share my belief that it is astonishing that the Labour party has not come out more fully in support of the Government's attempts to achieve a successful end to the negotiations with the EU?

Dominic Raab: My hon. Friend is absolutely right. In fairness, it is not just that the Labour party has not come out in support of our proposals; it has not come out in support of any proposals. It is sitting on the fence trying to work out which way the wind is blowing.

As for Michel Barnier's comments, on Friday he publicly reported good progress on the outstanding separation issues. On law enforcement co-operation, he said that

"we now have the elements to build a close and effective relationship between the European Union and the United Kingdom".

On external security, he described

"a large convergence of views on... future cooperation".

Owen Smith (Pontypridd) (Lab): The Secretary of State says that he does not want a no deal outcome, but he also says that there are countervailing opportunities and used to say that we would thrive under a no deal scenario. Will he therefore explain to us whether he thinks the people of Northern Ireland and the Good Friday agreement will thrive under a no deal scenario?

Dominic Raab: We are absolutely clear that we want to ensure that we get a good deal for all quarters of the UK. I have been clear, and was again today, that a no deal scenario certainly has risks, which is why it is not our preferred outcome. Our overriding priority is a good deal for the UK and the EU, but we need to be prepared for all eventualities and to be able to manage the short-term disruption. Irrespective of the outcome of the negotiations, I am confident that Britain can go from strength to strength.

Robert Neill (Bromley and Chislehurst) (Con): Eighty per cent. of the UK's economy is services. Chequers of course does not deal with services, but it would at least buy time for a proper negotiation to achieve the Government's plans, especially for financial services given the automatic loss of passporting rights if we leave without any interim arrangements. Has the Secretary of State quantified what the costs will be to the British financial services sector of leaving in a no deal scenario with the automatic loss of the passporting rights that allow British firms into the EU's financial services market?

Dominic Raab: I understand my hon. Friend's concerns. He will have seen the White Paper proposals on financial services, which pursue a building-up of the EU's existing equivalence arrangements. We are confident that that will provide a good set of arrangements not just for the UK and our bankers and financial services providers but, critically, for the continental European economy, which is so dependent on it.

Dr Philippa Whitford (Central Ayrshire) (SNP): The Brexit Secretary naturally talks about the facilitated customs arrangement as central to the Chequers deal, and people have talked about Michel Barnier ruling that out. However, having accepted new clause 36 to the Taxation (Cross-border Trade) Bill, is it not the Government who have ridden a coach and horses through Chequers?

Dominic Raab: No.

Mike Wood (Dudley South) (Con): The Secretary of State rightly says that the proposals have been put forward in a spirit of compromise. Is he confident that there is nothing in the proposals for a mobility framework that would restrict our ability to take back control of our borders?

Dominic Raab: On whether there may be a slippery slope, the Prime Minister has been clear that we are standing firm and that there will be an end to free movement. The provisions in the White Paper relating to mobility make it clear that we want to enable top talent to be recruited into this country to service the UK economy and for businesses. We want to ensure that people can continue to travel for tourism or holidays,

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and we want to continue to allow students and young people to enjoy educational opportunities and the rich tapestry of cultural life across the continent, and that applies both to UK and EU students.

Mr Pat McFadden (Wolverhampton South East) (Lab): When the Exiting the European Union Committee met Mr Barnier yesterday what we got was not a bit of questioning or pushback, but an emphatic and clear rejection of both the customs proposals and the idea of a common rulebook restricted to goods alone. They are the two central pillars of the Chequers plan, and the plan is in tatters without them, so what is plan B?

Dominic Raab: The right hon. Gentleman is an experienced campaigner and knows a lot about such issues and about negotiations, so I am sure that he will recognise that he and others are going to be used in a pressure exercise on the UK Government in the final phase of the negotiations. We are in a direct negotiation with Michel Barnier and the EU as a whole, and we will continue to pursue the proposals that we set out in the White Paper. We are confident that we can get a good deal.

Mr Philip Hollobone (Kettering) (Con): If we leave the EU with no deal, do we get to keep our £39 billion?

Dominic Raab: My hon. Friend is absolutely right that the nature of the financial settlement, as set out in the withdrawal agreement, is contingent upon us agreeing the deal as a whole, and it could not be guaranteed that we would provide the same amount of money if we left the EU without a deal. We will abide by our legal obligations, but I think my hon. Friend can safely say that that would be open for consideration.

Helen Goodman (Bishop Auckland) (Lab): Will the Secretary of State explain what will happen on medicines in the event of no deal? Over the summer, the Secretary of State for Health said that the public should not stockpile medicine, but industry has been told the opposite. Does the Secretary of State think that that is at all reassuring for people with chronic conditions who need their drugs?

Dominic Raab: We published a technical notice on medicines, and a letter was sent to some suppliers. It is right to say that they have been asked to provide an additional six weeks' worth of medicines, but it is worth bearing in mind that the Government already partner with pharmaceutical suppliers to ensure that we have three months' worth of buffer stock for over 200 medicines through the emergency medicine buffer stock scheme and that Public Health England already holds at least three months' supply of vaccines for national immunisation programmes. Of course, this would be a different set of circumstances, but those are the kind of contingency plans that pharmaceutical companies are already used to making. If the hon. Lady had looked, she would have seen that the response of the industry association was to welcome the proposals in our technical notice.

Jeremy Lefroy (Stafford) (Con) *rose*—

Richard Drax (South Dorset) (Con) *rose*—

Mr Speaker: Ah, two admirably courteous fellows. What a difficult choice. I call Mr Jeremy Lefroy.

Jeremy Lefroy: Thank you, Mr Speaker. May I thank my right hon. Friend, his colleagues and their teams for the huge amount of work they have done over the past couple of months in making a great deal of progress, as was quite evident last week and, indeed, in the Exiting the European Union Committee's meeting with Mr Barnier yesterday? However, while I understand that the idea of coming away from all this with no deal must be put out there, it cannot be contemplated with any degree of equanimity. It would be seen by the world as a failure on our part and that of the European Union. It is not acceptable.

Dominic Raab: I thank my hon. Friend for paying tribute to the excellent work being done at DExEU by our team of civil servants and across Whitehall. A huge amount of work is going on. I agree with his basic point that no deal would represent the worst-case scenario and the worst outcome from the negotiations. The best-case scenario and the optimum solution that we are aiming for is a good deal. I also agree that the approach to the Brexit negotiations will be defining both for the UK and the EU.

Catherine West (Hornsey and Wood Green) (Lab): What action are the Government taking to mitigate the effects on British science of the disastrous move offshore of the European Medicines Agency? In the event of no deal, how many research jobs do the Government estimate will be lost during the scramble to set up a new statutory authorising body?

Dominic Raab: In that sector, as in all others, we want to ensure that we have the strongest possible relationship with our EU partners, and she will be familiar with the proposals in that area from the White Paper. Of course, as for no deal contingency planning, the technical notices will cover this area, as they do for many others, but we are striving for the strongest deal possible, and that ought to give her confidence about jobs, co-operation and all the other areas in which she takes a close interest.

Richard Drax: We hear much about the Chequers deal, but less about the common rulebook. Were it to be adopted, will my right hon. Friend assure me and the House that it will not in any way, shape or form affect future trade deals with countries outside the EU?

Dominic Raab: The key thing in relation to the common rulebook is that it cannot be said that it would have no effect on our freedom and our latitude in free trade negotiations—that would not be an honest answer to my hon. Friend—but because, as a result of our proposals, we will have virtually full control over regulatory aspects of services and full control over tariffs, we will be in a strong position not just to continue the frictionless trade we want with our EU friends but to strike out around the world with the growth markets of the future from Latin America to Asia.

Debbie Abrahams (Oldham East and Saddleworth) (Lab): It is absolutely clear that the European Commission's chief negotiator, Monsieur Barnier, does not support

the Chequers proposal. I share the concern of Members on both sides of the House that we have no plan B, and I would like clarity on the feedback the Secretary of State has had from EU Heads of Government and Heads of State, who will ultimately decide on the deal that is brought to the European Council.

Dominic Raab: I worked in dispute resolution before entering politics and, in almost any negotiation, pushback will be heard from one interlocutor or another at various points that is ultimately not reflected in the final deal. It might be stating the obvious, but negotiation is about working through objections and resistance.

On support from member states, Angela Merkel said on 10 July that we have made good progress and that it is a good thing we have these proposals on the table. The Irish Taoiseach said:

“The Chequers statement is welcome. I believe it can input into the talks on the future relationship.”

We have also had the statements I described from the Latvian Foreign Minister, the Danish Finance Minister and the Polish Foreign Minister.

Tommy Sheppard (Edinburgh East) (SNP): Whatever deal the Government are minded to agree will have significant implications for the operation of the proposed UK-wide framework arrangements that the Government want to set up with the devolved Administrations in a wide range of policy areas. May I ask the Secretary of State for a commitment that he will discuss the final proposals, whatever they are, with the devolved Administrations before agreeing them with the European Union and before bringing them to this House for agreement?

Dominic Raab: The hon. Gentleman makes an important point. We are absolutely committed to the devolved Administrations having the fullest possible consultation, engagement and influence on the negotiations as they proceed. We need to bear in mind the imperative of making sure that as much of that as possible takes place within the hard boundaries of the time pressure we are under, which of course results from article 50 rather than being a timetable of our choosing.

Thelma Walker (Colne Valley) (Lab): Many businesses in Colne Valley are concerned about the uncertainty of the outcome of Brexit negotiations. One constituent has contacted me with genuine worries about future staffing and recruitment of EU nationals. Should not the Government be putting the interests of local businesses and livelihoods above party divisions?

Dominic Raab: The hon. Lady is right to say that, as we enter the last phase of the negotiations, there are people who want to know more about the outcome, and who want to see a successful outcome. In relation to immigration, I would just say that the advantage of ending free movement and taking back control of our immigration policy is that we can strike the right balance between getting the full advantage for our economy of the undoubted benefits of immigration and taking a balanced approach in some of those areas where uncontrolled immigration causes stresses, pressures or costs. That is the responsible, balanced approach that this Government are taking.

Mike Gapes (Ilford South) (Lab/Co-op): The Secretary of State did not mention the two British overseas territories that border European Union states. What progress has been made in the negotiations relating to Gibraltar and to Anguilla, which borders France and the Kingdom of the Netherlands?

Dominic Raab: The hon. Gentleman has a long track record and long experience in this area. We have made sure that we are engaging not only with all the affected overseas territories but with the affected capitals, such as Madrid, to make sure that we have as much continuity and stability as possible for the people of this country and of our overseas territories.

Jim Shannon (Strangford) (DUP): The Secretary of State will be aware of the importance of fishing in the Brexit negotiations, particularly for the village of Portavogie in my constituency. He will also know about the attacks on British fishing fleets just last week. I have received information that boats from the Northern Ireland fishing fleet are heading to their legal fishing grounds. What discussions has he had with his European counterparts to ensure that fishing rights are protected in the Brexit negotiations?

Dominic Raab: My immediate concern is for the welfare of UK fishermen and women. There are intensive negotiations between London and other capitals to make sure that we have a responsible approach to those recent issues. On the Brexit negotiations, the hon. Gentleman will know that our White Paper proposals envisage us becoming an independent coastal state. We will want to continue co-operating with our EU partners in this sort of area, but we will have all the rights and advantages that come with being an independent coastal state under international law.

Christian Matheson (City of Chester) (Lab): Would the Secretary of State care to put on record a couple of examples of what he would consider to be positive outcomes for the UK were we to crash out of the EU without a deal?

Dominic Raab: As I have made clear, our overriding priority is to get a good deal. That is our top priority, and we are overridingly focused on that. There will be risks in a no deal scenario, and I have set out the plans for managing those risks, but it is worth bearing in mind that there are some countervailing opportunities.

Christian Matheson: Such as?

Dominic Raab: I am not sure where the hon. Gentleman was, but I set them out in my statement. They include regulatory control and border control, and of course we would be able to move more swiftly not just to negotiate but to bring free trade deals into effect.

Alex Cunningham (Stockton North) (Lab): Ministers have implied in the past that the chemical industry can take comfort that good progress has been made on the future of the EU regulation concerning the registration, evaluation, authorisation and restriction of chemicals, which governs, among other things, the production and quality standards for chemicals. Can the Secretary of State give chemical companies on

[Alex Cunningham]

Teesside the assurance that REACH will apply and that there will be no other impediments to their business if we get a no deal Brexit?

Dominic Raab: As the hon. Gentleman will know, our White Paper includes proposals for continued co-operation and stability in this area. There is no deal until there is a whole deal, and although my thoughts and ambitions are with him and with his constituents on this point, I am afraid that I will not give out snippets from the negotiation room. The reality is that we need to present the package as a whole when we have negotiated it, so that people can see it in a balanced and rounded way.

Stewart Hosie (Dundee East) (SNP): I recently wrote to the Prime Minister asking what plans her Government have to ensure continuity of supplies of insulin for type 1 diabetics like her, like me and like 1 million other people in the UK, and I received a helpful answer saying that suppliers are being encouraged to stockpile important medicines. How is the stockpiling going? How much money has been allocated to supporting suppliers to stockpile important medicines, and from what budget has that money come?

Dominic Raab: The hon. Gentleman raises an important point, and there are other medicines for which, because of the temperature at which they need to be stored, the transport arrangements and the arrangements at the border will be very important. He will have read our technical notice, and he will know that, more generally, we already have three months' worth of buffer stock of more than 200 medicines. He will be aware of the letter from the Department of Health and Social Care saying that we will be willing to entertain any requests in relation to any support that is needed for any of the practical arrangements on which we have advised. We are waiting for the reply to work out quite what that might be, whether it is reasonable and how we will approach it. Our door is open so we can make sure that we provide the stability that is required in this crucial sector.

Wayne David (Caerphilly) (Lab): In the event of a no deal scenario, there will inevitably be a huge increase in the number of customs declarations. Do the Government therefore have any plans to reverse their cuts to HMRC and to increase the number of HMRC workers instead?

Dominic Raab: As I explained in my statement, we are making sure that we have the teams in place, and HMRC will of course be among those teams, to ensure that we are prepared not just with the regulatory changes that are required but with the human resources to make sure we can give effect to Brexit.

Neil Gray (Airdrie and Shotts) (SNP): What is the Secretary of State most concerned about: getting a deal with the EU or getting that deal through this House?

Dominic Raab: I am confident that we will achieve both outcomes, and I welcome the hon. Gentleman's support.

Daniel Zeichner (Cambridge) (Lab): We have learned this week that the European Medicines Agency has cancelled all its contracts with our highly regarded

Medical and Healthcare Products Regulatory Agency. That is not theoretical; that is now. What assessment has the Secretary of State made of the impact on our life sciences sector? Is this an indication of how well it is all going?

Dominic Raab: I cannot talk about any specific individual contracts, but I can tell the hon. Gentleman that in life sciences, as across those other areas we prize highly, we have a set of proposals—he will know them from the White Paper, but if he does not, I urge him to look at them—that will make sure we continue our strong co-operation and regulatory co-operation in that regard. In the event of no deal—of course we cannot force the EU to sign a deal; it has to be consensual and something both sides agree—we will have the technical notices, so that the guidance, the regulation and the team are in place to make sure we have as smooth a Brexit as possible in the circumstances.

Alison Thewliss (Glasgow Central) (SNP): During the summer, I met people from a number of businesses based in my constituency, including one of the many IT companies based in Glasgow city centre. They were deeply concerned about what Brexit meant for freedom of movement, which allows these businesses to move staff to and from Europe as and when the need arises. They were even more concerned about detail that they are waiting for from this Government on a data adequacy agreement. Will the Secretary of State update us on that issue, because, without this, IT companies will simply not be able to function?

Dominic Raab: On data adequacy, we have made progress in the talks—that is one issue I covered in my opening statement and it has also been welcomed by Michel Barnier. On immigration and free movement, we want to make sure we have a balanced approach, within our control, so that we not only get the benefits that allow us to address shortages in the labour market, which the hon. Lady has described, but we can control the overall volume of immigration and the associated costs and pressures.

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): The Chequers proposal includes a migration framework that would endow EU and UK citizens with the rights to live, work and study in each other's territories. Will the Secretary of State outline how that agreement would be fundamentally and tangibly different from the current rules on freedom of movement?

Dominic Raab: The hon. Gentleman has got the wrong end of the stick, as he will see if he looks at the proposals. We are ending free movement. We will take back control over our immigration policy and our border controls, but that does not mean we are advocating pulling up a drawbridge. In certain areas, whether allowing the recruitment of top talent to service business contracts, business trips, family holidays or student exchanges, we want to make sure movement from the UK to the EU and vice versa can be preserved and protected. That is not the kind of thing that erodes public confidence in our immigration system. But by taking back control over our immigration policy as a whole, we can take a balanced and responsible approach, and he should welcome that.

Point of Order

6.12 pm

Seema Malhotra (Feltham and Heston) (Lab/Co-op): On a point of order, Mr. Speaker. At this morning's sitting of the Select Committee on Exiting the European Union, the Department's permanent secretary, Philip Rycroft, confirmed that approximately 800 pieces of legislation were required to come through Parliament before the end of February, regardless of the outcome of negotiations. He said:

"Our planning demonstrates that it is possible to achieve that, but there is a lot of work to do in order to manage it."

When asked whether this was realistic, he said:

"This has been discussed a lot within Government"

and that it is

"challenging for us and for Parliament".

Indeed, these 800 statutory instruments represent more than the total number of SIs that passed through Parliament last year. When asked whether there had been any discussion on whether Parliament's hours may need to be extended, he said

"I would refer you to the Leaders of both Houses".

Mr Speaker, have you had any conversations with the Leader of the House about or been aware of any potential plans to change the hours of this House because of the volume of SIs that will need to be approved by Parliament prior to Brexit? If so, do you know when any such proposals will be coming to this House?

Mr Speaker: I am grateful to the hon. Lady for her point of order and for her characteristic courtesy in giving me advance notice of it. The short answer to her inquiry is that I have not had any such discussions with the Leader of the House on the specific matters that the hon. Lady raises. Members in all parts of the House will be aware that a European Statutory Instruments Committee was appointed just before the recess. Its work will be highly relevant to the points that she makes, and I have no doubt—and every expectation, therefore—that it will be beginning its work without delay. I am also sure that there will be further discussions on these matters—the time allocated for the consideration of such instruments and, possibly, issues relating to the length of time for which the House sits, in the light of the need for effective scrutiny—over the next few months. Form must follow function, as in architecture, if we are to do our jobs properly.

Ceramics (Country of Origin Marking)

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

6.15 pm

Ruth Smeeth (Stoke-on-Trent North) (Lab): I beg to move,

That leave be given to bring in a Bill to require the indication of country of origin for ceramic products; and for connected purposes.

I must begin by drawing the House's attention to my entry in the Register of Members' Financial Interests: I am a proud member of the GMB trade union and, as its manufacturing lead in Parliament, it is my privilege to work with it on issues such as the one we are discussing today. I also have the honour of being chair of the all-party group on ceramics. However, my biggest privilege is to represent the Potteries—the historic birthplace of Britain's ceramics industry.

Our great city of Stoke-on-Trent was built on the clay beneath us, which generations of Stokies, my constituents, shaped into a world-conquering industry. Today, the great historic ceramic brands of Wedgwood, Minton and Royal Doulton have been superseded by a new generation of top-class manufacturers, ranging from huge potbanks to master potters. Whether we are talking about the high-quality catering staples of Dudson, Churchill and Steelite, the retail tableware from Royal Stafford and Portmeirion, the whisky bottles and gluggle jugs from Wade Ceramics, the beautiful, bespoke works of Emma Bailey, Jon French and Anita Harris, the toby jugs sold in this place from Bairstow pottery, the wonderful Moorland mugs, or the traditional Moorcroft pottery and hand-finished Burleigh ware, our "Made in England" back stamp is the hallmark of top-quality ceramics. It is recognised in markets across the world; from North America to South Korea, British ceramics are in high demand, and with good reason. So the question I ask the House today is whether it will support this key industry and help us to celebrate the best of British manufacturing as we leave the European Union, because the British ceramics industry deserves no less.

Ceramics are not just our heritage; this is a living, breathing industry that employs more than 8,000 people in north Staffordshire alone—across the country more than 22,000 people work in the ceramics sector. Its economic contribution is comparable to that of the UK fishing industry, generating nearly £3 billion for our economy and more than £500 million in exports. Yet all too often it seems that the significance of our sector is ignored. While the challenges facing the fishing industry, for example, have become a focal point for discussions and debate about post-Brexit trade and legislation, the needs of industries such as ceramics—and broader British manufacturing, for that matter—have been strangely absent from the negotiating table.

As we prepare for a post-Brexit world, it is my hope that this Bill will give us the opportunity to highlight the concerns of this vital industry and the chance to make a start on introducing commitments and protections within UK legislation that would allow the industry to compete on a level playing field. The success of our ceramics industry is built on our reputation—it is a reputation for quality that has been cultivated not over decades, but over centuries. That is why the Bill I am proposing here today is so important. If the "Made in England" back stamp is to be a true guarantee of

[Ruth Smeeth]

craftsmanship, consumers must have faith that the products on our shelves and those we export are truly what their label claims they are. All too often the tableware sold in the UK offers no indication of where it was made—this includes tableware in our own House of Commons souvenir shop. More often than not we are talking about cheaper—although we would not know it from the price—lower-quality, foreign-made products. If time allowed, I would happily rant about the ludicrous situation we see, where mugs on sale in this great building, including those that celebrate our own portcullis, have not been made in the UK, but I fear I will lose my audience—or never get served again in any of the shops. So to be generous to those who do not know their Churchill from their Dudson, we need to assist them. If there is no country-of-origin back stamp, it is difficult for people to know what they are getting. For those of us who like to buy British to support local jobs and local businesses, this lack of clear labelling is problematic.

It is not just the lack of a back stamp that is the problem; indeed, the very lack of labelling can often tell a person everything that they need to know. A far greater problem is what is known in the industry as bogus back stamping, which is when a product that is produced overseas but decorated, finished or packaged in the UK is given a “Made in England” back stamp. In other instances, products have been sent out with disingenuous branding that simply alludes to England in a way that implies that the items were made here even though they were not. I will celebrate every job associated with British ceramics, but there is clearly a difference between a product manufactured in the UK and one finished here. A plate that was made in Thailand or Indonesia can come to be marketed here as a British-made product. That is dishonest at best.

The rules on this should be clear. European regulation 2025/73 states that it is the blank—that is, the first firing of the ceramic—that determines the nature of the ware. That is one piece of EU regulation that we do need to adopt, because bogus back stamping is not fair and can have serious ramifications for British industry. First, there is the economic threat to British ceramic companies of their being undercut by cheaper, mass-produced foreign wares that are falsely sold as British. Higher quality inevitably comes at the price of higher production costs. It is not fair that businesses that take quality seriously can be undercut by inferior products sold by those who seek to capitalise on the British industry’s reputation for quality—a reputation that affords British businesses the opportunity to add the “Made in England” financial premium to their products.

That brings me to the second consequence of bogus back stamping: the reputational damage to our own industry. When people buy British, they rightly expect

the best. We in north Staffordshire are not called residents of the Potteries for nothing. Our city has honed its craft over centuries, and that expertise can be seen and felt in every plate and cup that emerges from our kilns. We use those cups and plates in the Members’ Tea Room. When somebody seeks out that back stamp and makes a purchase with quality in mind only to end up with an inferior product, it reflects on the whole industry. Our master potters rightly take pride in their craftsmanship and our businesses rise and fall on their reputations. When shoddy, inauthentic products are allowed to be misleadingly labelled, those reputations can be tarnished and businesses can suffer in the long term.

Finally, there are the matters of product safety and consumer information—issues on which the GMB, and previously the Unity trade union, have long campaigned. Put simply, mandatory country-of-origin markings improve the traceability of products, making it easier for people to know not just where a product is made, but how. Whether it is the workforce conditions or the contents of the materials used, there are a whole host of reasons why consumers may want to make a conscious and informed decision about what they buy. We are offered extensive information on the origin of the food we buy; many of us also want to know about the plates that we eat it off.

The Government have often spoken about their commitment to supporting British manufacturers, but their actions on the issue have occasionally fallen well short of that commitment. In 2016, 60% of the tableware in the Department for Business, Energy and Industrial Strategy was made in China. I think we can do better than that.

This is not about protectionism; it is about transparency and providing a level playing field for British manufacturers. The Bill is strongly supported throughout the sector. It is an opportunity for us to step up and make “Buy British” more than just a slogan, to answer the concerns of a vital sector of Britain’s manufacturing industry and to ensure that, in a post-Brexit world, our national legislative framework contains the protections that we need to secure a bright and healthy future for British ceramics. I therefore ask the House to back the stamp and support the Bill.

Question put and agreed to.

Ordered,

That Ruth Smeeth, Gareth Snell, Caroline Flint, Jeremy Lefroy, Chris Elmore, James Cleverly, Angela Smith, Wes Streeting, Mrs Anne-Marie Trevelyan, Giles Watling, Sir Graham Brady and Tom Tugendhat present the Bill.

Ruth Smeeth accordingly presented the Bill.

Bill read the First time; to be read a Second time on Friday 26 October, and to be printed (Bill 259).

Civil Liability Bill [Lords]

Second Reading

Mr Deputy Speaker (Sir Lindsay Hoyle): The Speaker has certified the Civil Liability Bill [Lords] under Standing Order No. 83J as relating exclusively to England and Wales on matters within devolved legislative competence. I remind the House that this does not affect proceedings in the debate on Second Reading, or indeed in Committee or on Report. After the Report stage, the Speaker will consider the Bill again for certification and, if required, the Legislative Grand Committee will be asked to consent to certified provisions.

6.25 pm

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): I beg to move, That the Bill be now read a Second time.

The Bill will make important changes to our personal injury compensation system, which it aims to make fairer, more certain and more sustainable for claimants, defendants, the taxpayer and motorists. It builds on our wider reforms to cut the cost of civil justice claims and strengthen the regulation of claims management companies. The first part of the Bill will deliver a key manifesto pledge to support hard-working families by bringing down the cost of living through a crackdown on exaggerated and fraudulent whiplash claims, which lead to higher insurance costs. The second part will create a fairer and more transparent method for setting the personal injury discount rate. The Bill will provide a compensation system that meets the rightful needs of claimants while saving the public money, in respect of both consumers and taxpayers.

Data from the Department for Work and Pensions shows that around 650,000 personal injury claims relating to road traffic accidents were made in 2017-18. That is almost 200,000 more than were made in 2005-06—a rise of 40%. Of those claims, we estimate that around 85% were for whiplash-related injuries. That is higher than in any other European jurisdiction. At the same time, figures from the Department for Transport show that, in the decade to 2016-17, the number of reported road traffic accidents went down, from around 190,000 to around 135,000—a fall of 30%.

Theresa Villiers (Chipping Barnet) (Con): Does the Secretary of State share my anxiety about the high cost of insurance for young people, many of whom need a car to get to work and to get around? Will the legislation help to tackle that problem?

Mr Gauke: Yes, I do share my right hon. Friend's concerns. For many people, a car is not a luxury but is essential. The cost of insurance, particularly for young people, can be considerable. Indeed, as I will set out, that cost is likely to increase very significantly if we do not take action, which is one reason we have taken the measures that we have.

Gareth Thomas (Harrow West) (Lab/Co-op): Will the Secretary of State tell the House why there is nothing in the Bill that will allow insurance companies to be held to account for whether or not they pass on the savings that the Bill purports to deliver for consumers?

Mr Gauke: I am glad that the hon. Gentleman asked me that question, because not only have we had public assurances from insurance companies that represent 85% of the policies, but we will table amendments to the Bill to ensure that we can hold those companies robustly to account, particularly given their public commitments. If those are his concerns, I think he will find as the Bill progresses that they are met.

Jo Stevens (Cardiff Central) (Lab): Will the Secretary of State elaborate on his last remark? What incentives or restrictions will there be for insurance companies to make sure that they pass on any savings? Historically, they have not done so.

Mr Gauke: I would challenge that. When the Competition and Markets Authority looked at the insurance industry, it found that it is a competitive industry. The factor that is most likely to ensure that benefits are passed on to consumers is competition, and the evidence suggests that there is competition in this area, but we will ensure that insurance companies provide robust information so that they can be properly held to account. As I say, the Government will bring forward amendments in this area, as we have committed to do.

Sir Edward Davey (Kingston and Surbiton) (LD)
rose—

Chris Philp (Croydon South) (Con) *rose—*

Mr Gauke: I will give way, and then I am keen to make progress.

Sir Edward Davey: It is key that these savings are passed on to motorists. In the other place, my noble Friend Lord Sharkey tabled an amendment suggesting that one way of doing that was to give some regulatory power to the Financial Conduct Authority to hold insurance companies to account. Will the Secretary of State tell the House now whether, in bringing forward this amendment, real teeth will be used to ensure that insurance companies cannot get away with keeping this cash themselves?

Mr Gauke: If the right hon. Gentleman will forgive me, we will be coming forward very shortly with those amendments. He will not have to wait long to see the details of the amendments. He will see that we are striking the right balance in ensuring that insurance companies can be properly held to account and that we are not placing unnecessary and expensive burdens that ultimately get paid by policyholders. He will see that we are taking this issue forward.

Chris Philp: I thank the Secretary of State for giving way. On this point about cost savings being passed on, does he take further comfort from the following two things? First, with no fewer than 94 car insurance companies operating in the UK, it is an intensely competitive market; and, secondly, in the two years after the reforms in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 were introduced, car insurance premiums dropped by £50, suggesting that, in that case, the savings were passed on.

Mr Gauke: My hon. Friend is right to raise both points. I come back to the fact that the CMA looked at this area and concluded that this is a competitive one. The history suggests that these benefits are passed on, but we are strengthening the Bill and will bring forward amendments very shortly that will enable us all to hold those insurance companies to account.

Many claims involving road traffic accidents will, of course, be genuine. It is absolutely right that they are compensated appropriately. Our reforms are focused on ensuring that genuine claimants have access to justice, receive a proportionate amount of compensation and that the system works for all who use it honestly. However, with major improvements in motoring safety in recent years, including the increased use of integrated seat and head restraints, it would be remiss of the Government not to ask what is going wrong. The reality is that some of these claims are not genuine. In 2017, the insurance industry identified almost 70,000 motor insurance claims that it considered to be fraudulent. As the learned Lord Hope of Craighead noted in the other place, it is necessary to do something to try to minimise the abuse that has given rise to such a large and disproportionate number of claims. The knock-on effect of all these claims is increased insurance premiums, particularly for young people and the elderly. As Members across the House will know, for many people, owning a car is not a luxury, but a necessity. That is especially true of those in rural communities, but it does affect all our constituents. That is why we have pledged in our manifesto to tackle these costs. Taken together, the whiplash measures proposed by the Government could result in savings of around £1.1 billion a year.

Around 85% of the UK motor and liability insurance market have publicly committed to pass on those savings to consumers. The Government intend to hold insurance companies to account by bringing forward an amendment, as I have said, to introduce an effective means for reporting on both the savings made and how they are passed on.

The purpose of our reforms is to compensate the genuinely injured and to improve the system for all by reducing the number and cost of whiplash claims and deterring fraudulent and unmeritorious claims. The measures in the Bill will do that by introducing a ban on settling whiplash claims without medical evidence. That will discourage fraud and incentivise insurers to investigate claims and provide reassurance to claimants that they are being compensated for the true extent of their injuries.

Chris Philp: I thank the Secretary of State for giving way so generously. Could he confirm to the House that these medical examinations prior to an offer will have to be face to face?

Mr Gauke: They will be face-to-face medical examinations, which I believe will provide the degree of robustness in the system that we need.

The Bill will also provide for a new fixed tariff of compensation for pain, suffering and loss of amenity for whiplash claims. The high number of whiplash claims and compensation levels that we are seeing justifies that tariff being set by the Lord Chancellor. We want fair and proportionate compensation. Its cost should not be unfair to the motorists. We will provide some

important flexibilities on how the tariff operates to make sure that it remains fair and adaptable where necessary to exceptional circumstances, inflation and changes in the claims market.

Gareth Thomas: Does not the Minister accept that one of the further flaws in the Bill is that the genuine victim of a road traffic accident faces receiving less compensation than someone who has a similar accident but not in a road traffic scenario, who receives compensation set not by the Lord Chancellor, but under the judicial guidelines that exist at the moment?

Mr Gauke: This must be put in the context of a package of measures we are taking that seek to address the significant problem that exists, which I have sought to sketch out and which other hon. Members have highlighted: the very considerable cost that motorists face in insurance premiums as a consequence of whiplash claims, a number of which are clearly not genuine. Given that the number of road traffic accidents is falling yet the number of claims is going up, it is right that we take action.

Vicky Ford (Chelmsford) (Con): Four years ago, my family and I had a large car crash. Ever since then, I have been pestered, almost continually, by unwanted phone calls from people trying to encourage me to fraudulently claim for whiplash. Will this Bill stop that?

Mr Gauke: In combination with the other measures that we are taking, I think that we are really able to address the problem that my hon. Friend has so eloquently highlighted and that she has personal experience of. What she has highlighted is that we do have a problem and that we do need to take action, and that is exactly what this Bill does.

Debbie Abrahams (Oldham East and Saddleworth) (Lab) *rose*—

Mr Gauke: I will give way, but then I am keen to make more progress.

Debbie Abrahams: I am very grateful to the Secretary of State. I have real concerns about the reduction again in access to justice. The group Access to Justice has highlighted that, each year, people injured in road traffic accidents will be denied access to legal advice if they want to go to court to claim for their injuries. How can he guarantee that that will not happen?

Mr Gauke: We have a system of small claims—by and large, these are very straightforward claims. We want to ensure that support is there so that people are able to bring the claims in person. As I have said, these are simple claims and it is right that we also take action to address some of the concerns that we have. I shall set out more detail in my remarks, but I believe that we have the balance right in terms of the increase to £5,000.

The Bill provides that the tariff will be set in regulations to be debated via the affirmative procedure by Parliament following Royal Assent. We are committed to tabling an amendment in Committee that will require the Lord Chancellor to consult with the Lord Chief Justice before making those regulations. The judiciary will have discretion to increase the compensation payable in exceptional

circumstances and, after listening to the views in the other place, we have amended the Bill to ensure that overall compensation levels in the tariff are reviewed at least every three years. We listened carefully to the comments made by the Delegated Powers and Regulatory Reform Committee in the Lords. We accepted its recommendation and tabled an amendment to include a full definition of whiplash injury in the Bill in order to remove any ambiguity about what that constitutes in law.

The Government's reform programme also includes measures—not included in the scope of this Bill—to increase the small claims track limit for road traffic accident personal injury claims to £5,000, and for all other personal injury claims to £2,000. As these claims are generally not complicated, they are suitable to be managed in the simpler, lower cost small claims track. This route is designed to be accessible to litigants in person without the need for a lawyer, although claimants may still seek legal representation if they wish. To support this, the Government are working with a wide stakeholder group including the insurance industry, claimant solicitor representative groups and consumer groups in order to design and deliver a simple-to-use online service to enable the vast majority of those claiming for low-value road traffic accidents who may well choose not to be represented by legal advisers to receive help and guidance to manage their cases through to conclusion.

The service will be designed for those with no legal advice or training, and will be as simple to use as possible to ensure that the claimant journey is as smooth as it can be. Raising the small claims limit for these RTA cases to £5,000 will work to control their costs, acting as an incentive for insurers to challenge, rather than settle, those cases that they believe to be without merit. This is vital to changing the unhealthy culture that sees whiplash claims as a way to make easy cash. The reality is that, as insurers are forced to offset the cost of the abuse by raising premiums, fraudsters are simply taking money out of the pockets of honest motorists.

Jo Stevens: If the Secretary of State is so confident about those increases in the small claims limit, why are they not on the face of the Bill?

Mr Gauke: These matters are governed by regulation and we are proceeding on that basis.

Ruth Cadbury (Brentford and Isleworth) (Lab): Will the Secretary of State give way?

Mr Gauke: I want to make some progress.

I am aware that there has been concern on both sides of the House about the inclusion of vulnerable road users—for example, cyclists, pedestrians and motorcyclists—in the proposed small claims track rise. I am grateful to Members for signalling in their arguments how such road users may be disproportionately affected by this measure.

Robert Neill (Bromley and Chislehurst) (Con): I am very grateful to hear the Secretary of State say that, because this issue was flagged up by the Select Committee on Justice in our report. If he is going to say that it is his intention to exclude those vulnerable road users from the Bill, that would be a most welcome recognition by the Government of the evidence on the matter.

Mr Gauke: I think that on this occasion I might be able to satisfy my hon. Friend, which I cannot always say to him as the Chair of the Justice Committee. After listening carefully to the arguments made—including by my hon. Friend—I can now say that we intend to remove these vulnerable road users from the small claims limit changes. They are, of course, already excluded from the Bill.

I wish to say a few words about the timing of the whiplash reforms. Both the Justice Committee and the insurance sector have raised concerns about how quickly the reform programme can be implemented, including the necessity to build and test the online claims platform that I mentioned. We have listened to those concerned and resolved to push back implementation by a year to April 2020. This will enable careful user testing of the IT system to ensure that the system works well for all types of users on full implementation.

The personal injury discount rate is intended to reflect the return that it is reasonable to expect a claimant to receive on investing a lump sum award of damages for future financial loss. We must keep in mind that behind every claim there are real people with life-changing injuries, who need to make fundamental changes to the way in which they live their lives and who depend on their compensation awards. That is why we continue to support the aim that seriously injured people should receive full compensation to meet their expected needs, including care costs. The problem, however, is that on the evidence we have obtained, our discount rate of minus 0.75%—one of the lowest in the world—is leading to awards in personal injury claims averaging at 120% to 125% of the damages awarded, even after allowances are made for management costs and tax.

Such overcompensation is contributing to escalating costs in the NHS, which spent £2.2 billion on clinical negligence claims alone in 2017-18—a figure that is expected to rise to £3.2 billion in 2020-21. This is almost double the amount spent in 2016-17 and seven times the amount spent in 2006-07. This overcompensation is not sustainable. Money is being diverted that could instead have been spent on frontline public services such as our hospitals, schools and armed forces. As well as adding to the financial pressure on the NHS, the current framework for setting the discount rate is also creating pressure that is driving up insurance premiums, particularly for motorists.

The reforms that we propose to the discount rate will also save consumers money, as the insurance industry has committed to passing on these savings. The changes that we propose to make in the Bill to how the discount rate is set will make it fairer and more realistic for everyone. We intend to reflect the reality that claimants are more likely to invest their compensation in slightly higher risk diversified portfolios, than in very low risk investments under the current test.

John Howell (Henley) (Con): The Secretary of State is moving very quickly to the nub of this Bill; this is about preventing overcompensation, not increasing undercompensation. Does he agree?

Mr Gauke: Very much so. It remains our objective to ensure that people are properly compensated—that they get the right level of compensation. The current process systematically overcompensates, and it is right that we

[Mr Gauke]

address that because that compensation could be spent on frontline services. I am sure that that is what we would all want to do.

Dr David Drew (Stroud) (Lab/Co-op): The Secretary of State is being very generous in giving way. Does he accept that we will have to watch the impact of this Bill on personal injury lawyers, as it is already difficult to get lawyers to stay in that field? Will he monitor the situation to ensure that all those involved in serious accidents get proper legal representation?

Mr Gauke: I think that it would be fair to say that personal injury lawyers have demonstrated adaptability in recent years and that the sector has proved to be resilient. Of course, the purpose of our compensation regime and insurance system is to ensure that those who should be compensated are compensated, and that is what we seek to do. As I said in response to the intervention of my hon. Friend the Member for Henley (John Howell), it is also right that we do not over-compensate.

The Bill contains provisions requiring the Lord Chancellor to review the rate promptly after Royal Assent and then at least once every five years, again providing greater certainty and clarity. Following amendments accepted by the Government in the other place, the first review will continue the current arrangements under which the Lord Chancellor consults the Government Actuary and Her Majesty's Treasury before setting the rate. This will enable the benefits of the new system to be realised as soon as possible. All further reviews by the Lord Chancellor must be undertaken in consultation with an independent expert panel, chaired by the Government Actuary.

I stress that the Bill will not change the important role played by periodical payment orders, which account for a significant proportion of the compensation paid for future loss in cases involving the most serious and life-changing injuries. PPOs protect claimants against the risk inherent in relying on the investment of lump sums to produce a stream of income to meet their needs as they arise. PPOs are and will remain available in the vast majority of the highest-value NHS clinical negligence claims against hospitals, including those involving brain damage during childbirth, and in the large majority of long-term serious injury cases where the defendant is insured by a UK-regulated insurer.

Robert Neill: The Lord Chancellor is being very helpful. I welcome what he says about periodical payment orders, because they are a significant transfer on to the insurance company away from the person who is awarded, in terms of both investment and the longevity risk. Will he make it clear—as the noble Lord Keen indicated in the other House—that when he sets the discount rate, having taken the advice of the panel as part of the Government action, he does so as Lord Chancellor in his own right, and not on behalf of the Government? That point was raised by a number of noble lords in the other House when it was said that this decision is taken not for Treasury or governmental reasons, but on the basis of that advice, by the Lord Chancellor in his capacity as Lord Chancellor, almost quasi-judicially.

Mr Gauke: Yes, it is a decision taken by the Lord Chancellor. I was in the Treasury at the time when the most recent change to the discount rate was made by one of my predecessors, and I can certainly assure my hon. Friend that it was very much a decision taken by the Lord Chancellor. [Laughter.] Perhaps I should leave it there.

Mr Jonathan Djanogly (Huntingdon) (Con): One of the key elements of stopping whiplash claims and so forth was the banning of referral fees. There are more and more reports coming in that, perhaps for the resilience reasons that my right hon. Friend discussed, we are increasingly seeing ways of getting round the ban on referral fees. This is of great concern to many. These people are of course breaking the law. Has he considered this situation?

Mr Gauke: Of course we continue to look at this area. It is worth pointing out not just what we are doing in this Bill but the measures and action taken in the context of the Financial Guidance and Claims Act 2018, and it is right that we continue to do so. As I say, the Government are determined to find out whether the use of PPOs can be increased. We are very pleased that the Civil Justice Council, which is chaired by the Master of the Rolls, has agreed in principle to consider this issue.

The Civil Liability Bill is an important piece of our wider work to reform the civil justice system, including through the Financial Guidance and Claims Act, which strengthens the regulatory regime for claims management companies and bans cold calling. These reforms are needed to put personal injury payments on a fair, more certain and sustainable footing for the future. In turn, they will save the NHS and consumers money.

Ellie Reeves (Lewisham West and Penge) (Lab): The Secretary of State says that the Financial Guidance and Claims Act bans cold calling. In fact, it does not create an outright ban on cold calling. Why not have an outright ban on cold calling before proceeding with proposals to increase the small claims limit, which would deny so many access to justice?

Mr Gauke: To be clear, we have taken robust action to deal with this issue. I would defend the Financial Guidance and Claims Act, which was a substantial step forward in ensuring that we do not see the abuses that we, in all parts of the House, are concerned about.

Legislating to ensure that genuine whiplash claims are backed up by medical evidence and that claimants receive proportionate compensation will reduce the number and cost of whiplash claims. This will allow insurers to pass on savings to consumers. As I have said, three quarters of the UK motor and liability insurance market has already publicly committed to doing so. In changing the system by which the discount rate is set, we want to continue to ensure fairness so that those who suffer serious long-term personal injury get full and fair compensation within a more informed and transparent system in which the rate is set by the Lord Chancellor at regular intervals with the benefit of independent expert advice. The prospect of the reforms we are proposing both to whiplash claims and to the discount rate has,

according to the recent AA British insurance premium index, already triggered a fall in premiums in the expectation that claim costs will fall. I commend the Bill to the House.

6.55 pm

Richard Burgon (Leeds East) (Lab): Today we are discussing yet another attack from this Government on our justice system: yet another attack on the vulnerable that, perhaps not coincidentally, will enrich the Conservatives' friends in the insurance industry. The Civil Liability Bill is presented by the Government in its press spin as being about cutting back on fraudulent whiplash claims—and, of course, who could disagree with doing that? But given this Government's record in justice, I am sure that Ministers will understand why we do not take their assertions at face value, and why we fear that these reforms may in fact be a smokescreen—because under the Conservatives our civil justice system has been undermined all too often, with basic rights rolled back, creating a two-tier justice system.

Take, for example, the Conservatives' unlawful employment tribunal fees, which made it harder for workers to take on unscrupulous bosses. Eventually, the Supreme Court ruled them unlawful, but only thanks to the dogged campaigning of trade unions and others. Or take the Conservatives' cuts to legal aid, which make it harder for people to take on dodgy landlords, or to challenge a flawed benefits decision that leaves people out of pocket and relying on food banks. We fear that this set of justice reforms will also undermine people's basic rights.

This Bill attracted widespread opposition in the House of Lords, with the Government only narrowly defeating amendments that would have substantially altered the Bill for the better. But to do so the Government had to ignore pre-eminent legal experts.

Huw Merriman (Bexhill and Battle) (Con): I recognise that the Opposition's job is to oppose, but would the hon. Gentleman not concede that in the past decade the number of claims in this area has gone up by 40%, whereas cars have become safer and accidents have decreased by 31%? Surely, therefore, does it not make sense that this exploitation comes to an end to benefit his constituents, as policyholders, as well as mine?

Richard Burgon: I do not quite understand what the hon. Gentleman is talking about when he says that this "exploitation" has to end. In fact, the trend is that whiplash claims are going down. We have heard the Secretary of State himself say, "Of course, many claims are genuine." Even the way that that is said implies that somehow people are on the make. Most claims are genuine. *[Interruption.]* I do not see what is so amusing about that. There is not a compensation culture in this country, whatever the Government's friends in the insurance industry might be telling them.

When I mentioned pre-eminent legal experts, I was including former Lord Chief Justices who expressed their concerns about the Bill's impact on access to justice and on the independence of the judiciary. So Labour Members are clear that this Bill, in its current form, cannot be supported. Unless it is very substantially amended in Committee, we will vote against it on Third Reading. We hope that the Government will take seriously

the amendments that we are tabling this week, which build on the points raised by many colleagues in the Lords.

Before I talk about our opposition to many of the measures included in the Bill, I want to draw Members' attention to the associated statutory instruments. This Bill, as we have heard, is a part of a wider package of reforms—a package that will make it harder for workers to get compensation for workplace injuries, and harder for genuinely injured road users to get compensation. Through statutory instrument, the Government are seeking to increase—

Mike Amesbury (Weaver Vale) (Lab): Hundreds of thousands of workers could be denied access to justice for genuine comprehensive claims. The Union of Shop, Distributive and Allied Workers estimates that up to 350,000 workers could be denied access because of these measures.

Richard Burgon: My hon. Friend makes a very important point. USDAW and other organisations are right to say that hundreds of thousands of people could be negatively impacted.

Through statutory instrument, the Government seek to increase the small claims limit from £1,000 to £2,000 in all cases and from £1,000 to £5,000 in road traffic accident cases. We are very concerned about what that means in practice. A significant number of claims henceforth will be dealt with through the small claims track procedure, where even in a successful claim, no legal costs are usually awarded.

Without legal fees being covered, tens of thousands of working people will simply be priced out of obtaining legal assistance. Many will drop their cases altogether. Others will fight on but do so representing themselves, not only making their pursuit of justice more difficult, but placing serious pressures on the courts. Others will pay their own legal fees out of their compensation, which in effect means a cut in their compensation levels. Of course, other workers will conclude that when their route to justice through a court or tribunal is removed, they have no alternative but to resort to industrial action to achieve redress.

Chris Philp: Is it not a well-established principle both in this country and overseas, in jurisdictions such as France, that for very straightforward, simple matters—these very minor injuries are generally straightforward and simple—having a fast-track process without the involvement of expensive lawyers is a reasonable and legitimate approach?

Richard Burgon: We need to ask ourselves what "minor injuries" and "small amounts of money" mean. What is being referred to as a "minor injury" may last up to two years. I do not think that that is a minor injury. What is being referred to as "small amounts of money" is actually, in practice, a lot of money for working people who are struggling to make ends meet.

There was a 90% drop-off in employment tribunal claims when employment tribunal fees were introduced. We fear something similar in personal injury cases, with genuine victims priced out of justice and deterred from pursuing a claim for an injury that was not their fault.

Catherine West (Hornsey and Wood Green) (Lab): Does my hon. Friend agree that for cyclists who have accidents, their bicycle may be their means of getting to work, and therefore that is not minor, petty or small? We should take that into account when looking at what we call “minor injuries”.

Richard Burgon: I certainly agree with that point, which I will come to later. People also need to consider the psychological effects of some of these injuries.

I must make some progress. I want to talk about the type of people who will be affected by these reforms, and I will now give some real-life examples.

Mr Richard Bacon (South Norfolk) (Con): Will the hon. Gentleman give way before he does that?

Richard Burgon: I will not give way when I want to talk about real-life examples. We need to hear from the people who will be affected by these reforms. Once I have given them a voice, I will give the hon. Gentleman his chance to speak. These people include a warehouse operative who suffered a head injury when a heavy metal bolt fell from a roller shutter door and struck him on the head, and a caretaker in a council who was pushing rubbish bags down a chute when he was injured by a needle that had pierced through one of the bags. He suffered a physical and, indeed, psychological injury; just imagine all that worry as he was waiting for the tests. Those are real cases that have been sent to my office and that would be penalised by the new system. We cannot have those voices being drowned out by the rhetoric that calls people fraudsters and says they are on the make when they are anything but.

Mr Bacon: I am sure many of us agree that genuine cases need to be treated appropriately, but does the hon. Gentleman agree that there is a problem with a growing compensation culture?

Richard Burgon: The evidence does not bear that out. Proven fraudulent whiplash claims amount to 0.25%. To hear some Conservative MPs, we would think that the majority of whiplash claims were fraudulent, when only 0.25% have been shown to be. It is not justice if the honest vast majority are penalised because of a tiny dishonest minority. That is no way to reform things or make the law.

Vicky Ford: Will the hon. Gentleman give way?

Richard Burgon: I have to make some progress, I am afraid.

The Government have said that they will drop vulnerable road users from their reforms. They should indeed do so, but they should also concede that the inclusion of people injured at work is equally unjustified.

It is not only we who oppose these measures. The Justice Committee concluded that

“increasing the small claims limit for personal injury creates significant access to justice concerns.”

Gareth Thomas: Is not one real problem with the increase in the small claims limit the fact that a vast imbalance of resources is imposed between the insurance company on the one hand and the individual making a

claim on the other? The individual making a claim will not have their legal costs paid for and will not be able to have an expert lawyer on their side as a result in most cases, while the insurance industry will be able to have expert, skilled lawyers on their side, fighting their corner.

Richard Burgon: My hon. Friend makes an important point. This goes completely against the principle of equality of arms.

We agree with the Justice Committee and the recommendation of the Jackson review that there should be an increase in the small claims limit only in line with inflation. That would mean a rise to £1,500, not the £2,000 currently proposed. If the Government were to propose a £1,500 limit today or to accept Labour's amendment that we will propose in Committee, that would help to build a much broader consensus around this currently divisive legislation.

Ruth George (High Peak) (Lab): Does my hon. Friend agree that in employment cases, it is not just about an inequality of arms, but the fact that a worker has to take on both their employer and their insurance company? It is very difficult for a vulnerable worker who has been injured to look their employer in the eye one on one and take them on. That is why they need legal support.

Richard Burgon: That is a very important point indeed. All too often, the human experiences of the individuals who have been injured or discriminated against at work are forgotten. I thank my hon. Friend for bringing that perspective to bear.

Vicky Ford: I agree that people who are injured should receive fair compensation, but when 47p of every pound paid out is going to lawyers, does the hon. Gentleman not agree that unless we reform this, we risk finding that young drivers and vulnerable people cannot get affordable insurance?

Richard Burgon: Right across the justice sector, the real targets of the Conservatives' reforms have not been lawyers, but ordinary people. That is the reality.

I will move on to the measures that the Government have included in the Bill. We are very concerned by the tariff system, which would fix the amount of compensation in so-called minor whiplash claims. I will come on to the fraudulent claims later and the measures—or lack of measures—to tackle that in the Bill. However, the reality is that even if the Government's case about the scale of that problem were correct—I note that the Commons Library says clearly that it is “not universally accepted”—the way the Government are seeking to resolve this would still be wrong. The Government's main proposal to tackle fraud is to penalise genuine whiplash victims. The proposed new levels of compensation under the tariff system are significantly lower than current average compensation payments. Surely that is unfair.

For example, compensation for an injury lasting up to six months would fall to a fixed £470, down from a current average of £1,750. For an injury lasting 10 to 12 months, compensation would be £1,250, down from a current average of £3,100. For an injury lasting 16 to 18 months, it is £2,790, down from £3,950. Those are considerable drops in compensation for injured people.

This will make a real difference to working people and their families in the worst possible way. It is a crude and cruel policy that penalises genuine victims. Who really stands to gain? It will be insurers who will be excused from paying full compensation, even where negligence has occurred.

There was widespread discontent among legal experts in the Lords regarding this tariff approach. Lord Woolf, former Lord Chief Justice of England and Wales, said: “it results in injustice and it is known to result in injustice. Indeed, no one can deny that it results in injustice.”—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1620.]

Lord Judge, another former Lord Chief Justice of England and Wales, said:

“We cannot have dishonesty informing the way in which those who have suffered genuine injuries are dealt with. That is simply not justice.”—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1600.]

In a very powerful intervention, Baroness Berridge said:

“I have met many a claimant for whom the difference in damages now proposed by the introduction of the tariff...is a significant matter for many peoples incomes up and down this country. I cannot have it portrayed that this might not make a great deal of difference to many ordinary people in the country...in this Bill, the intended consequence...will be to affect that group of people.”—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1611.]

Baroness Berridge is of course a Conservative party peer.

One key point in our opposition is the slashing of compensation for genuine claimants. Another is that it will be the Lord Chancellor setting tariff levels, which risk becoming a political football or, rather, being reduced ever further by the powerful insurance industry lobby. Tariffs are a rather blunt instrument; people should simply get the correct compensation for the specific injuries they have suffered. As former Lord Chief Justice Lord Woolf says, establishing the correct level of damages is “a highly complex process of a judicial nature”—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1593.]—,

and damages might vary from case to case, making the fixed tariff inappropriate. We will therefore propose amendments to delete the power for the Lord Chancellor to set the tariff.

If the Government are set on going ahead with tariffs, the judiciary should be involved in setting them. The Judicial College currently issues guidelines with levels of damages for different injuries. Lord Woolf stated:

“they have been hugely important in the resolution of personal injury claims.”—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1594-95.]

I hope that those across this House who profess to defend the independence of the judiciary would agree that tariffs should be determined by the Judicial College and not by political actors, of whatever political persuasion. We will be pursuing amendments to that effect.

That is not an end to the powers that the Lord Chancellor is accumulating. This Bill even allows him to define whiplash. Surely, it would be more appropriate for the definition to be set by medical experts rather than politicians, especially when an incorrect definition could mean people with injuries much more serious than whiplash having them classified as such.

The Government’s justification for genuine claimants suffering substantial reductions in damages is reducing the incidence of fraudulent claims. The Government give the impression that it is an uncontested point that fraud is at the levels that the insurers claim, but that is

contested. That is not to say that there are not fraudulent cases—of course a small minority of cases are fraudulent—but we need to properly understand the problem if we are going to have genuine solutions.

Debbie Abrahams: The Law Society considers that fraudulent claims should be addressed by targeting the fraudsters and that the vast majority of honest claimants should not have to put up with the changes proposed in the Bill.

Richard Burgon: That is absolutely right; it is a powerful moral argument. It is immoral to make the honest vast majority pay—literally—for the fraudulent activities of a tiny minority. The Justice Committee explained:

“we are troubled by the absence of reliable data on fraudulent claims and we find surprising the wide definition of suspected fraud”.

Looking at premiums, the insurance industry’s own estimates show that the amount paid out on whiplash claims fell by 17% between 2007 and 2016. What happened to premiums in this time, while the amount paid out on whiplash claims fell by 17%? They actually rose by 71%.

There is therefore little in this Bill, aside from penalising genuine victims, to deter fraud or to prevent the nature of any fraud from changing to circumvent the new measures.

Compulsory medical reports are a good idea, but there is little to limit insurance companies settling too quickly on low claims that they may view with suspicion but pay out on anyway because it is cheaper to settle than to contest them. There is little on controlling unscrupulous claims management companies. Beyond warm words from the insurance companies themselves, there is also no mechanism yet to guarantee that lower insurance premiums will result. The Secretary of State said that something is on its way in relation to that, but we will reserve judgment until we see what concrete measures the Government actually propose.

We will therefore propose amendments that toughen up these measures but do not penalise genuine victims. One amendment would reduce the period for which the tariff applies to one year, not two. It is much less likely that fraudulent cases will be those lasting for the longest time. Two years of suffering is surely too long to be deemed a minor injury. Given that there is no evidence that workers such as ambulance drivers or HGV drivers who suffer whiplash during their employment are behind any fraud whatever, will the Minister find a way to exclude those workers from this legislation?

Finally, where someone has suffered an injury that will leave them with many years, or a lifetime, of disability, they need to be certain that the lump sum compensation award they get has been properly worked out so that it does not run out. The discount rate is key to this calculation. Victims should always get 100% of the compensation they are entitled to. Getting that right means that someone whose mobility is restricted after a serious accident will have enough money over their lifetime to fund the extra costs that reduced mobility will entail. Getting it wrong would leave seriously injured people getting less compensation than they are entitled to, with potentially hugely damaging consequences for

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their quality of life. That is why we will closely scrutinise the Government's proposals to change how the discount rate is set, so it is determined not by the powerful insurance lobby but in the interests of society as a whole. That is why we will table amendments to strengthen the safeguards in the Bill and ensure that all victims get 100% of the compensation they are entitled to.

To conclude, the Government have an opportunity—an opportunity to do the right thing and to show that this is not just another attack on access to justice. They can do that by backing amendments to remove the barriers to justice that are all too prevalent in the Bill. If they fail to do so, we are clear that we will vote against the Bill.

Several hon. Members *rose—*

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. We have up to 22 Members standing. I just want to try to help everybody, so if we use up to eight minutes each, we will make sure everybody gets a fair go.

7.17 pm

Theresa Villiers (Chipping Barnet) (Con): In my, I hope, relatively short remarks I would like to concentrate on clause 10 in part 2 of the Bill, which concerns the proposed changes to how we set the personal injury discount rate.

I would just say one thing on whiplash claims. I hope this latest attempt at reform is robust enough to withstand the ingenuity of the more predatory elements of the claims management industry, which, I am afraid, have done much to drive up the costs of insurance for many people.

Turning to clause 10, I would like to thank my constituent Robert Rams for his briefing on this issue, as well as the insurance company Ageas and others for their helpful insights into the matters we are debating.

The case for law reform in this area is strong. The need for change has been acknowledged by not just Ministers but the Justice Committee, the NHS and a number of others. Of course we all agree that people must be properly compensated where liability for personal injury is established. That is especially important for those with life-changing injuries that leave them unable to earn a living and in permanent need of care and support.

However, the discount rate system was supposed to ensure that those who are awarded a lump sum do not end up being over-compensated because of the investment return they will receive on the capital they have been awarded. Unfortunately, it seems clear that the current discount rate is no longer delivering that outcome and that there is now over-compensation. The 100% principle, which has been raised in the debate, is not being adhered to at the moment—it is 100%-plus.

The overarching purpose of this reform must be to provide a way to set the rules that is fairer for both parties. I therefore welcome the proposal to modernise the calculation of the discount rate to ensure it reflects the reality of how claimants actually invest the money they have been awarded. The assumption underlying the existing rate of -0.75% is that claimants are likely to invest solely in index-linked Government securities, which have a minimal return. That leads to a rate that is artificially low, and damages awarded are therefore

disproportionately high. Sensible, professional advice would instead see a lump sum invested in a low-risk portfolio of gilts and equities, which is what evidence suggests claimants are doing. That gives a significantly better return than index-linked gilts, so the -0.75% rate does not reflect reality.

The Bill will amend the assumption about future investment so that it is brought into line with what is more likely to be actually happening in practice. I think that is a fairer outcome, which is why I support clause 10. I have two main reasons for doing so, the first of which is that the cost of over-compensating claimants has to be met by insurance customers, thereby driving up the cost of premiums. I have already had the chance to set out my concerns on the real impact that has on young people, particularly those living in rural or suburban areas, where often public transport is not a viable means to get to work. The Financial Conduct Authority estimated that the switch from 2.5% to -0.75% was likely to cost insurers about £2 billion a year, inevitably feeding back into bigger bills for consumers.

Emma Little Pengelly (Belfast South) (DUP): Is the right hon. Lady surprised to learn that, due to the ongoing political situation in Northern Ireland, the tariff reduction still stands at 2.5%; that those in Northern Ireland who suffer significant injuries continue to get less compensation than when the adjustment was made, which will also be the case in GB under this Bill? Does she agree that that needs urgently to be addressed?

Theresa Villiers: I am grateful to the hon. Lady for raising that point. I was not aware of it, but it is another example of how the political stalemate in Northern Ireland means that changes that need to be made are not taking place. It will be important, ultimately, for this House to consider whether we need to legislate to ensure that civil servants in Northern Ireland can take more of these decisions. I know that everyone is reluctant to move to direct rule, but we may need to take intermediate steps to ensure that these practical matters are dealt with, alongside, obviously, the issues recently raised in the planning system.

A second important reason why I think it is important to proceed with the measures in clause 10 is, as the Secretary of State has pointed out, the impact of the current situation on the NHS. A system that over-compensates claimants in clinical negligence cases inevitably swallows up resources that would otherwise be spent on frontline care. Last year, the NHS spent £1.7 billion on clinical negligence cases, representing 1.5% of spending on frontline health services. The annual cost has almost doubled since 2010-11, with an average 13.5% increase every year. In 2017-18, an additional £400 million had to be provided to the NHS as a result of the change in the discount rate to -0.75% in March 2017. I understand that if the revised discount rate set under the new procedures is between 1% and 0%, that would save the NHS between £250 million and £550 million a year.

A further reason why the changes set out in clause 10 make sense is that they would bring us into line with prevailing international practice. According to the Association of British Insurers, our -0.75% rate is the lowest of similar common law jurisdictions. Apparently, no other jurisdiction has a single rate of less than 1%, and the majority set rates in excess of 2.5%. As things stand, we are an international outlier, and the proposed legislation would remedy that.

I am conscious of the dismay felt in March 2017 when the change to -0.75% was made, seemingly out of the blue, with a sudden impact on the insurance sector and, of course, ultimately on consumers buying insurance policies. I hope that the regular reviews provided for by the Bill will help prevent such a shock from occurring again. I also welcome the creation of an independent expert panel to be consulted on the factors to consider in setting the discount rate in the future, to bring a wider range of expertise and experience to the process. We need a more transparent and predictable approach to setting that important discount rate, and I welcome the steps made to that end in the Bill.

In closing, I emphasise that it is vital for the insurance sector to pass on to its customers a new reduction in costs that arises as a result of changes to the discount rate or, indeed, the rest of the Bill. I note that companies representing a significant share of the market have provided a written commitment to the Lord Chancellor to do that, but of course it will be very important for the Secretary of State to hold them to that promise, so that the benefit of this Bill and the changes I hope it will bring into effect can be felt as soon as possible by our constituents via reduced costs in their insurance premiums, helping with household bills and providing important benefits.

7.25 pm

Jo Stevens (Cardiff Central) (Lab): May I refer the House to my entry in the Register of Members' Financial Interests? I should put on the record that my partner is a solicitor and chief executive of a personal injury law firm.

Before being elected, I spent 27 years advising and representing injury victims in the civil courts. I acted for victims both in cases worth just a few hundred pounds and in cases worth all the way up to more than £1 million. Those victims had been injured—some of them killed—through no fault of their own. They were predominantly low paid. Most, although not all, were trade union members, and probably about two thirds—possibly more—of those I represented would have been very adversely affected by the proposal to increase the small claims limit. The Bill concerns an issue about which I care very deeply—the principle of access to justice—and my almost three decades of relevant professional experience have informed my views.

May I say from the outset that fraudulent claims must be eradicated? I am sure everybody here would support that. However, the Association of British Insurers' own figures state that proven fraudulent claims amount to just 0.25% of all motor claims. This Bill, therefore, is a huge, defective sledgehammer trying to crack a very, very small nut.

The ABI states in the briefing it sent me and, no doubt, all Members that the Bill represents a step towards fixing the

“broken system of personal injury compensation in England and Wales.”

That is not just a very bold assertion—it is absolute rubbish. There is nothing “broken” about the system of personal injury compensation for victims of negligence. There is plenty that is broken, however, about access to justice, and the ABI and its powerful lobby operation has, I am afraid, been one of the main drivers behind that.

So desperate is the ABI to peddle the myth of compensation culture and the “broken” system in advance of this debate that yesterday it even resorted to providing and paying for content for Guido Fawkes to promote on Twitter. This Bill, I am afraid, reads like one that has been written by the insurance industry for the insurance industry—an industry that cannot be trusted. Why are the Government pandering to it yet again and refusing to front up and put the increase in the small claims limit on the face of the Bill? I say to the Secretary of State that avoiding proper scrutiny is not an attractive look. Members know that our duty as legislators is not just to look at the consequences of the legislation we make, but to properly consider and take into account the unintended consequences.

That is why thorough impact assessments are so important. I have had a look at the Government's impact assessment on reforming the whiplash/soft tissue injury claim process under the Bill. Paragraph 2.4 refers to the “optimal” level of claims

“for society as a whole.”

That is an interesting assertion. What is the optimal level? There is nothing in the assessment, the Bill or the explanatory notes to enlighten us. Perhaps the Minister can tell us what it is.

In paragraph 2.10, and peppered throughout the assessment, there is reference to “minor claims” and “low value claims”, and in paragraph 4.8 to “trivial claims”, but none of those terms is defined. Can the Minister define what he considers to be low value, minor or trivial?

If we take workplace accidents in the public sector as an example, Unison tells me that nearly half of its members earn about £17,000 a year, so the proposed increased small claims limit of £2,000 for workplace cases represents almost two months' wages, and the £5,000 limit for road traffic accident cases represents nearly four months' wages. Does the Minister really believe that a caretaker or a care assistant in his constituency will think that £2,000 is a minor, low or trivial sum? Under the proposals, most injury victims will lose independent legal representation and will either have to represent themselves or lose part of their damages in costs, most likely to resurgent claims management companies. That will impact on especially vulnerable groups.

Paragraph 4.7 of the impact assessment starts with the statement:

“The current Small Claims Track limit for personal injury claims of £1,000 has remained unchanged since 1991.”

That is disingenuous at best. The Government know that the civil procedure rules were changed in 1999 when special damages were removed from the calculation of what fell within a small claims limit. That was effectively an increase of 20%, so it is simply wrong to say that the limit has not changed since 1991. Does it concern the Minister that in the impact assessment the competitiveness of the motor insurance market is based on an Office of Fair Trading report from 2011 which, aside from being seven years old, was published before the changes to LASPO, since when ABI figures show that insurers have saved £11 billion?

The Government go on to state in the impact assessment that they consider

“that 85% of insurer savings could be passed through to consumers”.

Will the Minister share with the House what

“careful consideration of the evidence”

[Jo Stevens]

led to this assumption, as well as the “sensitivity analysis” that has been conducted for pass-through rates of 50% and 70%? Paragraph 5.77 states that

“The increase in the Small Claims Track threshold from £1,000 to £2,000 for all personal injury claims that are not RTAs could lead to a reduction in the number of claims proceeding to court.”

I am tempted to use the phrase involving Sherlock defecating at this point, but I suspect that that would be unparliamentary language, Mr Deputy Speaker, so I will go back to quoting the impact assessment:

“It has not been possible to estimate the impact of the reform because the proportion of claimants who currently have legal representation is unknown.”

Given that the words “assumes”, “assumed” and “assumption” are used nearly 50 times in the impact assessment, how can we take it seriously? The Minister knows the dim view the Supreme Court took of the Government’s introduction of employment tribunal fees and the legacy of that unlawful policy, which is still being unravelled by his Department—a bit of a hospital pass left by one of his predecessors. With that in mind, does he consider that allowing injured people to bring personal injury cases with a general damages value of £2,000 or less without any restriction has no broader social benefit? And can he really say that the proposals in the Bill will not impede access to the courts for injured people with a personal injury case with a general damages value of £2,000 or less?

The Bill will be welcomed by claims management companies. We, I think, are united in this House against their pernicious influence and irritating methods, but in the impact assessment it actually states:

“There may be the potential for a rise in CMC’s seeking to enter the market to support claimants without legal representation”. There is no “there may be” about it: it will happen. Of course they will move in. They will offer poor legal advice on the cheap, maximising their profits on the back of others’ misery, as they have always done. If the Government really cared about the consumer, they would be listening to public opinion and introducing an outright ban on cold calling for personal injury claims by CMCs.

I hope the Minister will reflect on the concerns I have expressed. There will be more, I am sure, in today’s debate and in the other place, because the Bill really needs substantial amendment to protect the principle of access to justice. Those concerns are widely shared by the Justice Committee, the Law Society and solicitors across England and Wales. Access to justice has already suffered enough under this Government and under the previous Liberal Democrat and Conservative coalition Government. The Bill is a gift to an already obscenely greedy insurance industry that needs to be reined in.

7.34 pm

Mr Richard Bacon (South Norfolk) (Con): It is a pleasure to take part in this debate and to follow the hon. Member for Cardiff Central (Jo Stevens). She mentioned that she has a history of involvement in this area. I would like to state at the outset that it is important to recognise that there are many personal injury lawyers who do a good job. Over the years, I have had quite a lot to do with personal injury lawyers in my capacity as a constituency MP, as well as in relation to a fatality involving my own family. I am happy to state that there are very, very good people out there doing the

work of personal injury lawyers. As in perhaps every professional domain there are good, there are bad and there are the indifferent—and there are snakes. I do not think we should let this debate pass without recording that there are some very good people out there doing important work in the area of personal injury litigation.

It is also important to recognise—we have not heard anything from the Opposition on this—that there has been a significant rise in the compensation culture. I do not think that personal injury litigation lawyers—at least, not all of them—are tools of Satan. I have met one or two who have come close to that description, but listening to the Opposition one might get the idea that all insurance companies are tools of Satan. In fact, they are nothing of the kind. They are an enormously important and worldwide British success story. They manage huge amounts of funds through premium income, which pay many people’s pensions, including the pensions of many people represented by Opposition Members as well as by the rest of this House. A bit of balance on the nature of the problems facing insurance companies and the measures they have taken to tackle them would have been in order. I am afraid we heard nothing along those lines.

I strongly support the Bill. If I have one criticism it is that it is very overdue. I had a meeting with the head of fraud at Aviva—known to old fashioned people as Norwich Union—which is a big employer in East Anglia and of my constituents. In 2006, it set up the Insurance Fraud Bureau because it was so concerned about the scale of what are called induced car crashes—“crash for cash” was the popular phrase. On 16 January 2007, I held a debate in Westminster Hall on this very subject. In preparation for this debate, I glanced at it to see what I had said and to remind myself of some of the facts. Norwich Union’s 2005 report “Shedding Light on Hidden Crime” pointed out that the scale of fraud was growing at a very high rate—I won’t say it was exponential in case there are any mathematicians here to correct me—and that the proceeds from induced car accidents were routinely being used to fund other forms of organised crime, including drugs, people trafficking, benefits and credit card fraud, and money laundering.

The report estimated that between 1999 and the publication of the report in 2005 there had been 22,605 staged or induced car accidents. It broke them down city by city. At the top was Blackburn, with 1,710 staged accidents between 1999 and 2005. That was perhaps the reason that Jack Straw, who many of us remember fondly in this House and who was the MP for Blackburn, took a great interest in induced car crashes and fraudulent claims for whiplash injury. It took six or seven years to generate 22,605 induced accidents. Eleven years ago, the Insurance Fraud Bureau estimated that the rate of growth would mean a further 20,000 induced car crashes in the next 18 months. We heard the Secretary of State say that there are now 70,000 fraudulent claims for whiplash every year, so it has grown much, much more since this phenomenon became more publicly discussed 10 or 12 years ago. Just as it was then, it continues to be a direct threat to public safety.

Ruth Cadbury: Will the hon. Gentleman give way?

Mr Bacon: I will not, because I know there is a time limit and other Members wish to speak. I hope the hon. Lady will forgive me.

The Bill is very welcome. We need to be clear that the insurance companies have done a great deal and want to do more to try to tackle this problem. They said at the time that one of their main concerns was the rise in the cost of premiums for honest motorists. That continues to be a major concern. The fundamental problem, which I do not think I really heard the Opposition address but which the Government certainly did, is that road traffic accidents as a whole have been going down but personal injury claims have been going up. There is obviously something fundamentally wrong, and I am glad that the Bill is beginning to address it.

I shall comment in passing, in the Minister's hearing, on two other issues that the Secretary of State referred to and which I strongly welcome. One is excluding vulnerable road users, such as cyclists—a welcome move. By the way, on what the hon. Member for Cardiff Central said, I should say that I support stronger moves against claims management companies. I had a phone call from one last week, talking about my accident on 26 January last year, of which of course I had no knowledge whatever. I am up for telling them where to go and for an argument with them at times—as many of us would be, probably—but my concern is that they prey on the vulnerable and deceive people who are not necessarily as robust as most of us in this House would be in such circumstances.

The second issue is about the proposal for a longer period of implementation for the IT system, which was a very welcome announcement from the Secretary of State. I sat on the Public Accounts Committee for 16 years and heard more stories about failed IT systems than about any other subject. The biggest red flag in relation to the putative or prospective failure of an IT system was the compression of the testing timetable. I am glad that the Government have recognised that.

Let us be clear: reform is needed. The Bill makes a proper link between whiplash claims and medical evidence, and that is long overdue. It provides a fixed tariff, which is fair and reasonable in the circumstances, given what has happened in recent years. There will be the possibility of an uplift and there will be flexibility. The tariff is perhaps unfortunate, but I think it necessary. Given what the Secretary of State said as a Treasury Minister about the independence of the Lord Chancellor, I do not have any fears on that score, as Opposition Members appear to.

I hope the Bill will go some way towards addressing my biggest concern: young people in rural areas who need a car to get to work. I represent a very large rural constituency of more than 300 square miles. Twenty or 30 years ago, car insurance premiums were higher for younger people, but they were not a “thing”—they were not so high that it became almost impossible for young people to get on the road. They were not more expensive than the car itself. That is no longer the case. The cost is hugely prohibitive and a direct result of the rise in the compensation culture, which has led to the penalising of honest motorists and which this Government are prepared to do something about. I strongly support the Bill.

7.42 pm

Mr Stephen Hepburn (Jarrow) (Lab): The Government talk about reform of the justice system, but I am afraid that on the Opposition Benches we just turn around and say, “Here we go again!” Once again, the Tories are

putting more barriers between workers—ordinary people—and access to the justice system. At the same time, they are helping their friends in the finance industry.

The employment tribunals farce has already been mentioned; thankfully, following work by the trade union movement, it was overturned by the courts. Then we had cuts to legal aid—another disgrace. Last year, it was found that there had been a 99.5% reduction in the number of people receiving legal aid for benefits cases. The Tories are pricing hundreds of thousands of people out of the legal system.

This Bill is known as the “whiplash Bill”, but it should really be called the “bogeyman Bill”—it is just a smokescreen to create a bogeyman so that public support can be gathered to increase the profits of the insurance industry. We are told that it will save the insurance industry millions and that that money would be passed on to customers. The same was said in 2013, when a fixed fee regime was brought in for more minor accidents. Costs to the insurance industry were slashed and damages to claimants were reduced as solicitors charged a success fee as part of their damages. The claimants got less and the insurers paid less.

Despite that reduction in costs to the insurance industry and the fact that the number of claims has reduced since 2013, premiums have continued to rise. How is that? Will the Minister explain? The number of motor industry claims has gone down by 17% since 2017 and is now at the lowest level since 2010—that is from the Government's own figures, which show the biggest annual fall on record. Claims are down, damages are down, but premiums are up. Why? The profits of insurance companies such as Direct Line went up by almost 50% to £600 million last year; Allianz's jumped 26% to £121 million. This is not a poor industry that needs the Government's help. Profits are up, yet premiums are up. Why? Let the Minister explain.

When the insurance industry promised to reduce premiums by £35 a case earlier this year, it took less than a week for it to backtrack because of the discount rate that has been mentioned. The point is that the industry has promised to reduce premiums in the past, but has never, ever delivered. These reforms will do exactly the same: reduce the number of claims and access to justice. The insurance companies will be the winners again.

We are told that the reforms will reduce the number of fraudulent claims, which everybody would welcome, but it is important for us to understand a few facts. Insurance companies make their money by taking as much as they can in premiums and paying out as little as they can in damages. It is important for them to convince people that they are getting a bad deal because of fraudulent claims. They say it openly—“We are forced to put up premiums. It's someone else's fault and we are sorry but you're going to have to pay for it.” That is the bogeyman syndrome.

The insurance industry would like us to think that we are in the grip of a compensation culture—that people are getting thousands of pounds for trivial accidents. The poor insurers have no choice but to put up premiums, they want you to think. That is not true and the Government have not brought forward a shred of evidence to prove it. It is a fantasy propagated by the insurance industry to promote profits. To succeed in any claim, people have to convince a judge that what they are saying is correct.

[Mr Stephen Hepburn]

The suggestion that any insurer would pay out a claim that it knows to be fraudulent or trivial is ridiculous—they are champing at the bit to expose and publicise fraudulent claims, to add fuel to the fire of the insurance industry's myth of a compensation culture.

The reason behind it all is to make more money, and the Government are helping. Mark my words, further down the road there will be another bogeyman—a new excuse to raise premiums. Watch carefully: whose fault will it be next? This is all part of the Government's policy of holding back the advancement of ordinary working people while helping the finance industry in the City. Whether it is the constant interference with people's benefits—implying that they are skivers and need to be sanctioned—stealing the pensions of the WASPI women, or reducing access to the justice system, it is all the same: attack, attack, attack on the rights and livelihoods of ordinary people, while boosting the profits of the wealthy and the privileged.

7.48 pm

Alberto Costa (South Leicestershire) (Con): At the outset, I refer Members to the Register of Members' Financial Interests. I am a practising solicitor in England and I am still on the roll of Scots solicitors.

I do not practise in the field of personal injury, but I have in the past—in both Scotland and England. I represented “pursuers”, as claimants are known in Scotland, and claimants in England. I also represented defendants in England—Her Majesty's Government, most notably.

This debate has excited a lot of passions. We heard the shadow Front Bencher make some deeply unwelcome comments about alleged friendships between Government Members and members of the insurance industry. We also hear outside the Simpsons-esque portrayal of ambulance-chasing lawyers—a poor reflection of the vast bulk of solicitors, barristers and other persons, regulated and authorised under the Legal Services Act 2007, who act in this area. We heard the hon. Member for Cardiff Central (Jo Stevens) outline her own valuable experience in this field.

What is this debate all about? I will concentrate on soft tissue injury—known as whiplash. Whiplash elicits much passion among people and is often undervalued as an injury, and I do not just mean that in the financial sense, in terms of quantum; I mean that it is joked about by members of the public—until, of course, it happens to them and they suffer an accident through no fault of their own, but through the delict, the tort, the negligence of another individual who has breached a duty of care towards them. It is right, moreover, in our mature and well-developed society that when one breaches a duty of care towards another, either through wilful intent or negligence, our system recognises it primarily by way of financial benefit, and that is the primary purpose of a mature and competitive insurance industry.

Back in February 2017, when I was a member of the Justice Select Committee, I questioned both the then president of the Association of Personal Injury Lawyers and the director of insurance policy for the Association of British Insurers. I put various questions to both, but in particular to the latter. I asked him whether he linked the number of whiplash claims with the high cost of insurance premiums, and he confirmed that that was

the case, but I also asked him to confirm whether the use of the word “epidemic” was right, given that year on year we had seen a decrease in the number of whiplash claims. His response was that the insurance industry did use that word but that so too did others—namely, colleagues in the Association of Personal Injury Lawyers.

I then asked the director of insurance policy, given that he had accepted a link between the number of whiplash claims and the high level of car insurance premiums, and given the decline in the number of such claims, by what percentage car insurance premiums had declined—what concomitant decline in premiums had been witnessed—and there he stumbled. It was then that he revealed that he did not have an answer for the Committee but that he would write to it subsequently, which he did. When he did, he confirmed that the number of soft tissue injury claims had decreased by 5.8% in 2015-16, but there had been no corresponding decrease in car insurance premiums—in fact, there had been an increase in that year and the following year. The excuse he gave to the Committee was that, as the market cycle started to harden and insurers started to experience inflationary cost pressures from a number of sources, so premiums started to rise again.

I fully sympathise with Conservative colleagues who want us to do the honourable thing in society by allowing vulnerable people and in particular young people to be able to afford car insurance premiums, and it is right that the Government take every reasonable measure that could lead to a reduction in car insurance premiums, but we need to hold the insurance industry to the assurances it has been giving to the Government.

Gareth Thomas: Will the hon. Gentleman give way?

Alberto Costa: I am afraid that because of time constraints I will not.

I welcome comments the Secretary of State made in answer to Opposition Members. He said several times that the insurance industry would be properly held to account. The Government will bring forward amendments to hold the industry to account for its assurances. On that basis, I feel able to support the Government on Second Reading—on the basis that, as the Bill progresses, those assurances by the insurance industry will be translated into words that we can approve in this place.

The Secretary of State rightly used the word “fraud” at the outset. This is where I differ slightly from the hon. Member for Cardiff Central when she talked about the ABI's own figure that 0.3%, I think, of claims were fraudulent. It is my view that the insurance industry, as well as the enforcement agencies, including the police, has been reluctant to tackle fraud because of the cost and that therefore we are not seeing the real numbers for fraud.

There is unquestionably fraud, and wherever possible I have encouraged the insurance industry to tackle it more effectively, but we also need to acknowledge that there is a problem with claims management companies. I am talking not about regulated persons, like the hon. Lady, me and other hon. Members, but about cowboys—people who are not authorised persons under the Legal Services Act 2007 and who often act outside this jurisdiction. I have received numerous calls from individuals whom I suspect are based outside any of the UK's legal

jurisdictions—they use sophisticated telephony systems. I wrote to Ofcom, British Telecom, my own mobile service provider and the Information Commissioner's Office to find out where the numbers originated, and I was told that they were spoof numbers. The problem is there is an industry of unregulated and unauthorised non-lawyers preying on vulnerable people and abusing the system. We have to recognise and tackle that.

Mindful of the time, I will make one final comment that I invite the Minister to consider. The changes that the Government propose that will benefit the British insurance sector will affect the Scottish and English legal systems differently. Let us consider someone with a car insurance policy. The Minister could be travelling from his wonderful constituency of Penrith to his family home in Perthshire, and the oddity is that if he has an accident in the middle lands, as he termed them once, he might get a certain amount of money for a soft tissue injury from a particular insurer, and yet just a couple of kilometres along the road, under the Scottish legal system, the same insurance company might have to pay out considerably more. I ask him to bear in mind the imbalance that that might create in the insurance industry.

7.57 pm

Ellie Reeves (Lewisham West and Penge) (Lab): It is a pleasure to speak in this debate and to follow the hon. Member for South Leicestershire (Alberto Costa).

Since 2010, under this Government and the coalition before, changes made by the Ministry of Justice have left us with a legal system in a state of utter disrepair. Colleagues across the House, trade unions, lawyers and legal experts have all expressed deep concern about the implications of the Bill and the Government's policy agenda, put forward under the auspices of cracking down on fraudulent claims. Of course, fraudulent claims are wrong and should be clamped down on, but the Bill is not the appropriate way to do so and its implementation would see a wholly disproportionate impact on access to justice.

Even the statistics being used in the Government's bid to warrant such widespread changes are highly contested. Recent freedom of information requests showed that the number of whiplash-related injury claims recorded by the compensation recovery unit fell by 18% between 2017 and 2018. Insurance industry data has shown that, in 2016, 0.17% of all motor claims were proven to be fraudulent—a fall from the 0.25% recorded in 2015. We are simply not in the midst of a fraudulent claims epidemic, as Ministers would have us believe. What are indisputable, though, are the consequences of the full implementation of the Government's legislative agenda and the vast impact it would have on access to justice for many across the country.

On the face of it, the Bill appears innocuous enough, yet it is a shell Bill whose true effect is felt only when combined with the raft of other proposals the Government are bringing forward—namely, the changes to the small claims limit. My concerns with this Bill are threefold: the measures detailed in part 1; the lack of a mechanism to pass on predicted insurance savings to customers; and the overwhelming impact this package of measures will have on access to justice for injured people.

The Bill paves the way for the long-standing and established Judicial Studies Board guidelines to be replaced with a rigid tariff system that would undermine judicial

discretion and leave injured claimants much worse off. The draft tariff system presented by the Ministry has shown the reduction in payments for pain, suffering and loss of amenity for road traffic accident-related soft tissue injuries to be overwhelming. Injured claimants could receive up to 87% less than the 2015 average paid out under the existing guidelines.

Moreover, as a result of the proposed changes in the small claims limit—which is closely associated with the Bill—injured people would struggle to achieve access to justice. The raising of the small claims track from £1,000 to £5,000 for road traffic-related personal injury claims, and to £2,000 for all other types of personal injury claim, will cause thousands of injured people to fall out of the scope for free legal advice and representation, and potentially to be denied justice.

Stephanie Peacock (Barnsley East) (Lab): Should not the Government make clear what these changes represent—a capitulation to the interests of the insurance industry at the expense of working people?

Ellie Reeves: My hon. Friend is absolutely right. The proposals constitute an attack on working people who, through no fault of their own, are injured in the workplace.

If the Government are intent on fraud reduction, why are those who are genuinely injured faced with receiving a fraction of what they would currently receive? Most injured people would happily give the money back if it meant that they were no longer injured.

Under the proposed tariffs, people will be given more compensation if their flight was delayed for three hours than they would receive after an injury lasting for three months. The idea of a £235 maximum payment for a three-month injury is not only laughable, but a clear assault on any reasonable definition of access to justice. The move to a tariff system helps no one but insurance companies, while customer premiums continue to rise. There are no measures in the Bill that would make it incumbent on insurance companies to pass on savings that are currently calculated to be £1.3 billion. I know that the Minister has suggested that the Government will table an amendment—as promised in correspondence with the Chair of the Justice Committee, the hon. Member for Bromley and Chislehurst (Robert Neill)—but it is disappointing that that afterthought has not been included in the Bill thus far.

The Government say that they are listening to those who have concerns about their policy agenda. It is true that, following the Justice Committee's report on the small claims limit, they have postponed their changes until 2020, but the purpose of that delay is by no means a rethink of policy or agenda. These changes are still coming, and their effect will still be felt whether the package of measures is presented this year, next year, or the year after that. The Bill, which is being rushed through on the quick, will leave us with a textbook example of a change in the law with ramifications that we will not truly understand until much further down the line. By that point it will be too late: the damage will have been done, and access to justice will have been eviscerated for many.

We must not forget that Conservative Governments do not have the best track record on justice matters. The Conservatives were repeatedly warned before proceeding with their legal aid reforms in 2012, but the effects of

[Ellie Reeves]

the Legal Aid, Sentencing and Punishment of Offenders Act 2012 have gone further and deeper than was ever intended, with the number of civil legal aid matters initiated falling by 84% between 2010 and 2017. The changes in employment tribunal fees that were introduced under another Tory Lord Chancellor—which have since been found to be unlawful—caused a 68% fall in the number of single cases received per quarter by employment tribunals between October 2013 and June 2017. That was yet another ideologically driven Tory attack on access to justice.

Andy Slaughter (Hammersmith) (Lab): We have just been debating in Westminster Hall the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the legal aid cuts. A sustained attack on access to justice has been going on since 2010: the Government have not learnt since then. Is the Bill not just another sustained attack on victims, restricting people from getting a fair trial in the courts—as my hon. Friend says—in the interests of no one except the insurance companies, which are major donors to the Conservative party?

Ellie Reeves: My hon. Friend is absolutely right. Had it not been for this debate, I would have attended that important Westminster Hall debate on LASPO and cuts in legal aid.

It is predicted that the Bill, and secondary legislation changes in, for instance, the small claims limit, will deter about 350,000 people from pursuing claims for injuries that were not their fault. Such a vast reduction in the number of cases is not something in which to take pride, but these measures will fail the genuinely injured. A recent survey by Unison showed that 63% of its members would not proceed, or be confident to proceed, with a claim without legal representation, but as a result of the Government's package of measures, that is precisely what injured people will be faced with.

We cannot find ourselves, a year or two down the line, in a rabbit warren of even more legal advice vacuums, with stories aplenty of access to justice denied as a result of the enactment of the Bill and the forthcoming changes in the small claims limit. We must not be left with an ill-thought-out package of measures and regulations that will leave genuinely injured people with a severely limited ability to access justice.

8.4 pm

Craig Tracey (North Warwickshire) (Con): Let me begin by declaring an interest, in my role as chair of the all-party parliamentary group for insurance and financial services. Before my election in 2015, I also spent more than 20 years working as an insurance broker, so I have had a lot of experience of dealing, in the front line, with claims such as those that we are discussing this evening.

I think it important for Members to understand the scale of the problem that we face, and I want to talk about that before dealing with the specifics of the Bill. Reforming this industry does not just mean tackling the cold calls that I am sure colleagues on both sides of the House have had to endure from people informing them that they have had an accident when, in many cases, they have not; it also means addressing the out-of-hand compensation culture that has been allowed to evolve in the United Kingdom. When so much money is at stake

for the multi-million-pound personal claims industry, the reality of whether someone has sustained a genuine injury is often merely an obstacle to be overcome, rather than a barrier to the making of a claim.

Over the last decade, the number of personal injury claims resulting from road traffic accidents has risen by 40%, although vehicles have become safer, and there has been a long-term decline in the number of road accidents of nearly a third. The Department for Transport's 2016 annual road casualties report showed a 3% reduction in the 2015 figure, and the 2016 figure was the lowest on record. Let me put that in context. According to data from the Compensation Recovery Unit, during 2017-18 the number of personal injury claims rose to 650,000 from 460,000 in 2005-06, about 85% of them being whiplash-related. In the last year alone, the insurance industry was able to identify 69,000 motor insurance claims that it considered to be fraudulent, and undoubtedly many more went undetected.

Ruth George: Will the hon. Gentleman give way?

Craig Tracey: I am sorry, but given the time constraint and the fact that many other Members want to speak, I will crack on.

During my latter years as a broker, I saw the attitude change. Exaggerated claims were often seen as a “victimless crime”, and as being okay, because the insurance industry would pick up the tab. Although the amounts of compensation paid for soft-tissue claims are relatively small, the associated claims-handling costs—including the costs of investigation, processing, lawyers' fees and medical reports—are disproportionately large. For example, a claim for about £1,000 may ultimately cost the insurer two or three times that amount. It is clear that fraudulent claims have a direct impact on the cost of every one of our constituents' motor insurance premiums. Given an average of about 60,000 vehicles per constituency, there is a considerable cost. According to the Association of British Insurers, for every pound paid out in compensation, nearly another 50p is then paid to the claimant's lawyer in costs.

The Bill gives us an excellent opportunity to fix the current broken system, a system that is not working for millions of motorists throughout the country. It will bring about long-overdue reforms of personal injury compensation. It will provide a fairer system for claimants, insurance customers and taxpayers by creating a more proportionate compensation system in the case of both whiplash-style claims and claims to which the personal injury discount rate is applied, while ensuring that claimants still receive 100% compensation. Part 1 sets a new fixed tariff for pain, suffering and loss of amenity, and sets a higher financial threshold for lawyers' recovery of their legal fees from insurers. The new system will also make it much easier and faster to make a claim, with a new online portal ensuring that small claims can be processed efficiently.

It is important to note that larger claims following serious injuries, and any payments for medical bills or loss of earnings, will be unaffected. The savings will result from the cutting out of a very expensive middleman, which must be a win-win for our constituents. The findings of a recent survey back that up, showing that nine people out of 10 think that in this area legal costs are too high, and 71% would be happy to use an online portal to make their claims rather than requiring legal representation.

Supporting this Bill will help provide a fairer environment that will inevitably lower motor insurance premiums for millions of motorists. The Government consider that the reforms would lead to savings of about £1.1 billion and rightly expect that to be passed on to motorists, which would result in an average saving per motor insurance premium of about £35. Many insurers have already committed to pass on cost benefits to their customers in a letter to the Lord Chancellor, which was signed by firms representing 86% of the ABI's UK motor and liability insurance business members. That letter provides the clear intention of the industry and, significantly, the benefits that this Bill represents to every motorist in the UK.

I had hoped to speak a little more about the discount rate, but time is against me. I am, however, very supportive of the reforms and it is striking that the Government have had to set aside £6 billion extra for the NHS alone just to cover potential claims over the coming years. Every day that these reforms are not put into effect customer premiums will remain higher than should be the case, which will have a particular impact on old and young drivers who usually already have to pay the highest premiums.

Finally, although this is not directly attached to the Bill, I welcome the wider proposals which suggest an increase to the small claims track limit to £5,000. The current level has not been increased since 1991 and has been changed to £10,000 for virtually all other types of claim.

It is clear that compensation culture has got way out of hand and penalises everyone who insures a car. When I first started in insurance, whiplash or soft tissue injury claims were virtually non-existent, but over time they have grown to become a significant manifestation, which, as we have heard, cost motorists anywhere between £40 and £90 extra on their policy.

Critically, this is an industry where in many instances the claimant is not the main beneficiary. The measures put forward in the Bill will not, as is suggested by its opponents, affect the ability of people to seek fair compensation for their injuries or suppress access to justice, but will, more reasonably, cut the incentives for a claimant industry to disproportionately profit from our constituents' misfortune.

I have had discussions with a range of insurers and they are committed not only to passing on the savings directly to consumers, but also to provide a renewed focus on rehabilitation from the injuries, which from my experience of dealing with genuinely injured customers was exactly what they wanted. These reforms are long overdue and will deliver benefits to millions of motorists, while delivering on the Government's manifesto commitment to

"reduce insurance costs for ordinary motorists by cracking down on exaggerated and fraudulent whiplash claims".

That is why I am backing the Bill's progress today.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Rosie Winterton): Order. A large number of Members still wish to contribute, so after the next speaker I will introduce a seven-minute time limit.

8.12 pm

Daniel Zeichner (Cambridge) (Lab): This Bill claims to hand power back to consumers and the Government say that it is a mechanism to lower insurance premiums,

but I agree with a number of the contributions from my side of the Chamber stating that that is far from proven. The Association of Personal Injury Lawyers points out that in 2017 the motor insurance industry made profits of more than £250 million—the biggest profits since 1994, so this is hardly an industry in crisis. Even the ABI's own data show that in 2017 the cost to motor insurers of settled bodily injury claims was 9% below the level recorded in 2016 and 2015. So it is no surprise that these reforms will be welcomed by the industry, as it will see its profits rise, particularly through increasing the small claims limit through secondary legislation, which risks denying many potential claimants being able to seek justice. The industry will carry on collecting the premiums and will have an extra windfall from not having to pay fair compensation to those injured through no fault of their own.

Madam Deputy Speaker, you will be pleased to hear that my comments will be brief, because my main point tonight was going to be about vulnerable road users, and I welcome the comments from the Secretary of State in his introduction that the Government have seen sense on this and cyclists in my great city of Cambridge will not have to worry as they have had to. But I just say to the Government that I have been receiving representations on this from people in Cambridge for the past 18 months, so why on earth could this not have been made clearer much earlier when it is apparent that there is consensus across the House that this was not the aim of the exercise? I therefore welcome that Government's suggestion, although we will obviously want to see the detail and I wish it had been done sooner.

Although my main concern was for cyclists, I cannot help noticing the briefing from the shopworkers' trade union USDAW warning that doubling the threshold for cases taken in the small claims court to £2,000 will deny legal representation to thousands of workers, and I absolutely believe that that would have a damaging effect on workplace health and safety.

Like many colleagues, I enjoyed my summer holidays, but I also took some serious reading matter with me. I remember Polly Toynbee chastising Members potentially for not reading their copy of the "The Secret Barrister" and perhaps concentrating on the bonkbusters instead. I did read "The Secret Barrister", however, and found it both shocking and moving, but most of all I found in it a burning desire to make our justice system work properly for everyone. My fear is that too much of the Bill risks moving the justice system and proper representation yet further away from most of our citizens, and I hope that the Government will listen seriously to the concerns being raised in this House and the other House.

8.15 pm

Chris Philp (Croydon South) (Con): My interest in this area stems from a very minor accident that my wife and I had a few years ago, I think, on the M5. We had a minor collision, and for a year after that I was phoned on my mobile on almost a weekly basis by a claims management company trying to get me to submit a fraudulent personal injury claim. No matter how often I told them that I, my wife and my children had no neck injury, they insisted on trying to incite me to manufacture or claim that I had such an injury with the purpose of making a fraudulent claim. I was told, "You can get £3,000 for just saying your neck hurts." Even as recently as the past two weeks, my wife and I have both separately

[Chris Philp]

had automated phone calls—robo-phone calls—from claims management companies asking us to phone back if we think we have ever been involved in an accident.

That experience prompted me to look further into this subject, and colleagues have cited some of the figures. The hon. Member for Jarrow (Mr Hepburn) asked where the evidence is that there is a problem with widespread fraudulent claims. I have my own anecdotal experience of being personally incited to commit fraud, which obviously I did not do, but the figures are compelling. Over the past decade, the number of road traffic accidents has fallen by 31%, so how can it be that personal injury claims have increased by 50%? The answer is of course that these claims management companies are farming claims and inciting people to commit fraud, as they did with me.

Ruth George *rose*—

Chris Philp: Let me finish the point, then I will take an intervention.

Kwasi Kwarteng (Spelthorne) (Con): My hon. Friend never gives way.

Chris Philp: I will give way in a moment. The hon. Member for Jarrow also said that judges have decided that injuries—[*Interruption.*] I am grateful for the heckling from my own side. The hon. Member for Jarrow said that judges had made these compensation awards, but of course that is not true: under qualified one-way costs shifting, insurance companies have a massive financial incentive to settle even claims without merit before they go to court, because even if they win they pay the costs and the costs are often much bigger than the value of the claim. So insurance companies simply settle the claim without a medical examination and without it ever going to court. Therefore, all these compensation claims have not been adjudicated by a judge, although the hon. Gentleman erroneously suggested that they had; they are simply settled immediately because that is the cheapest way of doing it. There is no judicial intervention in almost any of these cases.

Ruth George: My intervention is a question to you, asking how you think the claims management company got hold of your details to be able to phone you and your wife about your accident. Do you agree that your details must have been passed on by insurance companies, who then complain about these very claims management companies, because that is the only place they could have got your personal details and the accident information from? That is what we should be cutting down on.

Madam Deputy Speaker (Dame Rosie Winterton): Order. May I just reiterate that the word “you” should be used to address the Chair? My personal details have not been passed on to anybody.

Chris Philp: Thank you, Madam Deputy Speaker. The hon. Member for High Peak (Ruth George) might well be correct in her assumption about where the details came from.

A ban on referral fees was introduced a few years ago, but some insurance companies have sought to circumvent it by using what they euphemistically term

“alternative business structures”. This is where an insurance company effectively owns an equity stake in a claims management company or a claimant law firm and extracts value in that way. I know that the Minister is very attentive to these matters, and I suggest to him that we should look at widening that ban on referral fees to include a ban on so-called alternative business structures. We should ban insurance companies from having an equity stake or any other financial interest in claims management companies or in claimant law firms, to make our existing ban on referral fees a little bit more robust. I say that to make the point that not everyone on the Government Benches is batting for the insurance companies.

In terms of public opinion, 58% of the public believe that personal injury lawyers and claims management companies are responsible for creating a compensation culture, and two thirds of the public believe that a compensation culture exists. My hon. Friend the Member for North Warwickshire (Craig Tracey) has described the cost to individual motorists. The cost is being borne by our constituents, many of whom struggle to make ends meet. When 47% of the value of claims is consumed by costs and legal fees, the system is clearly not functioning properly.

I very much welcome the measures in the Bill, particularly the ban on pre-medical examination offers. I was delighted by the Secretary of State’s confirmation that the examinations will be face-to-face examinations. That is an extremely important clarification. As far as I can tell, the only sanction in the Bill against companies making pre-med offers will be a fine levied by the Financial Conduct Authority. I say to the Minister that I hope that those fines will be substantial. The tariff schedule is simple and clear. It is set at about the same level as that of awards made under the current judicial system, so it is not being substantially discounted, but it is simple, transparent and requires less intervention by the judiciary and the justice system, thereby reducing costs. Many European countries, including France, have a similar tariff system. I welcome this simplification and the associated reduction in costs.

The reforms to the personal injury discount rate are long overdue, and I welcome them. If Members are concerned about them, I would just say that periodic payment orders are available to pretty much every claimant if they feel that they would be better served in that way. They would guarantee that every penny due was paid over. I suggest that periodic payment orders are a better mechanism for avoiding the risk of someone being paid a large amount of money on day one and perhaps being given bad financial advice or spending the money on something other than their own care. I suggest that the Government consider making periodic payment orders the default option and that a lump sum award should be made only if a judge decides that there is a good reason not to set up a periodic payment order. I think that PPOs provide better protection for the claimant.

There are one or two important measures that are not in the Bill but are associated with it. I strongly support the increase in the small claims track limit to £5,000 for road traffic accident personal injury claims. The limit for most compensation claims is £10,000, so we might ask why the limit here is only £5,000 when in almost every other sphere it is £10,000. The Government have already made a significant concession by setting the limit at £5,000, rather than at £10,000, as it is for everything else.

I understand that there might be imminent legislation from the Department for Digital, Culture, Media and Sport to introduce a general ban on cold calling in this area. If that is true, it is long overdue and will be very welcome. Claims management companies should not be making these calls at all, and they should be completely prohibited. I have already commented on alternative business structures. I have had personal experience of this; the public are being incited to commit fraud on an industrial scale. There is no reason why the level of claims in the United Kingdom should be so much higher than in other European countries. These are welcome measures, and the sooner they hit the statute book, the better.

8.24 pm

Gareth Thomas (Harrow West) (Lab/Co-op): If the speech by the hon. Member for Croydon South (Chris Philp) was a bid to get on to the Bill Committee, it was an excellent one, but I fear that I cannot agree with any of the substantive points that he made. As I see it, the Bill will simply increase the profits of insurance companies while reducing the compensation available for those injured in road traffic accidents. Hidden behind the Bill is an attack on all injured people through an increase in the small claims limit. I fear that, as my hon. Friend the Member for Jarrow (Mr Hepburn) implied, it is a classic Conservative Bill that uses the pretence that a serious problem exists even though there is little independent evidence that it does. In practice, it will achieve a reduction in the rights of ordinary working people.

In this case, the alleged serious problem is with whiplash claims, yet the evidence that a substantive problem actually exists is, to be generous, questionable. It is true that there has been a storm of stories suggesting that we have a whiplash injury crisis, but the number of whiplash claims registered with the Government's own compensation recovery unit has fallen consistently in the past six years. Indeed, it has fallen by 41% since 2010-11. Even when whiplash statistics are combined with the number of injuries registered by insurers with the compensation recovery unit as neck and back injuries, there has been a significant fall of 11% since 2011-12. The claim of an epidemic of fraudulent claims is a popular canard that has been repeated many times by Conservative Members today, yet the Government's own report from Lord Young after 13 years of a Labour Government concluded that a compensation culture was a perception, not a reality. As my hon. Friend the Member for Cardiff Central (Jo Stevens) noted, the Association of British Insurers' own data in 2016 showed that a tiny fraction—just 0.17%—of all motor claims were proven to be fraudulent.

Like every car owner and insurance buyer, I would welcome genuine measures to prevent fraud. Greater punishments for convicted personal injury fraudsters and, as my hon. Friend the Member for Lewisham West and Penge (Ellie Reeves) said, an outright ban on cold calling from dubious claims management companies would do more to prevent fraud than the measures in this Bill. Indeed, the Bill and the package of which it is a part appear to start from the position that every claimant is a fraudster or a charlatan trying to make a quick buck from a car accident. It will mean a substantial reduction in compensation for all claimants, including those with genuine injuries who make up the vast majority of claimants.

As for the claim that these measures are going to lead to a substantial reduction in the cost of motor insurance, I think we are entitled to be sceptical. Reforms in 2013 have provided insurance companies with a windfall of £8 billion over the past five years, yet we have all seen premiums rise and rise again. According to the Association of British Insurers' own figures, average premiums have increased by almost 17% each year between 2013 and 2017. I appreciate that Ministers have been written a letter by some insurers promising that if the Bill passes they will cut their premiums. The Secretary of State has claimed that there will be an amendment that will hold insurers' feet to the fire. Well, that amendment could and should have been published ahead of this debate. I struggle to think of a single measure that Ministers could add to the Bill that would guarantee that premiums were cut. Perhaps that is why such an amendment has not been published today. Perhaps the only measure that might work would be a legal cap on motor insurance premiums. There would of course have to be a bit of consultation first, and I appreciate that those of us who sat through debates about an energy price cap may be sceptical given that that has not stopped energy bills rising either. At the moment, however, this Bill looks like it will amount to a £1 billion boon to some very big companies.

The Bill proposes a new tariff-based system which, conveniently for insurance companies, reduces the average compensation paid out to injured victims of road traffic accidents. In 2015, the average compensation for a whiplash claim with an injury duration of around six months was £1,850. Under this Bill, compensation for the same injury will be reduced to £450—a reduction of almost 80%. To remedy that supposed overcompensation for the genuinely injured, the Government want to make it even harder to bring a claim by forcing increased use of the small claims track, where a claimant's legal costs are not recoverable. That would see injuries such as facial scarring, fractured ribs and whiplash classed as small claims. As the trade unions and the Law Society have all set out, it amounts to a huge inequality of arms in the courts system for those who have experienced road traffic accidents. Individuals deprived of legal advice will have no choice but to act for themselves, while the insurance companies defending claims will still have huge resources to pay for lawyers to take on the unrepresented.

Until now, it has been left to independent judges to decide on levels of compensation. This Bill stifles that very independence and replaces the flexibility of our judges to appraise each individual case of injury on the roads independently and on merit with a tariff that reduces value for all of us who pay motor insurance premiums. If the tariff system as proposed in the Bill is introduced, it may well open the door to the introduction of similar tariff-based systems in any area that provides a lucrative saving to the insurance industry. Notably, Lord Woolf noted the dangers of the tariff model being applied to holiday claims, industrial deafness claims and so on. The Bill benefits the insurance industry and will not lead to lower motor insurance premiums. I hope that it will be substantially amended or defeated.

8.31 pm

Robert Neill (Bromley and Chislehurst) (Con): This important Bill touches upon significant issues of civil liability and the way in which we treat of them. The Justice

[Robert Neill]

Committee considered both parts of the Bill, and I will refer shortly to our reports in those two regards, but I must first refer the House to my declaration in the Register of Members' Financial Interests.

First, on whiplash, is there a problem with fraudulent claims? My judgment based on looking at the evidence is yes. I say that not least because I have over the past few weeks received cold calls of the kind that other hon. Members have mentioned asking me to make claims relating to accidents that never happened. Some of the debate in the other House indicated the same. Practitioners know that it happens, but the extent of it is harder to measure. We then have to consider whether the measures in the Bill are proportionate to deal with the mischief, because the limitation that could be put upon the honest claimant must be proportionate and acceptable to deal with the vice of the dishonest claims. The Government must be careful in how they draw forward the evidence base on that.

It is pretty clear that there is a significant and persuasive disparity between the number of accidents and the number of claims. On balance, I am rather in agreement with Lord Hope of Craighead, a former justice of the Supreme Court, who said during the Bill's proceedings in the other place that the Government had

"said enough to persuade me that it is necessary to do something to try to minimise the abuse that has given rise to such a large and disproportionate number of whiplash claims. The abuse has been going on for some considerable time, and it is time that something was done to address it."—[*Official Report, House of Lords*, 24 April 2018; Vol. 790, c. 1490.]

I am happy to go with that. He is a highly experienced judge. I would also pray in aid Lord Judge, the former Lord Chief Justice of England and Wales, who said that

"some claims absolutely reek of fraud".—[*Official Report, House of Lords*, 12 June 2018; Vol. 791, c. 1599.]

However, that does not mean that we should assume that everything that is asserted in terms of the benefits will necessarily follow. Like my hon. Friend the Member for South Leicestershire (Alberto Costa), I was sceptical of the evidence of the ABI witnesses, and I found the Medical Protection Society more persuasive. It is therefore important that the Government rigorously monitor such claims and that there is a genuine hold on whether they are actually passed on. That is why there should be some independent monitoring, which the Justice Committee suggested could involve the Financial Conduct Authority as well as the Ministry of Justice, to hold the insurance industry's feet to the fire.

Secondly, when they are brought in, the tariff levels will be a departure from our norm, although it does happen elsewhere. It is most important that the judiciary are fully consulted on the setting of those tariffs, and I am glad to see the Government recognise that that is the right way to proceed.

Thirdly, in raising the small claims limit, it is most important that we take on board the senior judiciary's significant evidence on the potential impact in the courts, to which our report refers, and the dangers that will happen if litigants in person—genuine litigants in person—have difficulty navigating the system, which may have the unintended consequence of placing additional burdens on the Courts Service. I recommend the evidence of both the hon. Mrs Justice Simler and his hon. Judge

Nigel Bird to our Committee on those matters, on the outworking of the online portals for such claims and on the way in which that matter should be taken forward.

I am glad the Government have agreed to remove vulnerable road users from the Bill, which is an important recommendation of the Select Committee, but they should also consider the position of other claims that are more complex than the normal straightforward whiplash and soft tissue injury claim. In particular, they should consider where we should set the appropriate limit in relation to employment liability and public liability, which almost invariably create more complex issues. It is much harder to expect people, on an equality of arms basis, to deal with issues arising collaterally from the main point in such cases. As the Bill proceeds, we need to look again at how we handle that.

Those are all important issues. It is important that the Civil Procedure Rule Committee is consulted on how those matters should be taken forward. We refer to that in our recommendations, too. None of those is a reason for rejecting the Bill but, frankly, there are areas where the Government need to strengthen the evidence base. Purely relying on the insurance industry is not enough. There is other evidence for strengthening the case on which the Government could rely, and they need to make sure they get the balance right.

The Justice Committee also considered the discount rate, which on balance is a sensible proposal. There was debate among the witnesses who gave evidence to the Committee and among the members of our Committee as to where to pitch it between very risk averse and risk averse. The proposal is realistic, and it is worth observing that the noble Lords who served in the *Wells v. Wells* case accept that it is appropriate sometimes to revisit the basis of that ruling. We have to reflect real-life practice, so I do not think that is a problem.

I am pleased there will be greater transparency on the way in which the discount rate is set, and all practitioners recognise the value in having a regular reset of the discount rate, rather than having it drift on for a number of years, as it has in the past. If the Lord Chancellor, as I am sure he does, acts independently of Government in a virtually quasi-judicial role and takes proper advice, for which he is accountable to Parliament, it would give us a better system for dealing with the discount rate in future.

I very much agree with the points about periodic payment orders, which should be encouraged more, and there should be much more uptake, as they move risk away from the injured party and towards the insurance company because they are effectively a form of annuity.

We need to do much more to clamp down on cold callers and on the operations of claims management companies, about which my hon. Friend the Member for Croydon South (Chris Philp) made sound points with which I am much agreement. We also need to look at the role of McKenzie friends, particularly paid McKenzie friends, many of whom work for unscrupulous claims management companies and claim to be qualified when they are not. We should probably move to outlaw the use of paid, as opposed to unpaid, McKenzie friends—there is an important difference.

There is much good in the Bill, but there are also things that need to be considered as it goes forward.

8.38 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): It is a pleasure to follow the hon. Member for Bromley and Chislehurst (Robert Neill), the Chair of the Justice Committee, of which I am a member. I welcome his excellent points about our inquiry on this subject, but I do not speak with that hat on.

I co-chair the all-party parliamentary group on cycling, and we are working to shift the transport climate in this country so that more people more often feel safe and able to cycle as a normal means of transport. The Government have said they share that objective because they recognise that having more people cycling improves health and reduces congestion, pollution and costs, but I am concerned that many Conservative Members who have spoken in this debate have generally focused on car drivers and have not appeared to acknowledge that all their constituents are pedestrians at times, that many of them cycle and that many do not drive at all.

My contribution will focus on how those riding cycles, and other vulnerable road users not in a motor vehicle, such as pedestrians and motorcyclists, are affected by this Bill. I was pleased to hear the Justice Secretary indicating that the Government have accepted the recommendation of the Justice Committee and many others to drop the proposal to increase the small claims track limit—the SCL—for personal injury cases from £1,000 to £5,000 for all road traffic collision claims from vulnerable road users. However, I need some clarity on that from the Minister and will be listening carefully to his summing up. First, do the Government mean that vulnerable road users will be excluded from both the tariff and the small claims limit measures? Secondly, I am looking for clarity on how the changes will happen. Will this be through amendments to the Bill in Committee or through statutory instruments?

Notwithstanding my welcoming of the general principle of what the Justice Secretary said and my questions seeking clarity on that, I will continue with my now somewhat revised speech, so that my focus on and concern for vulnerable road users is on the public record.

The Government continue to propose to increase the SCL to £5,000 for all road traffic collision claims, apart from those from vulnerable road users, as we have heard in this debate, although it is also proposed to raise public and employer liability claims limits to £2,000. So there will still be inconsistency among claimants depending on whether the claim is for personal injury or it is a public or employer liability claim. Without change, the Bill would have affected approximately 70% of cyclists' personal injury claims, and a similar percentage of motorcyclists' claims, for general damages for pain, suffering and loss of amenity, as many of those—70%—are for less than £5,000. We can assume that for pedestrians the figure is roughly the same, although we do not have the figure. That is why I want to see exactly what the Government mean by removing vulnerable road users from the Bill. VRU claims make up a very small percentage both of all claims and of the total cost of all claims, so doing the right thing will not cost very much.

I wish to focus on three issues, the first of which is the complexity of VRU personal injury claims. The Government repeatedly say that small claims are straightforward and can be achieved without professional support, but often that is not so in the case of road traffic collision claims made by cyclists. Many cyclists'

claims will involve complex arguments concerning what can appear to be conflicting Highway Code rules; there are 14 different rules on junction priority, for example. Even where liability is accepted, contributory negligence arguments are commonly made in courts; arguments are made about a cyclist's clothing, their position on the road, whether they had their lights on and so on. In pedestrians' claims, issues are often raised, either in terms of liability or contributory negligence, about where the pedestrian crossed the road; subjective issues also arise, such as whether they took sufficient care for their own safety.

Secondly, I wonder whether one reason the Government are now removing VRUs from the changes is that these road users do not get whiplash injuries and do not make fraudulent claims for whiplash—such claims purportedly being one reason for this Bill. That is because it is almost impossible to get whiplash when on a bike or on foot; those road users generally tend to suffer from broken bones and punctured lungs.

Without these changes being offered today by the Government, we would have had fewer victims of road traffic collisions who were not travelling in a car making a claim. That would have meant a win-win for insurance companies and dangerous drivers, which is unacceptable. Although I am pleased to hear that the Justice Secretary has recognised the concerns of organisations representing vulnerable users—cyclists, motorcyclists, pedestrians and so on—by taking them out of the SCL rate, I still have a concern about the Bill, and it is one raised by other Opposition Members today. It would be fairer to have a uniform small claims limit for all personal injury cases, at or only slightly above the current £1,000 limit. That would achieve the Justice Secretary's aims of excluding vulnerable road users in a straightforward manner and would also ensure fairness for all road users, regardless of their mode of transport.

8.44 pm

Kwasi Kwarteng (Spelthorne) (Con): Several issues have been raised in this important debate, but I wish to address two main points. Whiplash claims have been a chronic problem in British insurance and road usage for some time. Eight years ago, I joined the Transport Committee, and I served on it for three years. We looked into the issue more than once and found that whiplash claims had gone up in England, so we looked across Europe. What has not been mentioned in the debate is that were Members to look at whiplash rates across the continent of Europe, they would be astonished at how low the incidence of whiplash is. The Transport Committee looked at the issue, including whiplash rates in Germany, five years ago. *[Interruption.]* I notice the newly appointed Whip, my hon. Friend the Member for Milton Keynes South (Iain Stewart), nodding in agreement. He served on the Committee as well and will remember that we looked into whiplash in Europe and were astonished at the low incidence of claims across the continent. That cannot be because somehow the necks in Germany are more robust than those in Britain. It cannot be a question of Germans being physically different from people in Britain. The case was clearly made that we had a problem with whiplash claims that was specific to the United Kingdom.

My hon. Friend the Member for South Norfolk (Mr Bacon) mentioned the fact that Aviva issued a report more than 10 years ago. Yes, I know that Aviva is

[Kwasi Kwarteng]

a bad, evil insurance company that makes profits, that is successful and that employs people—I know that that is all to be deprecated—but the fact is that its report suggested more than 10 years ago that there was a problem with whiplash. The facts speak for themselves. The idea that over 10 years we could have a 30% reduction in accidents and yet a 40% increase in whiplash claims seems incredible. It cannot be the case that they are inversely correlated. It cannot be the case that as there were fewer accidents, we would have more whiplash claims from accidents. That does not make any sense whatsoever. I am afraid that the Opposition Members who have spoken have failed to address that.

Given the fact that the Transport Committee looked into the issue four or five years ago and that people issued reports more than 10 years ago about whiplash being a problem, and given that we know—as Opposition Members acknowledge—that unscrupulous claims companies are cold calling people, I suggest to Opposition Members that they cannot have it both ways. It cannot be the case that the whiplash increase is simply a scare story whipped up by the insurance industry and at the same time the claims companies are cold calling and being equally unscrupulous. It has to be one or the other. The insurers cannot be suggesting that it is fraudulent while compensation claims companies are at the same time pushing fraudulent claims. The two go together.

The Bill is timely; indeed, it is long overdue in respect of the measures on whiplash claims. My hon. Friend the Member for Croydon South (Chris Philp) was quite right that it cannot simply be a blank cheque for insurers. The Government have to look more closely at how the insurance companies are going to pass on some of the perceived and anticipated benefits of reducing whiplash claims and ultimately reduce premiums for consumers. I fully appreciate that in many ways it has been quite a difficult time for the insurance industry. Insurance premium tax has gone up from 6% at the beginning of the decade to 12%. That is greater taxation. Some of us have argued against such steep increases, but those increases have happened. The idea that, somehow, the insurance industry is a den of profiteers or a wicked industry that acts against the interests of our constituents is silly; it is a crazy idea. It is a very successful British industry, and something that we should be supporting. It is one of a number of industries—not a huge number of industries—in which we are world leaders, so it is very disappointing to hear, once again, the industry being denigrated by Opposition Members.

Chris Philp: The hon. Member for Hammersmith (Andy Slaughter) said that, at £250 million a year, the insurance industry was making excessive profits. Bearing in mind that there are 25 million cars in the UK, that works out at a profit of £10 per insurance policy. That is hardly profiteering, is it?

Kwasi Kwarteng: I would not have thought that it could be described as profiteering. It is a legitimate business. I know that many Opposition Members do not even believe in private enterprise or business. [Interruption.] They do not like that. They laugh rather nervously at my suggestion, but we know exactly where they stand. The idea that companies should make a profit—heaven forbid—is anathema to them. This is a

party whose shadow Chancellor is, I believe, listed in “Who’s Who” as wanting to overthrow the capitalist system. He is an out and out Marxist. We can laugh at these things, but they are on the record, and it is actually very serious.

The insurance company is a success story. It does make profits, but we have to recognise and be very honest about the fact that whiplash claims are, in many instances, fraudulent. People in this House have described how they have been cold called. I have been sent countless emails asking me to claim compensation for accidents that I did not even know I was involved in and I think many other people have similar experiences. This is a timely piece of legislation. I am delighted that, after many years, we will tackle this issue.

I just want to touch briefly on the discount rate. I remember when it was reduced a little more than a year ago—I think it was in February last year—that there was huge concern about the very low rate. I believe that it was a negative rate. That was not remotely sustainable and I am delighted that the Government’s legislation is trying to put the discount rate issue on a more sustainable and rational basis. There is little to disagree with in the Bill. It is a good piece of legislation and I am very happy to support it on Second Reading.

8.52 pm

Bambos Charalambous (Enfield, Southgate) (Lab): One of the fundamental principles of the legal system in England and Wales is equality before the law. This Bill skews things even further in favour of the insurance industry at the expense of the general public. It is yet another attempt by the Government to deny access to justice. It is an attack on victims of accidents at work and victims of road traffic accidents.

The insurance industry has been successful in lobbying the Government and already has a huge advantage over the general public thanks to various enactments by previous Conservative-led Governments. In 2012, the Government passed the Legal Aid, Sentencing and Punishment of Offenders Act, which took away legal aid for all personal injury claims and introduced fixed fees, with some costs having to come out of claimants’ damages. In 2015, the Government passed the Criminal Justice and Courts Act, which introduced the “fundamental dishonesty” defence allowing defendant insurance companies to have a claim dismissed if, on the balance of probabilities, the judge was convinced that the claim was fraudulent.

The insurers also set up “askCUE”—Claims and Underwriting Exchange—which, for a fee, can find those who are repeat claimants. The insurers also fund a unit at City of London police to help detect and prosecute fraudulent claims. Insurers have amassed quite an arsenal of weaponry to use against fraudulent claims, but they tell us that this is not enough and that there is widespread insurance fraud. I have yet to see any reliable figures that support that.

Kwasi Kwarteng: What does the hon. Gentleman say to people like me who have received emails from compensation claim companies asking them to commit fraud? Does he acknowledge that phenomenon?

Bambos Charalambous: In the cases of people who are willing to enter into a criminal enterprise with those companies, we should be going after the claims

management companies. I would support targeting those, but not at the expense of attacking the public with the measures in this Bill.

Included in their figures of alleged fraud are people who have withdrawn their claims and those who have had their claims refused over the phone. Figures from the Government's own Compensation Recovery Unit show that claims are at their lowest since 2009. Government measures are already working and the insurance industry is settling 99% of all road accident claims. This Bill and its measures are totally unnecessary and unwarranted.

As hon. Members have already stated, the increase in the small claims limit from £1,000 to £2,000 generally, and to £5,000 for road traffic accidents, is scandalous. If the Bill passes, claims for the same injury suffered by the same person will be treated differently because it occurred when in a car. How is that equality before the law? We should not forget that claimants are the innocent parties and would be suing someone for the negligence that caused their injury. If claimants are not able to secure the services of a solicitor, they may not succeed in their claim. That will deprive them of damages to which they should be entitled, and may well make things difficult. For example, an employee suing their employer for accident at work would find it very hard to do so without a solicitor.

Clause 1 of the Bill tries to define what a whiplash injury is, but seems to have done so without any medical references. It says that an injury is defined as whiplash if it is a "tear" or "rupture"

"of a muscle, tendon or ligament".

This clumsy attempt to define whiplash fails to take into account the fact that many of these injuries can be debilitating, requiring serious and complex medical treatment. The definition also unfairly captures serious injuries that could result in the victim not receiving the proper compensation they are due.

Clause 3 then goes on to say that the Lord Chancellor will set the tariffs for compensation for whiplash claims. The draft tariffs seem to have been plucked out of thin air. There is no rhyme or reason when compared with the figures currently set by the Judicial College or the Government's own figures for the criminal injuries compensation scheme. Under the current criminal injuries compensation scheme, if someone was hit by a driver who was then convicted of a criminal offence, and if they suffered whiplash for over 13 weeks, their claim would be worth £1,000; the Government would pay the claimant £1,000. Under the current proposals in the Bill, a claim for a whiplash injury of between three to six months recovery would be worth only £470. Why are the Government allowing insurers to pay less than half of what would be paid by the Government? The inconsistency is staggering and shows just how much the Government are willing to please insurers.

It should not be left up to the Lord Chancellor to set these tariffs. No explanation has been given for how these figures have been reached. It should be for the judiciary to set the tariffs, as they have daily experience of dealing with such evidence-based claims in court. If the Lord Chancellor is allowed to set these tariffs, figures for whiplash will be unlikely to rise if past performance of the criminal injuries compensation scheme is anything to go by.

Under the criminal injuries compensation scheme, a claim for a whiplash injury from which the victim took six to 13 weeks to recover was set at £1,000 in 1995.

These figures have been revised twice—in 2001 and 2008—and the compensation rate of £1,000 remained unchanged despite inflation. In 2012, whiplash claims of six to 13 weeks were removed altogether, and the rate of £1,000 was available only for claims of over 13 weeks. If the figure of £1,000 had been index linked to the retail prices index since 1995, a whiplash claim under the scheme would have been worth £2,780.30 in today's money.

Let me turn to part 2 of the Bill. Last year, the Justice Committee produced a report on the discount rate. The discount rate applies only to large awards of damages for victims who have suffered catastrophic, life-changing injuries that leave them in need of constant care, adaptations to their home and additional support. The Justice Committee recommended the setting up of an independent expert panel to advise the Lord Chancellor on setting the rate and said that the panel's advice should be published in full. I can see no reason why the Government are trying to restrict the transparency of this process, and I invite them to amend this measure. I think we would all agree that the rate needs to be reviewed more frequently than it has been over a number of years, but three years is far better than five years, as it would ensure far fewer fluctuations in the figure.

It is also deeply concerning that the Lord Chancellor can take into account other factors than those defined by the Bill when setting the rate. This wide discretion opens up the setting of the rate to potential lobbying that could adversely impact the compensation of those who have suffered severe, catastrophic injuries. It is also worth noting that for the purposes of setting the discounted rate, the Bill changes the level of risk of an investment from "very low" to "low". The lump sum to be invested is there to last for a victim's entire life, so reducing the level of risk of the investment in setting the discounted rate is concerning, and it has not been properly explained.

This Bill does nothing for the innocent victims of personal injury. It is littered with inconsistencies, has parts that do not stand up to scrutiny, and loads the dice in favour of the insurance companies. The Bill will result in innocent victims of road traffic accidents being penalised because the insurance companies are unable to deal with the alleged whiplash fraud, which they cannot properly quantify. It is shameful that the Government have indulged the insurance companies to such a degree, to the detriment of innocent, law-abiding people. This Bill puts profit before people, restricts access to justice, and creates further inequality before the law. The basic principle that underpins our system of justice is being undermined. This Bill is plainly and simply unjust.

9 pm

Jack Brereton (Stoke-on-Trent South) (Con): It is a pleasure to be able to speak in this debate on the Second Reading of the Civil Liability Bill, which brings forward changes that are of great importance to the insurance industry. I am pleased to hear that there has been significant engagement between industry and Government over this essential legislation. Ageas Insurance, for example, is one of the largest providers in the UK, employing more than 400 people in my constituency, and it has communicated to me its enthusiastic support for these changes, shared by the vast majority of the public.

[Jack Brereton]

These measures will help to reduce motor insurance premiums for insurance customers by adjusting how the personal injury discount rate is set. Alongside this, the introduction of a new tariff will specifically target exaggerated and fraudulent whiplash claims that have driven up insurance premiums for hard-working households in places such as Stoke-on-Trent. A new fixed compensation level for whiplash injury will be created, putting provisions in place for the court to uplift the compensation available in exceptional circumstances, compared with a final compensation figure being negotiated by the parties involved, as is currently the case.

The compensation culture that has been created, with huge levels of unjustified claims for things like whiplash, saw premiums rise at the fastest rate ever last year. Increases of about 10% a year are totally unmanageable and unaffordable for motorists. These changes must be brought about to reduce the price all motorists are having to pay to compensate unreasonably high levels of claims. Clearly, it is important that these savings are passed on to consumers. I am pleased to hear that the ABI, which represents 93% of the motor insurance market, has written to the Lord Chancellor emphasising its commitment to this. The Government are now working with the industry on a way that this might be evidenced through reporting of savings passed on to consumers—the people who should benefit most from this legislation.

These changes are not about hampering genuine claims; they are about reaching a balance between the costs on motorists and appropriately compensating those who need to make a claim, ensuring that when someone makes a claim for whiplash injuries, it is backed up by a form of medical evidence and is proportionate to the injury suffered. It will also ensure that those who have suffered life-changing injuries continue to receive 100% compensation—a key principle of the legislation.

In the past decade, personal injury claims have risen by 70% while vehicles have become safer and road accidents have fallen by 31%. The number of road accident claims is, remarkably, on an upward trajectory, despite there being fewer injuries. We have even seen people attempting to circumvent the law and take advantage of loopholes to make unreasonable and fraudulent claims. Clearly, the current balance is not right and is unfairly penalising ordinary motorists who must pay the price of over-inflated premiums. This is especially important for younger drivers, such as me, who currently pay double the average. It is predicted by insurers that, without such reform, motor premiums could continue to rise at a rate of about 10% annually. The Government argue that the whiplash reforms in the Bill will deliver around £1.1 billion of consumer savings per year and could lead to motorists' insurance premiums falling by an average of £35 a year.

As we have heard, the changes proposed are not limited to the motor insurance industry. The adjustment of the personal injury discount rate will, importantly, also impact on compensation of clinical negligence. As we know, our NHS continues to battle with increasing costs, and a significant growing cost is compensation, increasing at around 13.5% each year. In some cases, that is putting undue pressure on NHS budgets, with money designated for health services not being able to be spent on treating patients. Many within the health

service have been calling for the creation of a sustainable platform where the level of compensation is more effectively balanced against the ability of the public purse and taxpayers to pay. We have seen increasing expenditure on clinical negligence compensation, and I hope that this legislation will help to limit those costs to a much more manageable level.

The Bill will mean reduced costs for motorists, ending the mounting and unaffordable increases in inflated insurance premiums, limiting the claimant culture that has seen unreasonable and exaggerated claims grow significantly in recent years, ensuring that there is a fair balance between claimants and consumers and allowing my constituents to keep more of their hard-earned money.

9.6 pm

Ruth George (High Peak) (Lab): I will address my speech to you, Madam Deputy Speaker.

I agree with Government Members that the insurance industry plays a valuable role. It has two main purposes: to ensure that innocent victims are compensated for their suffering and its impact on their lives and that perpetrators are appropriately penalised with higher premiums. Unfortunately, the measures in the Bill will do nothing to effect either of those main aims of the insurance industry, but they will impact heavily on innocent victims and ensure that perpetrators do not pay the costs of their actions.

I agree that we need to combat the problem of claims management companies, as we have heard from Members on both sides of the House. However, as the hon. Member for Croydon South (Chris Philp) set out lucidly, claims management companies are fed information by insurance companies, to enable them to target the victims of accidents. Since that was banned directly, they have been doing it indirectly. Insurance companies are not only feeding claims management companies information to enable them to do that but are profiting from it, and they are now briefing Members that it is a problem with claims management companies.

The Minister of State, Ministry of Justice (Rory Stewart): This may be a naive question, but it seems as though two different arguments are being made by Opposition Members. There was a suggestion from the hon. Member for Jarrow (Mr Hepburn) that the direction of the insurance companies is to try to stop anybody claiming. The hon. Lady seems to be arguing that the insurance companies are also fuelling these claims. Can she explain that paradox? How can they can be involved in both at the same time, and how does that work for them financially?

Ruth George: I cannot answer for other Opposition Back Benchers. I am speaking as an individual Back-Bench MP with experience of the insurance industry, and the hon. Member for Croydon South set out clearly similar experiences.

Along with Government Members, I have met the Association of British Insurers, but I suspect that it was a slightly less happy conversation, and I will certainly read less of its briefings in my speech. I challenged the ABI on the information coming to claims management companies from insurance companies. It agreed that that was happening and said that the Government

could look to stop it. When insurance companies are putting information out to solicitors' firms, they could ban those firms contacting claims management companies to farm out the information.

Rory Stewart: This is a sincere question. The suggestion made by the hon. Member for Jarrow and a number of others is that the entire profit model of the insurance companies is based on charging big premiums and trying to minimise the number of claims, and that that is how they make money. The suggestion is that the entire Bill is driven by the insurance industry trying to stop anybody making claims. At the same time, perfectly reasonably, you are making the argument that the insurance companies are trying to support claims. How do they—

Madam Deputy Speaker (Dame Rosie Winterton): Order. Having brought to the attention of the hon. Member for High Peak (Ruth George) that she must not use the word “you”, I hope the Minister will follow suit.

Ruth George: Thank you very much, Madam Deputy Speaker. If the Minister has questions about other Members' contributions, he really should have addressed them to those Members rather than to me.

There are two sides of the coin here. The Government are not combating the claims management companies at all in the Bill. What they are doing, which I absolutely welcome, is making provision for face-to-face medicals. One would hope that that will combat the fraudulent claims that are made for deliberate car crashes, as well as the other examples that have been cited by Conservative Members.

We also need to ban cold calling. If the Government were prepared to look at those two additional measures—banning cold calling and banning information going from insurance companies to claims management companies—they would find that the problem of excess claims was dealt with to a large degree. I hope that they would commit to doing that before looking to take the measures in the Bill, which will impact on innocent victims of road accidents and accidents at work.

I speak as a victim of several road accidents over 20 years spent commuting into Manchester. When people are nose to nose in traffic, they shunt into the back of other people's cars—it happens. I have suffered whiplash several times, but in the majority of cases it was not serious, however long it lasted. However, the—fortunately—final accident I suffered has had a very serious impact on me and on my life ever since. As a new mother, I was unable to lift my baby from his cot. I was unable to take our puppy for a walk, because he pulled at my neck. When I tried to return to work, I was unable to do my job effectively because I was unable to work at a computer for more than a couple of hours. Every hour of every day since that accident, I have felt its impact.

Whiplash can even lead to trapped nerves in the neck, which I can assure Members is absolutely excruciating and can happen months after the accident itself. Therefore, whiplash injuries affect the same person differently, and they can affect different people very differently. That is why a tariff, especially at the lower levels proposed by the Government in the Bill, are not a fair way to compensate people. At the moment, a judge looks at not just the injury but the level of that injury and the

impact on the victim's life. That is surely what we should be looking for in a proper and fair compensation culture.

I want to look at employers' liability cases. USDAW, the shop workers' union, has estimated that there would be a fivefold increase in the number of employers' liability cases from its members that ended up in the small claims court rather than in the fast-track system. To make a claim for employers' liability, employees have to prove their employers' liability, and that is very hard to do. Cases can be extremely complicated, especially when more than one company is involved, as in the case of a delivery driver making a delivery to a company and suffering an accident there. Is it the fault of the company that provided the lorry or the company the driver was delivering to? That is why employers and their insurers contest claims, and legal costs end up being so high because claims are constantly contested.

It is important that employees can take cases against negligent employers. If employers do not have to pay out for insurance claims, they have no incentive to improve the safety of their workers. That is the second and very important role of the insurance industry: to effectively police those who perpetrate accidents and those who do not. Employers who have suffered multiple accidents at their work places or drivers who have been responsible for accidents would rightly have their insurance premiums increased, and that is surely what we want.

The Bill will make it more difficult for the victims of accidents to take a claim against their employers or insurance companies, and it and the Minister will restrict the very proper role of insurance companies in policing the system to make sure that the perpetrator pays.

I hope that the Minister will reconsider the Bill's measures, look very carefully at alternatives that would not make victims suffer or enable perpetrators to get away with negligence, drop the proposals to increase the small claims limit and to introduce a tariff for whiplash claims and make sure that our insurance industry operates fairly for the good of everyone.

9.15 pm

Vicky Ford (Chelmsford) (Con): A robust and fair system for motor insurance is key to making sure that drivers, passengers, pedestrians and, indeed, all road users are protected. Before I talk about the Bill, may I give a shout out to all road users? It is our first day back after recess and I am sure that everyone has their highlights. One of mine was rising to the challenge laid down by my local riding school in Chelmsford to get up on a horse again after many years and experience what it is like to be in the saddle on Essex roads. Most drivers are great, but some do pass too fast. I pay tribute to the British Horse Society, Cycling UK, British Cycling and the charity Brake for all the work they do to minimise the number of accidents on our roads.

When there is an accident, it is absolutely right that people who are injured are fairly compensated for their injuries and that compensation money must get to those affected. I have learned, however, that for every £1 paid in compensation, 47p is spent on lawyers, so I think things have got out of kilter. Indeed, nine out of 10 people believe that the legal cost of settling a motor insurance claim is too high. I believe that their concerns are justified, because when the costs go up, it is the consumer

[Vicky Ford]

who bears the price. Many people, especially young people, find that motor insurance premiums are now unaffordable. They simply cannot afford to drive.

Of course, a lot of factors affect the costs of a claim, one of which is the discount rate. When the discount rate goes down, the compensation level in today's money goes up, so that rate must be fair. There is plenty of evidence that the UK rate is artificially low. It does not reflect the actual way in which compensation money is invested. At less than 1%, the rate in Britain is lower than that in all other European and common law countries, and it is right that the Bill reconsiders it.

I welcome the Bill's work to reform whiplash claims, especially in ensuring that any future whiplash claims must be based on medical evidence. Whiplash can be a crippling injury and I repeat that it is absolutely right that those who are injured must be fairly compensated, but there is plenty of evidence that something is going wrong. There has been a huge rise in claims—a 40% increase—despite the fact that the number of accidents is down by 30%.

My personal experience tells me that something deeply sinister is going on. Four years ago, on the way to our summer holiday, my family and I were involved in a terrible accident. We were going across the country, from East Anglia to Anglesey, to catch the ferry from Wales, when we found ourselves going along the M6 upside down at 70 mph. How we stepped out of that car is a miracle. The hours that followed were a complete blur. There were ambulances and the entire family were laid up on trolleys in A&E. But none of us had whiplash. We were so lucky. But sometime during those hours I must have been asked whether I was prepared for my phone number to be shared. Ever since then, I have been continually harassed with phone calls from people wanting me to put in claims for accidents that did not happen. Those phone calls are not only morally wrong; they are deeply insensitive and upsetting. Every time the phone goes, one relives the entire experience. That has got to stop.

Some Opposition Members have said that we should just outlaw those calls, but I am not sure that that is the right way forward. There are genuine whiplash claimants who need to be able to put in a genuine claim. Instead, it would be better to put a handbrake on the system and put in the check that a claim for whiplash cannot be made unless there is genuine medical evidence that is aligned with the claim. That is what the Bill will do, which is why I am so glad to support it and the work that the Government are doing tonight.

9.20 pm

Andy Slaughter (Hammersmith) (Lab): I will be brief because a number of my colleagues have made important points that I do not need to repeat and because I have not been here for the whole of the debate. The reason for that is that I wanted to take part in the debate in Westminster Hall on the review of the Legal Aid, Sentencing and Punishment of Offenders Act. There is a certain symmetry to the two debates going on at the same time. The onslaught by this and the previous Government on victims and access to justice really began with the LASPO Act. It continues with this Bill.

The measures on road traffic accidents and the change to the small claims limit are basically unfair. A tariff will be introduced in respect of certain types of injury but not others. The tariff will be at a level that is far below—for a year-long injury, about £2,000 below—what would be set by a judicial authority. There seems to be no basis, fairness or logic for doing that. Why should there be two tiers for different types of injury? If the reason is what we have heard about fraud, I think even the ABI would admit that a small minority of cases are fraudulent, so why should the legitimate cases be punished because of the small minority that are fraudulent?

I used to be a personal injury practitioner and most of my work was done for insurance companies. I was always very happy to run a fraud defence and to cross-examine on that basis. Insurance companies usually were not. They preferred to settle; their eye was always on the bottom line. The Minister made a point earlier about there being a conflict between what insurance companies are up to here, but I do not think there is a conflict. Insurance companies want to depress both access to justice, in terms of people getting meritorious claims into court, and the value of that claim, which the Bill does very efficiently for them—I am sure they will be very grateful for it—but if they can make money wearing another hat through claims management companies or the passing on of information, they will be happy to do that as well. Yes, they are commercial organisations in that way, but the eye of the Justice Minister—I would have thought rather better of the Minister—should be on ensuring fairness.

Another basic unfairness is the increase to the small claims limit. It is not on the face of the Bill, but it is integral to this range of measures. I refer to the increase to £2,000 in relation to employer liability, where no fraud is ever alleged or at least only in very rare cases, and the increase to £5,000 in relation to road traffic accident claims. There is no basis for that. These are complex claims. That has been accepted in a bipartisan way. I am sorry that the House is dividing on party lines, with the honourable exception of the Chair of the Justice Committee. I hope that, in Committee, the Minister will listen more carefully to some of the reasons that have been given.

We are deprofessionalising the justice system. People will no longer be able to get representation for even quite complex legal matters and serious injuries. The judicial arm is being removed by the introduction of the tariff and the medical role is also being downgraded, because there is no proper medical definition of whiplash and a number of quite serious soft tissue injuries are likely to be included.

We have heard time and again that there are abuses that need to be corrected. Pre-medical offers are a recipe for fraud, as is cold calling—I am not sure why certain people are saying that that should not be outlawed. It should. Why are those easy targets, rather than the rights of victims, not being tackled? In employer liability cases, trade unions can effectively represent their members by taking cases to court with representation. Unison says that two thirds of people whom it has helped said that they would not have felt confident enough to pursue their claims without such support.

Finally, I turn to the personal injury discount rate. I hope that the Government will be more open to agreement and consensus on that. Tiny changes can significantly

affect the damages awarded to or life experiences of very severely disabled people. I urge the Government to look again at the level of risk, which can affect awards over a lifetime, and to look carefully at the issue of the expert panel, allowing it a greater role.

9.26 pm

Eddie Hughes (Walsall North) (Con): It is a pleasure to follow the hon. Member for Hammersmith (Andy Slaughtert).

I grew up in a household with five brothers, and we spent a lot of our time fixing cars: putting them back together and rebuilding them. In those days—the days of the Vauxhall Chevette—people could pick up a second-hand car for 50 quid, go down the tat yard, buy the necessary bits and pieces and bring it back to life.

Now, unfortunately, things are not quite the same. When someone takes a car to a garage, the mechanics do not look under the bonnet; they plug the car into a computer to find out what is going on. That is because cars are now bristling with safety devices, so much so that Volvo has claimed that, by 2020, people will not be able to have fatal accidents in its cars—actually, that is not quite true: the company said that it could not legislate for crazy people who deliberately tried to hurt themselves. But cars will be so safe that it will be really difficult to have accidents.

We live in a world where cars crash less often because they are clever enough to stop drivers crashing. However, there is also a high prevalence of mobile phones, which means that people are distracted and tend to bump into each other. What did this Conservative Government do? We doubled the fine from £100 to £200 and the points penalty from three to six to try to discourage people from driving and texting. As a Government—and it is not just this legislation—we are doing our best to stop people bumping into each other in the first place. But they still do it, obviously: there are 1,500 whiplash claims per day in this country. I personally think it would be a damn good idea if we did something to reduce that number.

I am disappointed that my hon. Friend the Member for Spelthorne (Kwasi Kwarteng) mentioned this, as I thought I would be the only one, but rates of whiplash vary depending on where people crash around the world. For example, according to a study, 91% of 130 accident victims with acute whiplash in Greece had recovered in four weeks. Imagine that! We need some Greek DNA in this country; perhaps we would have fewer whiplash claims. That is one of my policy suggestions for this evening.

Demolition derby drivers—people who crash into each other virtually for a living—suffer very little from whiplash; my hon. Friend the Member for Bexhill and Battle (Huw Merriman) has done some demolition driving and he appears to have no neck problems. There must be some small element of truth in the notion that not all the whiplash claims in this country are always completely bona fide. If this evening's debate does nothing other than send out the message that we are going to be cracking down and discouraging people from making whiplash claims, perhaps we will have achieved something. We will have saved some money, because insurances premiums will have gone down, and fewer people will be bothering the NHS with pretend illnesses, and as a nation we will perhaps be as safe as they are in Greece when they suffer a road traffic accident.

9.29 pm

Huw Merriman (Bexhill and Battle) (Con): It is a pleasure to follow my hon. Friend the Member for Walsall North (Eddie Hughes). He referred to my banger racing days in the village of Gawcott, which is in your constituency, Mr Speaker, just up the road from where my family live—happy days indeed!

I am pleased to contribute to this debate because I support the Bill hugely. One of my chief reasons for doing so is my concern about the cost of insurance premiums for young people and my appreciation for what the Government are doing for young people. I speak with two instances in mind. The first is the session held jointly by the Transport Select Committee, of which I am a member, and the Petitions Committee on the back of a petition from 100,000 members of the public who successfully petitioned this place to debate the high cost of motor insurance premiums for the young. The other relates directly to my constituency, a rural constituency of 200 square miles where, without the use of a car, a young person is severely limited in their ability to get to work, to find work and to have those experiences. We are losing young people in our constituency to the cities because they cannot afford to work and live there, and that is having a big effect on our demographics and ultimately on the social care issues facing us as well.

For those reasons, any legislation to tackle the high costs on young people has to be considered, and I urge the Opposition to consider the Bill on that basis. The cost of insurance for young people is almost £1,000—10% of the average wage of an 18 to 21-year-old being paid out on insurance—and it means that young people have to decide whether they can continue to drive and therefore work or whether they have to do something less meaningful for themselves and for our economy. I am very supportive of the Bill on that basis.

The reforms that the Government have laid over the past few years to reduce the number of fraudulent claims have had some success and seen a reduction in insurance premiums by, on average, £50. There have been good reforms to the civil litigation procedure as well—reforming no win, no fee; banning referral fees and the use of benefits by claims management companies as an incentive to bring a claim; extending the fixed recoverable costs regime; and, for soft tissue injury claims, requiring that a fixed-cost medical report be provided at random by one of the approved medical experts. These measures have led to a drop in the number of claims from 780,000 two years ago to 650,000 last year.

It is clear, however, that we still have an issue with whiplash claims, which account for 85% of the 200,000 extra motor personal injury claim cases over the last 10 years. Of course, that is no surprise. It is very difficult for a defendant in one of these claims to establish whether a claimant has indeed suffered this injury, so there is a disincentive to try to disprove it. Added to that, the legal costs are so high that it is more expensive to fight a claim than to pay out. As a result—because of these settlements, one never knows because one never sees a medical report—we do not know whether that money is being paid out for genuine injury claims. As has been pointed out, given advances in technology and car and seat design, as well as the reduction in the number of road traffic accidents, it is completely illogical

[Huw Merriman]

that claims are going up. I suggest to Opposition Members who cannot bring themselves to accept that there are fraudulent claims that they look at the evidence.

I want to touch on the small claims increase, which is long overdue and makes great sense, because it brings the amount more towards the limit for most other civil disputes. Consistency makes a lot of sense. I hope the Minister will confirm that it is still the case that a judge can decide not to refer a case to the small claims track although it is worth less than £5,000, because the complexity of the case may well mean that it should be dealt with through a more court-based process. That would, I hope, reassure the Opposition.

The measure on the discount rate makes huge sense, because it will reflect investment decisions and, therefore, the yield that claimants will actually receive. However, like other Members, I should prefer a periodic payment rather than a lump sum to be the norm, or the default option. I should also like a legal test to be introduced, requiring a claimant—and, indeed, the claimant's family—to prove that they will be able to deal with the lump-sum arrangement and that they understand the risks involved. If that test cannot be met, the system of periodic payments should apply.

Overall, I warmly welcome the Bill. It delivers for consumers and for young people, and I think we should bear that in mind rather than some of the vested interests that have been cited as reasons for not supporting it.

9.35 pm

Gloria De Piero (Ashfield) (Lab): This has been an interesting and wide-ranging debate. I shall try to summarise many of the points that have been made.

The right hon. Member for Chipping Barnet (Theresa Villiers) and the hon. Member for Bexhill and Battle (Huw Merriman) talked about the need to tackle the high premiums applying to young drivers. My hon. Friend the Member for Cardiff Central (Jo Stevens) spoke about her personal experience of representing low-paid workers who would be hurt by the Bill. The hon. Members for South Norfolk (Mr Bacon), for North Warwickshire (Craig Tracey) and for Stoke-on-Trent South (Jack Brereton) focused on insurance fraud and what they perceived to be a compensation culture, and expressed their hope that the Bill would reduce premiums.

My hon. Friends the Members for Jarrow (Mr Hepburn) and for Hammersmith (Andy Slaughter) spoke of a pattern of behaviour on the Government's part in the last eight years, involving attacks on working people and their access to justice. In an interesting speech, the hon. Member for South Leicestershire (Alberto Costa) expressed his concern about a rise in premiums despite a reduction in the number of claims. My hon. Friend the Member for Lewisham West and Penge (Ellie Reeves) made an excellent speech in which she described a legal system in disrepair and said that the Bill would have a disproportionate effect on innocent victims' access to justice. My hon. Friend the Member for Cambridge (Daniel Zeichner) spoke of vulnerable road users, and his worries about injured workers' representation. The hon. Member for Croydon South (Chris Philp) described his experience of weekly phone calls following his accident, and Members on both sides of the House condemned such calls.

My hon. Friend the Member for Harrow West (Gareth Thomas) talked about the attacks on working people's representation that would result from the Bill, but also asked whether it was time to consider a legal cap on insurance premiums. The hon. Member for Bromley and Chislehurst (Robert Neill), the Chair of the Justice Committee, called on the House to hold the feet of the insurance industry to the fire when it came to reducing premiums.

My hon. Friend the Member for Brentford and Isleworth (Ruth Cadbury) spoke about cycling, and about how pedestrians, motorcyclists and cyclists would be removed from the scope of the Bill, as indicated by the Secretary of State. The hon. Members for Spelthorne (Kwasi Kwarteng) and for Walsall North (Eddie Hughes) talked about international comparisons on whiplash, and asked why there were fewer instances in other countries. Like so many other Labour Members, my hon. Friends the Members for Enfield, Southgate (Bambos Charalambous) and for High Peak (Ruth George) focused on the attack on injured people, and the bonanza for the insurance companies.

The changes proposed in the Bill will leave police officers, paramedics and firefighters who are injured on the roads without legal support and subject to fixed-tariff compensation, which will potentially reduce the damages that they can receive. The small-claims changes hidden behind the Bill will leave workers like the supermarket assistant, who was left unable to work for weeks after suffering a foot injury while moving stock, ineligible for legal support. Why? Because she was awarded £1,705. As a result of the package of changes associated with the Bill, workers like her, with claims worth less than £2,000, will either have to fight their cases alone or pay for lawyers with money that was meant to cover their injuries and losses.

Unison says that nearly two thirds of the people whom it represents—workers injured through no fault of their own, when there is no whiplash and no suggestion of fraud—would not seek justice without legal representation. The general secretary of USDAW, representing nearly half a million workers, says the changes

“will have a knock-on effect for workplace health and safety, as less scrupulous employers let standards slip because they know they're unlikely to face the consequences in court.”

There is no suggestion of fraud or of increased numbers of claims by people injured at work. The Government should exclude such claims from this package of measures and from any small claims increase. We all want to stop insurance fraud, but a whopping 400% increase in the small claims limit for all road traffic accident claims means all injured road users—HGV drivers, firefighters, parents driving their kids to school—will be treated like fraudsters claiming falsely for whiplash, and be left with reduced tariff compensation and no legal help. Why?

The justice reforms that the Government passed in 2012 have saved insurers an eye-watering £11 billion, yet they want more. Back then insurers promised to reduce premiums, yet they are higher now than ever. Despite that, the Government have again swallowed the insurers' promises to reduce premiums hook, line and sinker. This Bill saves insurers another £1.3 billion a year. Again, the rich get richer, the poor poorer. There appears to be a collective amnesia from this Government about the Prime Minister's promise in 2016, so let me remind the House:

“The Government I lead will be driven not by the interests of the privileged few, but by yours...When we pass new laws, we’ll listen not to the mighty but to you.”

Yet here we are, two years later, with a policy created for the mighty: profitable insurance companies call the shots; working people pay the price.

If the Government will not listen to us and will not listen to the trade unions, will they listen to a Justice Committee headed by a Conservative Member or to experts like Lord Justice Jackson? In his report, approved by the Justice Committee, Jackson proposed that the limit should stay at £1,000 until “inflation warrants” an increase to £1,500. Jackson goes on to say that it should not be increased at all until inflation, from 1999, gets it to £1,500. The Justice Committee sends the same message; it could not have sent a clearer signal to the Government to stop this headlong rush to undermine access to justice.

Labour will be abstaining today in the hope that the Government will think again before the Committee stage. Without some key changes, we will vote against the Bill’s Third Reading. We sincerely hope, for the 99% of injured people even the insurers admit are honest, that they reconsider.

9.42 pm

The Minister of State, Ministry of Justice (Rory Stewart):

It has been a great privilege to be able to sit through this debate with an extraordinary number of Members, many of whom have very direct experience as lawyers in the claimant industry or connections to the insurance industry. It has therefore been a very well-informed debate.

Our proposals in this Bill are serious, but to some extent matters of housekeeping. They follow a lengthy and extensive consultation over a number of years, and they attempt essentially to do three things: first, to try to improve the administration of justice in certain key, but relatively limited, ways; secondly, to address some issues around public morality and honesty; and, thirdly, to make sure we guard resources whether in the interests of people paying motor premiums or those who are supporting the NHS.

A number of objections have been made by Members across the Chamber and seven of them have stood out. Four of those I would respectfully and politely disagree with, but three have some real heft and we will take them into account in proceeding with this Bill.

The first of those objections, from the hon. Members for Ashfield (Gloria De Piero) and for Jarrow (Mr Hepburn), largely focused on the questions of damage in the workplace and to people with non-whiplash-related injuries. This is not strictly relevant to this Bill, which deals with whiplash-related injuries. The change in terms of non-whiplash-related injuries is proposed to be from £1,000 to £2,000, roughly in line with RPI since it was set in 1991, and dealing with roughly the same category of cases that were intended when the legislation was first introduced in 1991.

The second issue that has been raised by some hon. Members is that there is no evidence. This will be somewhat depressing for the people who have conducted an extremely extensive consultation, which has taken evidence not only from the insurance industry, as has been suggested, but from the Department for Work

and Pensions, from claimant lawyers, from the Medical Reporting Organisation and from a large public consultation.

Thirdly, the hon. Member for Jarrow and, to a certain extent, the hon. Members for Enfield, Southgate (Bambos Charalambous) and for Cardiff Central (Jo Stevens) suggested that very few fraudulent whiplash claims were being made. This is a difficult issue to pursue, as my hon. Friend the Member for Croydon South (Chris Philp) eloquently pointed out, because of the asymmetry of the information. In other words, it is extremely difficult to prove that someone has a whiplash claim because it is, by its very nature, a concealed injury. Nevertheless, the statistics—in particular, those raised by my hon. Friend the Member for Spelthorne (Kwasi Kwarteng)—show that the number of traffic accidents has decreased by a third while the number of claims has gone up by 40%. At the same time, as my hon. Friend the Member for Walsall North (Eddie Hughes) pointed out, cars have become considerably safer. All this suggests that something is going on in relation to these claims.

The fourth objection, raised by the hon. Member for Lewisham West and Penge (Ellie Reeves), related to access to justice. The suggestion was that it was inappropriate to say that people should proceed to a small claims court for claims of under £5,000. The vast majority of existing claims do not proceed to court at all. The district judges who are ruling on these claims are used to dealing with claims of up to £10,000.

The three more serious objections are those that we are addressing. One of them is the idea that the insurance industry will not pass on the savings to motorists in the form of premium savings. As the Secretary of State has indicated, we will therefore be introducing an amendment, which will be with the House shortly and will be available in Committee and on Report, to address this exact concern, which was expressed by the hon. Members for Harrow West (Gareth Thomas), for Leeds East (Richard Burgon) and for Jarrow, and by my hon. Friend the Member for South Leicestershire (Alberto Costa), as well as by the hon. Members for High Peak (Ruth George) and for Hammersmith (Andy Slaughter).

The second serious concern was about vulnerable road users, and it was raised by my hon. Friend the Member for Chelmsford (Vicky Ford) and by the hon. Members for Cambridge (Daniel Zeichner) and for Brentford and Isleworth (Ruth Cadbury). There, too, we will be introducing changes to ensure that vulnerable road users are excluded from the scope of the Bill and from the raise in the limit. Thirdly, my hon. Friend the Member for Croydon South and others raised concerns around periodic payment orders. The Secretary of State has written to the Master of the Rolls to ensure that PPOs are introduced more frequently, in order to ensure that vulnerable people suffering problems around lifetime care costs are genuinely able to get regular, sustainable and reliable payments out of the insurance industry to sustain them.

Chris Philp: Will the Minister give way?

Rory Stewart: Very briefly, because I have been told to stop in three minutes.

Chris Philp: What does the Minister think of the idea that we might tweak the system so that periodic payment

[Chris Philp]

orders became the default setting unless a judge agreed that there was a good reason to do otherwise and make a lump sum payment?

Rory Stewart: I am very happy to take that issue offline with my hon. Friend. There is a lot to be said for PPOs.

In essence, there are three fundamental arguments that we would make in favour of the Bill. The first is that we need to ensure that the administration of justice is proportionate and sustainable. As my hon. Friend the Member for Chelmsford has pointed out, the fact that nearly 40% of the costs are currently being absorbed by legal fees is a serious issue. Secondly, we need to ensure that the system is straightforward. As my hon. Friend the Member for North Warwickshire (Craig Tracey) pointed out, the introduction of the portal will ensure that the administration becomes more straightforward. Thirdly, my hon. Friend the Member for Croydon South has pointed out that the introduction of fixed tariffs, on the French model, will make the administration of justice more predictable.

The question of fraud and morality is also at the centre of these changes. As my hon. Friend the Member for Bromley and Chislehurst (Robert Neill) said, fraud does happen, and my hon. Friend the Member for South Norfolk (Mr Bacon) has pointed out that it can often be extremely flagrant. My hon. Friends the Members for Spelthorne and for Walsall North (Eddie Hughes) said that even if we cannot prove every case of fraud, it is at least true that claims are becoming more exaggerated. Indeed, as my hon. Friend the Member for Walsall North also pointed out, that can have medical consequences. To quote the polite words of the *New England Journal of Medicine*:

“The elimination of compensation for pain and suffering is associated with a decreased incidence and improved prognosis of whiplash injury.”

That was the point made by my hon. Friend about the situation in Greece.

The fundamental point is that the Government have a responsibility to balance the administration of justice and honesty with the broader social costs. As my right hon. Friend the Member for Chipping Barnet (Theresa Villiers) pointed out, insurance premiums have been rising, and we need to take them into account. As my hon. Friends the Members for South Norfolk and for Bexhill and Battle (Huw Merriman), premiums are rising in rural areas in particular. Again, as my hon. Friend the Member for North Warwickshire pointed out, the cost of over £1 billion to the NHS that will be addressed through this legislation is one that is borne by every taxpayer and is causing increasing concern among medical professionals.

This is a serious piece of legislation that addresses various focused points. It comes at the end of an extensive consultation, during which we have made several concessions to address the concerns expressed across the House. During the House of Lords’ consideration

of the Bill, we introduced new definitions for whiplash, we involved the Lord Chief Justices in the process, and we adjusted some of the timings for the discount rate. Through this legislation we believe that we can contribute towards a more honest and proportional system that takes into account the significant social costs of exaggerated claims. Through a more simple, predictable, effective and rapid administration of justice, we can protect a range of social and economic interests while balancing the rights of road users, claimants, defendants and, ultimately, citizens as taxpayers.

Question put and agreed to.

Bill accordingly read a Second time.

CIVIL LIABILITY BILL [LORDS] (PROGRAMME)

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

That the following provisions shall apply to the Civil Liability Bill [Lords]:

Committal

(1) The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

(2) Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 9 October.

(3) The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

(4) Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.

(5) Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

(6) Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

(7) Any other proceedings on the Bill may be programmed.—
(*Jeremy Quin.*)

Question agreed to.

CIVIL LIABILITY BILL [LORDS] (MONEY)

Queen’s recommendation signified.

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the Civil Liability Bill [Lords], it is expedient to authorise the payment out of money provided by Parliament of any expenditure incurred under or by virtue of the Act by the Lord Chancellor.—(*Jeremy Quin.*)

Question agreed to.

Mr Speaker: In the thitherto unimaginable scenario that Members do not wish to listen to the hon. Member for Oxford West and Abingdon (Layla Moran), they can leave the Chamber quickly and quietly, so that the rest of us can enjoy her mellifluous tones.

Cycling: Gilligan Report

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

9.52 pm

Layla Moran (Oxford West and Abingdon) (LD): I am extremely grateful to have the chance to speak this evening about the importance of cycling and, more specifically, the Gilligan report. Oxford is famous for being a cycling city. In fact, one of the first early-day motions I tabled following my election was to congratulate the city on its newfound cycling city status and ambitions. That said, it is fair to say that I am a fair-weather cyclist. I use an electric bike with a very pretty basket, and I usually cycle in a skirt and rarely in the rain. One could therefore rightly ask why I decided to become a vice-chair of the all-party parliamentary group on cycling. Well, I did that not because I am not a Lycra-clad, cycling fanatic, but because I am exactly the type of person whom we need to encourage out of the car and into the saddle. While cycling may not be great for my hair, it is brilliant for my health and the environment, and anything that I can do to encourage others to join me is a good use of my time.

Of course, the catalyst for this debate has been the publication this summer of the “Running Out of Road: Investing in Cycling in Cambridge, Milton Keynes and Oxford” report by former London cycling tsar Andrew Gilligan, as part of the National Infrastructure Commission. The report is incredibly welcome. At its heart is a recommendation for £150 million of investment in cycling in Oxford to realise the ambition for a “C change”—a cycling change—with an increase in cycling journeys and a reduction in congestion.

Securing substantially increased funding for cycling in Oxfordshire is key to truly integrating cycling into all local transport and planning projects, to ensuring that cycling provision is ambitious and designed to a high standard, and to ensuring that cycling is integral to other transport networks—my goodness that is not the case at the moment—rather than being isolated or an afterthought.

Sandy Martin (Ipswich) (Lab): Does the hon. Lady agree that, by demonstrating what is possible, Oxford and Cambridge could show what will work in other towns and cities of the same size across the country? We should not have just one or two beacon towns and cities; cycling should become part of the total transport fabric of this country.

Layla Moran: I completely agree with the hon. Gentleman.

The report further advocates an Oxfordshire cycling commissioner with powers similar to those Andrew Gilligan held in London. The commissioner’s job would be to hold all aspects of county, district and city councils to account, and the report suggests that local cycling campaign groups should be funded to allow them to examine and challenge planning applications that are not ambitious enough. I have spoken to Cyclox, BikeSafe and Abingdon Freewheeling, which I am sure would all welcome that proposal with enthusiasm.

The report concludes:

“Provision for cycling in Oxford is poor”.

I absolutely agree.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Lady on securing this debate, as it is important that cycling reaches its potential in her constituency. We have done something similar in Strangford with the Comber greenway, which encourages cycling between Comber and Dundonald, and by doing so we have enabled people to see the area’s greenness and be environmentally friendly and to experience the health benefits of cycling.

I commend the hon. Lady for what she is doing. Many constituencies across the United Kingdom of Great Britain and Northern Ireland have done similar things. We have done it in Strangford, and so far it has been successful and we are looking towards other schemes.

Layla Moran: There are many good examples across the country, but we need many more.

Unsurprisingly perhaps, cycling is one of the top issues in my postbag, and top of the list of cycling issues is the need for segregated cycle lanes. Why? Because they are safer. Fiona lives off the Botley Road, and she gives examples of regular accidents on that road. She says that

“the road needs to be fit to drive and cycle and to do so with full concentration.”

Anneliese Dodds (Oxford East) (Lab/Co-op): I am grateful to the hon. Lady for securing this essential debate. As local MPs we are both keen cyclists, which is wonderful. I am not sure whose hair is slicker—I think it is probably hers.

I am pleased that the hon. Lady has raised the issue of segregated lanes, because research conducted by Oxford Brookes University shows that segregated lanes are important for getting more people with disabilities and older people on to their bikes, as well as younger users, too. Does she agree that that needs funding?

Layla Moran: I absolutely agree. On my patch, it is Banbury Road and Woodstock Road, as well as Botley Road and the other arterial roads. More than that, it is about schemes such as the B4044 community path, which would provide a safe cycle route between Botley and Eynsham. The path should have happened a decade ago, and the cost is tiny compared with what we are spending on roads. We need to make sure that the commuter routes into the city are well serviced for bicycles, not just for cars.

At a recent student surgery, the biggest issue that came up was potholes—peak Lib Dem. Although the same complaints come from residents in the likes of Kennington, Radley and Kidlington, I find it interesting that students are also interested in potholes. Claire spoke for many:

“cycling along Banbury Road makes my commute hellish—if it’s not riddled with potholes, it’s constantly flooded in wet weather.”

From potholes to planning: the report also says:

“Provision in new developments is...disastrous.”

That comment is echoed by Ian in Abingdon, who says that there is an

“urgent need to make cycling much more safe and common with new building developments”.

I appreciate that putting segregated cycle lanes into Oxford’s historic centre and into Abingdon town centre is difficult, but there is no excuse when it comes to new

[Layla Moran]

developments. A good example of this is the forthcoming “Oxford North” development, which seems to have no proper cycling facilities designed into it—yet. I am sorry to say that councils do not always have a great track record in this area, despite warm words. The snazzy new Westgate shopping centre, where I am going to be celebrating my birthday soon, is one good example of this; I will not be cycling there because there is no—

10 pm

Motion lapsed (Standing Order No. 9(3)).

Motion made, and Question proposed, That this House do now adjourn.—(Jeremy Quin.)

As I was saying, what a wasted opportunity there. That same lack of ambition was seen in the development of Oxford Parkway station, where there was no real creation of integrated cycle routes, despite the fact that the station is within easy cycling distance of tens of thousands of people in Oxford and Kidlington. To cross the roundabout one has to get off one’s bike and walk—that is not good enough. Councils are great at rhetoric, yet when the schemes are finally implemented, we rarely see the warm words we often hear come to fruition. So my question to the Minister is: how do we hold councils to account?

Ruth Cadbury (Brentford and Isleworth) (Lab): I welcome the fact that my fellow officer in the all-party group on cycling has brought about this debate. Does the hon. Lady agree that rather than having insufficient funds available from government for local authorities that actively want to use them, there should be some stronger incentive that forces local authorities to draw down funding and spend it on safe and segregated cycle provision to new and existing developments and transport networks?

Layla Moran: I thank the hon. Lady very much for her intervention, because she touches on the crux of the issue. Everyone says that they want to make this happen, but when it comes to implementation, they need a stronger arm to make sure it does. In Abingdon, there is no masterplan for integrating cycle routes between different developments, despite the fact that new housing could and should provide a new route between Abingdon and Radley, where the railway station would make a fantastic cycling parkway station. We need to make sure that when plans for the redevelopment of Oxford station come forward, proper cycling facilities are front and centre of them. Julia Bird points out that the lack of investment and facilities means that she often does not take her bike with her into the city centre because it would get stolen, so she keeps

“a basic one for fear it’ll get pinched.”

Connectivity is the key. As the report points out,

“Provision at dispersed employment sites is worse”

than in Oxford city.

It also states:

“Provision for out-city commuters is key but barely exists.”

It is crucial that the communities and towns surrounding Oxford are not forgotten.

Another potential wasted opportunity is the upcoming Oxford flood alleviation scheme, which I am not told will not include a cycle path that would connect Oxford

to Abingdon, despite repeated assurances at the beginning of the scheme that that would be put in place. May I beg the Minister to have a word with his colleagues in the Department for Environment, Food and Rural Affairs? It would be so much cheaper to do this now than to do it retrospectively. As my fantastic colleague Councillor Emily Smith points out, it is vital that there is more joined-up working, not just between Government and the councils, but between the district, county and city councils, and that existing funding for cycle routes that are under threat is not lost. I would be grateful for any support the Minister can give to impress on all the councils to actively work together.

Moving from the local to the national, I would like to see the Gilligan report be a catalyst for action across the country. The importance of mainstreaming cycle-planning, integrated networks, consistent design standards and the wider aim of traffic reduction cannot be overstated. When the Department has reviewed its guidance on cycling infrastructure design, it needs to be applied consistently. It is clear that in Oxfordshire we have the political will, but support from the Government is crucial to reallocating road space from motor traffic to cycling.

So, how do we achieve all that? As Andrew Gilligan himself says, the plans will need money, alongside a change in the national view of cycling as unimportant and unworthy of serious spending. The £150 million suggested in the report sounds like a lot, but it is necessary, and it does not begin to compare to the amounts being invested in new road facilities—for example, as part of the controversial Oxford to Cambridge expressway. Critically, the money must not be a series of taps turned on and off; instead, we need a long-term strategic commitment to improving cycling infrastructure, not just in Oxford but across the country. Investing in road and rail without cycle infrastructure would be the wrong approach.

Given that officials are already starting to prepare for the Treasury’s next cross-departmental spending review, I am keen to do anything that I can to support the Minister in his bid to secure a better national funding settlement for cycling and walking. For example, I would like to see realised the 2013 “Get Britain Cycling” report’s ambition of there being spending of £10 per person annually, rising to £20 per person later. I of course welcome the Government’s cycling and walking investment strategy, but it could and should be much more ambitious. Rather than small investments that double the number of cyclists nationwide from 2% to 4%, we need to get the proportion to a fifth at the very least.

Of the £340 million that has so far been allocated specifically for walking and cycling, does the Minister know how much has been spent, where and how? I am told that he does not. If he does not, how do we know that any of the various schemes are going to work? The report was clear that it is better not to spend money at all than to spend it badly. Will the Minister also say how much of that money is left, so that all the rest of it can be spent in Oxford?

The report concludes that congestion in Oxford is close to unmanageable and brings pollution and health problems. In the longer term the investment will pay for itself; will the Minister confirm that his Treasury colleagues will take that into account in the spending review? Cycling not only benefits people’s physical health but

reduces air pollution. Investment in cycling benefits policy aims in not only the Department for Transport but in the Department of Health and Social Care, the Ministry of Housing, Communities and Local Government and the Department for Environment, Food and Rural Affairs—win, win, win, win.

In conclusion, we have a huge opportunity in Oxfordshire. With a cross-departmental, long-term approach from the Government, better working between councils and local organisations, and the funding boost recommended by the Gilligan report, we can be ambitious for the future of cycling in Oxford. I hope that the Minister and his Department will help Oxfordshire to realise its ambitions to be a world leader and the country's greatest cycling city.

Mr Speaker: I gather that the hon. Member for Cambridge has secured the agreement of the hon. Lady and of the Minister to make a short speech. I call Mr Daniel Zeichner.

10.7 pm

Daniel Zeichner (Cambridge) (Lab): I thank the hon. Member for Oxford West and Abingdon (Layla Moran) for allowing me to use a couple of her precious minutes and congratulate her on securing this debate. It is really good that we have the opportunity to discuss cycling in our great cities, even though the debate was triggered by a curiously mixed bag of a report. Unfortunately for those of us in Cambridge, it contains a number of inaccuracies, is rather out of date and misses some key issues for our city. We absolutely agree with the headline—Cambridge is indeed the country's cycling capital, where cycling is a key mode of transport—but of course more can be done and needs to be done.

The first of two obvious omissions in the report is that it contains nothing about the key issue of bike parking in the city centre. Like many people, I find that I spend as much time looking for a space to leave my bike as I do riding to the city centre. The report gives no consideration to some of the imaginative automated bike-parking systems that have been developed in other parts of the world, as well as in London. Secondly, the report also fails to mention the enormous and as yet largely untapped potential of electric bikes. I love my electric bike—I am a very big fan of them—and there is much more that can be done.

It is surprising that the report contains no mention of dockless bike-sharing schemes, which have been very much in the news recently. Along with other colleagues, I have had discussions with the Minister about the opportunities and challenges of dockless bike sharing. Unfortunately, in the absence of legislation, councils lack legal powers and are left to clear up any mess made by damaged bikes or cycles left in dangerous situations. Many of the operators believe that we need a regulatory framework—something like a franchising agreement with the local authority—if dockless bike sharing is to become a long-term, sustainable transport solution. In Cambridge, we still have Ofo, although it does not serve the whole city now. In recent weeks, we have seen other such companies withdrawing from Norwich and Sheffield. That cannot be part of our long-term solution if there is no certainty.

Reflecting very briefly on the report, I do take issue with some of the negative comments made about current transport plans in and around Cambridge, where the

Greater Cambridge Partnership is working very effectively, not least in developing the Greenways in and out of the city. The simplistic dismissal of a tunnelled metro, when new tunnelling and vehicle technologies finally make such ideas possible in small cities, is just crass. The report also completely fails to understand the needs of many city residents who absolutely rely on good bus services and are unlikely ever to turn to cycling, however good the facilities.

Let me conclude on a positive note. The Greater Cambridge area has invested £18 million of city deal funding on cycling infrastructure and a further £50 million is committed to 2021. Our Labour council has provided strong clear leadership and has supported the wonderful Camcycle, the excellent local cycling campaign which is organising the Cambridge Festival of Cycling this very month. I also hope that the combined authority mayor will put money where his mouth is and use some of the resources from the transforming cities fund on cycling infrastructure. His interim transport strategy statement, published in May 2018, speaks of

“creating new pedestrian and cycle-friendly infrastructure and facilities,”

but, sadly, its list of proposals includes no cycling or pedestrian schemes.

Cycling is already a key transport mode for Cambridge. We are an inspiration and exemplar to others. Now we need the Department for Transport and the combined authority to unlock the resources so that we really can get our wheels in motion and reach our full potential.

10.11 pm

The Parliamentary Under-Secretary of State for Transport (Jesse Norman): I can only congratulate the hon. Member for Cambridge (Daniel Zeichner) and his talent for inaccurate precis when he makes the point that he has two minutes of the time of the hon. Member for Oxford West and Abingdon (Layla Moran) when in fact he has four minutes of my own, which means, I am afraid, that I have limited time to respond to the main motion. I am very grateful to have a chance to talk on this issue surrounded as I am by a phalanx of cycling gurus from the all-party cycling group, and it is a delight to congratulate the hon. Lady on securing this debate on the Gilligan report.

As the House will know, Andrew Gilligan was an outstanding cycling commissioner when he was in London—he was punchy, energetic, fearless and highly effective. This report is a very serious and useful piece of work. It may contain inaccuracies and infelicities, but its general thrust is extremely constructive, detailed, gritty and intelligent, and I hugely welcome it. Many of its suggestions, ideas and insights, as the hon. Lady has mentioned, have much wider potential applicability across the country. What is so exciting, as a Cycling Minister, is to see how the local entities—in this case one hopes that Oxford, Cambridge and Milton Keynes will swear by this report, but previously Manchester through Chris Boardman and there are other cities—have picked up the baton of using cycling and walking to create better places in their own cities and environments, and I absolutely welcome that. I look forward to other authorities coming forward with the same kind of vision and energy that they have shown.

Andrew Selous (South West Bedfordshire) (Con): Will the Minister very briefly give way?

Jesse Norman: Well, in my ample spare time, yes, of course I will.

Andrew Selous: It is obviously wonderful to see Oxford, Cambridge and Milton Keynes having these great plans, but will the Minister say a little bit about market towns such as Leighton Buzzard, Dunstable and Houghton Regis? How will we get cycling into some of our market towns? It cannot just be the preserve of people who live in our larger cities, can it?

Jesse Norman: That is absolutely right. I would not have expected a man geographically located as my hon. Friend is to fail to pick up the linkages. The fascinating point here is that, although some things are being funded at the moment through energies at a civic level, there are opportunities nevertheless—and we have seen this through other pots of funding—for smaller authorities to take the opportunities that this whole sequence of events requires, but they have to step forward. One thing that we are trying to do with our local cycling and walking infrastructure plans is to reward and encourage local authorities that are prepared to think creatively and constructively about these opportunities in the way that they take these things forward.

It is important to say that I personally am very strongly committed to increasing cycling and walking and making our roads safer for vulnerable users, and of course that includes cyclists, pedestrians, horse riders and the rest. When the cycling and walking investment strategy was launched in April 2017, it was an attempt to gather together and create a coherence out of a wide range of existing pots, the purpose being to proclaim an ambition to make cycling and walking a natural choice for short journeys or, indeed, as part of a longer one. Interestingly, the Gilligan report says that there are many advantages to cycling, as the hon. Members for Oxford West and Abingdon and for Cambridge have mentioned. Cycling always brings cheaper travel, better health, better air quality, increased productivity, increased footfall in shops, better community and lower congestion, and it creates vibrant and attractive places and communities. These are all things that Andrew Gilligan recognises in his report.

It is striking that Andrew Gilligan's report rams home the point that cycling is a serious mode in all these cities, particularly in Oxford and Cambridge—less so in Milton Keynes, although the figures are rising—but he says that it is not taken seriously enough. It has been suggested that the Government do not take cycling seriously enough, which I certainly do not think is true; we take cycling very seriously. The report also points to the importance of local leadership. Now, Oxford has a growth deal and Cambridge has a city deal, so there is plenty of scope for those local authorities to continue to show leadership in responding to the kind of challenges that have been articulated by Andrew Gilligan in his report.

Anneliese Dodds: I am grateful to the Minister for giving way in the limited time he has left. I just wanted to make the point that Oxford City Council has a cycling champion and it is doing the very largest amount it can within the existing funding packet. To do more, it really does need funding, so will he please give us an intimation of where that additional funding will come from?

Jesse Norman: As I said, Oxford already has a growth deal. There is considerable scope within that to allocate funds to cycling if the local authority so wishes. I have not met this cycling champion; I did not know of the Oxford cycling champion's existence, so they might not have been quite as high profile as Oxford might like. However, they are welcome to come and talk to me about their priorities, and we can discuss them as I have done with metro Mayors and other key figures around the country in this area. The hon. Lady focuses on Oxford—and rightly so—but it is also important to mention Milton Keynes as well as Cambridge, as this report covers all three areas.

According to the 2016 Active Lives survey, the local authorities with the highest prevalence of adults cycling at least once a week were Cambridge at 54%, followed by Oxford at 37% and then South Cambridgeshire. The figures compare to a national average of 11.9%, so these are vanguard authorities that are thinking about how they can take their measures forward.

From a Government standpoint, I have talked about the growth in city deals, but it is also important to flag that, in addition to the moneys that were discussed in 2017—since the strategy was launched—the Department has also announced considerable amounts of additional funding potentially available. This includes the £1.7 million transforming cities fund, of which, as the hon. Member for Oxford West and Abingdon will know, £250 million has been provided for Manchester, of which £160 million will be used for the Chris Boardman cycling and walking scheme. We are providing £77 million for local road schemes that support cycling and walking projects through the national productivity investment fund, £30 million to improve road and cycle safety for cyclists and pedestrians along the HS2 route and £220 million of capital and revenue funding through the clean air fund of the Department for Environment, Food and Rural Affairs.

The hon. Lady rightly asked how this all pans out. The answer is that these pots of money are available for different authorities to bid for; as they bid for them, so the allocations are made. It is impossible to say in advance what the allocations will be, but we can give a retrospective account of the funds that have been delivered. It is important to try to balance a national strategy with specific opportunities to improve and respond to local leadership in particular areas.

Colleagues know that I take cycle safety and the safety of vulnerable road users extremely seriously. The point made by Andrew Gilligan and by the hon. Lady—a point that has been made many, many times—is the importance not merely of improving safety, but of doing so through segregated infrastructure, and that is a very well taken point. One does not have to look at all far—even in this country, let alone to the countries of Europe that are very advanced in terms of cycling—to see the effect.

Earlier this year, we published a call for evidence on cycling and walking safety. We have had 13,000 responses, and the Department will publish a summary of those shortly. Before the end of the year, I plan to set out the final findings from the review. A lot of attention is focused on some changes we are making to the treatment of offences by cyclists, but the focus of the review, overwhelmingly, will be on improving safety of cyclists

and pedestrians and on setting the terms for an expansion of cycling and walking, to combat some of the concerns about obesity and air quality that we have described.

It is important to recognise that even without that, the Department has taken an important wide range of interim steps. We have given over £7 million of funding to local authorities to support safety improvements, including over £500,000-worth of improvements to the Fendon Road roundabout in Cambridge. We have launched a new UK-wide initiative to help the police to crack down on close passing, which we have taken seriously in central Government for the first time. We have announced a £1 million sponsorship agreement between the Bikeability Trust and Halfords. We are taking measures to improve standards for infrastructure and to incorporate guidance on close passing into the Highway Code, as well as supporting pathfinder projects to upgrade the national cycle network. There is a wide range of different measures, with much of the focus on infrastructure, but obviously we would like to go considerably further.

I am very pleased that £18 million of Cambridge's city deal funding since 2015 has been spent on new cycling infrastructure, with a further £50 million committed to 2021. Cambridge and Oxford—alas, not Milton Keynes—are among the eight cities that the Government have supported through the £191 million Cycle Ambition Cities programme. That shows our desire to reinforce the success that they have had and to try to give additional support. In thinking about this kind of infrastructure development, we have tried to respond to specific initiatives. Oxfordshire County Council has put forward a proposal entitled “Oxfordshire Innovation Corridor”, which will receive a lot of attention. We take these issues very seriously. I congratulate the hon. Member for Oxford West and Abingdon on calling this debate.

Question put and agreed to.

10.22 pm

House adjourned.

Westminster Hall

Tuesday 4 September 2018

[MR PHILIP HOLLOBONE *in the Chair*]

British Citizenship Fees: Children

11.30 am

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I beg to move,

That this House has considered fees for registering children as British citizens.

It is good to see you in the Chair, Mr Hollobone. I trust that you are feeling suitably refreshed after the summer recess. What better way to start the new term than by seeking to ensure that all children entitled to British citizenship can access it and not be prevented from doing so by an exorbitant Home Office fee?

I thank colleagues from the different political parties who supported the debate application, the Backbench Business Committee for granting the debate, and everyone who has come along to support it. I also thank the 69 MPs, from every political party in the House of Commons, who have signed early-day motion 1262. Finally, I thank all the campaigning organisations that have been working incredibly hard, including the Children's Society, Coram Children's Legal Centre, Let Us Learn, the Project for the Registration of Children as British Citizens—PRCBC—and Amnesty International.

What we all seek is utterly reasonable and a very modest proposal. All we are asking the Home Office to do is to put in place a charging regime for registering children as British citizens that is fair and that allows them to access their right to citizenship, rather than one that leaves them to seek various forms of costly and precarious immigration status and sometimes with no status at all.

John Howell (Henley) (Con): The hon. Gentleman may have seen that my right hon. Friend the Home Secretary has announced that he has asked for a review. Does the hon. Gentleman have an idea of what might come of that?

Stuart C. McDonald: I hope good things come of the review, but I suspect that the Minister will be in a better position to provide us with answers.

We seek a system that reflects what Parliament intended when it passed the British Nationality Act 1981—that is, a system that makes it easy for kids with the requisite close connections to Britain to exercise their right to British citizenship, not one that makes money out of them by charging what the Home Secretary himself has described as a “huge” sum of money in order to fund other Home Office work. That is the case in a nutshell. In the remainder of my contribution, I plan to look at what Parliament intended for these children when it passed the legislation in 1981 and then to make the case that what the Home Office has put in place undermines rather than implements those intentions.

In 1983, Parliament scrapped the laws that meant that being born in the United Kingdom was in itself enough to make a person British. As well as being born in Britain, a person now also needs to have a parent

who is settled or a UK citizen at the time of their birth. That was an understandable step. Many countries, although not all, have done the same. In a world in which people can live in several countries over their lifetime, place of birth is not necessarily the best way to identify a person's true home country—the country that the person is most closely connected to and that should take them under its wing. However, in taking that step, Parliament was careful and mindful of the fact that it did not want to leave significant numbers of children for whom Britain is home deprived of that citizenship and the protections, security and stability that the anchor of citizenship can provide, which is precisely why it enacted provisions on registration.

British-born kids who were not automatically British at birth are allowed to register as British if they lived in the UK for the first 10 years of their life; either parent settles or becomes British before the kid turns 18; or if the kid was stateless at birth and lived for five continuous years in this country. Citizenship is their right. There is no discretion for the Home Secretary, although the 1981 Act rightly retained a discretion for the Home Secretary to allow other children to register, including those who came here at an early age and are to all intents and purposes British.

We could one day have a different debate on whether the rules are precisely the right ones and whether they draw the lines in the right place, but I think nobody could disagree that this type of rule was essential. The policy reasons behind them were quite right. In ending *jus soli* or citizenship by birthplace alone, it was vital to ensure that the thousands of kids for whom Britain was and is home should still enjoy that citizenship. The simple fact is that, by setting exorbitant fees, the Home Office is to all intents and purposes undermining Parliament's intentions. Too many children cannot access citizenship because the Home Office charges what the Home Secretary has acknowledged is a “huge amount” of money.

When the British Nationality Act came into force in 1983, the fee set for registration applications was £30. In today's money, that is almost exactly £100. For a quarter of a century, the fee simply represented the administrative cost of processing an application, but from 2007 the Home Office started charging more than the administrative cost. Accelerated increases mean that we have reached the “huge amount” of just over £1,000. The Home Office estimates the cost of processing an application to be £340, so it is creaming off £672 every time a child seeks to access their entitlement to citizenship.

Stephen Kerr (Stirling) (Con): It does my soul good to hear a member of the Scottish National party speak in such praise of British citizenship. I concur with that, but the hon. Gentleman is making a very good point. Compared with the cost in other countries—for example, the fee is £250 in Germany, £500 in the United States, £160 in Australia and £300 in Canada—the costs in our country are far too high.

Stuart C. McDonald: I am grateful to the hon. Gentleman for his intervention—I shall be very happy to champion the cause of British citizenship for the next few years at least. He makes the absolutely valid point that, on the basis of international comparisons, the amount that we charge children is exorbitant. It does not compare well at all.

[Stuart C. McDonald]

The Project for the Registration of Children as British Citizens has done fantastic work in challenging the Home Office fees on behalf of kids and even in helping to secure financial support from generous donors willing to help kids to achieve citizenship through donations, although it is outrageous that kids should have to look to charity to secure their citizenship. That organisation is fantastically well placed to speak about the impact on British kids of being denied formal British citizenship. The kids grow up blissfully unaware that they are not, unlike their peers, British citizens. They do not realise that until they cannot join their peers on a school trip abroad or they apply for university and suddenly are faced with paying overseas fees. Without British citizenship—they are just like the Windrush generation in a sense—these children are made subject to immigration control and potentially the hostile or compliant environment, which means that they run the risk of being refused access to healthcare, employment, education, social assistance and housing. There is even the possibility of being detained, removed from and excluded from their own country altogether. In fact, that was mentioned in the most recent report by Stephen Shaw.

The PRCBC has provided a number of case studies—I suspect that hon. Members have access to them—highlighting individual stories. I will mention just one. May was brought to the UK when she was two months old and she has never left the country. She was first taken into care when aged five. A full care order was made later. She should have been registered as a British citizen under section 3 of the British Nationality Act while she was in care, but she was not, and she lost the opportunity when she turned 18. May gave birth to Heather and was later granted indefinite leave to remain, but Heather was not born British, because at the time of her birth her mother was neither British nor settled. Heather now has an entitlement to register as British under section 1 of the 1981 Act because of the settled status that her mother subsequently acquired, but her mother simply cannot afford the £1,012 fee to register her daughter as British. Heather was born and brought up in Britain. She knows no other country. She is to all intents and purposes British. She is entitled to British citizenship—she should not be required to pay more than £1,000 to access that entitlement—and cannot access it.

Tens of thousands of British-born children face similar issues. Surely that is contrary to the Government's duty to safeguard and promote the welfare of children and to the requirement that children's best interests be a primary consideration in all actions concerning them.

Tim Loughton (East Worthing and Shoreham) (Con): I congratulate my fellow member of the Select Committee on Home Affairs on bringing up this very important issue. Is he aware of two things? First, the very expensive fees for all sorts of visa and citizenship arrangements in this country are having repercussions. For example, I have just had to pay out £465 for my daughter to study for a few months in Brazil—that form of visa is most expensive for UK citizens. Secondly, does he agree that, far from the Home Office making a substantial profit out of vulnerable children, there should be no fee at all in the case of children in the care system?

Stuart C. McDonald: The hon. Gentleman has been a champion of this cause on the Home Affairs Committee. I agree that there should be no fee for children who have been in the care system. The early-day motion that I tabled referred to that and I will address it momentarily.

The Minister met me and representatives from PRCBC and Amnesty to hear our arguments. I am grateful that she was willing to listen. I want to address some of the arguments the Home Office continues to use to justify the current fees regime.

First, the Home Office asserts that the fee reflects the benefit received by the child in being able to register. That totally misunderstands the situation. Parliament has decided that these kids should formally be British citizens—it was not a benevolent act of the Home Office. It is not any more legitimate to charge these citizens for the benefits they obtain as UK citizens than it would be to charge anyone in this Chamber or our own children. It seems the Home Office is conflating registration with the naturalisation of adults who choose to make the UK their home and ask for citizenship. That is totally different. Registration was put in place to compensate or to fill some of the gaps left by the end of citizenship by place of birth. The Home Office is subverting Parliament's clear intentions by making it impossible to access those rights.

Secondly, the Home Office states that citizenship is not necessary—people can apply for leave to remain instead, which is an astonishing argument. How many hon. Members would be willing to give up their British nationality and settle for applying for leave to remain? There is no equivalence and it is outrageous to suggest that there is. That is particularly the case given that some of the kids affected would face a hellish path to settlement, which the Minister seems to be suggesting is a suitable alternative. Those not born here would require multiple applications at a cost of several thousand pounds on top of the cost to their wellbeing caused by the insecurity and stress of such a situation. It is not acceptable to say to someone whom Parliament says should be considered a British citizen, "Never mind, you can apply for leave to remain in your own country."

Thirdly, the Home Office argues that it is fair for those using the immigration and nationality system to pay a contribution towards the broader costs of the immigration and nationality system, so that British taxpayers more generally do not have to. In some circumstances, I accept that that is true, but not here. The sum of money is not fair. As we have heard, it is huge and prohibitive, and we are talking about children. More fundamentally, these children are not migrants who chose to come in, but people entitled to citizenship. They were either born here or came here and grew up here without having had a choice.

Deidre Brock (Edinburgh North and Leith) (SNP): I have a young constituent who has been refused citizenship after applying and her family paying that £1,012, despite the fact that her father is Scottish, she was born in Scotland and she has never lived anywhere else. Does my hon. Friend agree—developing the points he has been making—that it is difficult not to see this as profiteering by the UK Government to fund their hostile policies?

Stuart C. McDonald: I absolutely agree that it is profiteering. The Home Office tends to deny it is profiteering because it spends the money elsewhere, but the fact that

profits are reinvested does not mean that they are not profits in the first place. It is outrageous to take the approach that the Home Office is suggesting. It is also contradictory, because it is saying that kids entitled to British citizenship should pay more so that other British citizens get to pay less. Both groups are British citizens. There is equivalence between them. The Home Office argument almost suggests that one form of citizenship is superior to another.

In conclusion, the Home Secretary has to all intents and purposes deprived far too many kids of their right in law to register as British by setting a fee for registering citizenship, which he has described as,

“a huge amount of money to ask children to pay”.

There are not even any fee waivers for those kids brought up in care, never mind a broader opportunity to apply for a reduction where the fee is unaffordable.

Ruth Cadbury (Brentford and Isleworth) (Lab): I have been approached by the London Borough of Hounslow, which has a large number of people who were born all over the world. The local authority has many children in care whose parents were not born in the UK, so they have to apply for British citizenship. The local authority has to pay this extortionate fee, which means tens of thousands of pounds coming out of the children's services budget, which is already terribly overstretched. The lead member and the officers have told me that they resent their overstretched budget being used to subsidise national Government. Does the hon. Gentleman agree with them that it is unacceptable?

Stuart C. McDonald: I agree entirely. It makes no sense. In short, I am asking—I think most hon. Members are asking—that the cost of the application be no more in any case than the administrative cost to the Home Office; that where there is an inability to meet the financial cost, there should be the opportunity to apply for a fee waiver; and that no fee should be applied in instances such as the one the hon. Lady suggested—when children are in the care system.

In conclusion, if the Prime Minister is serious about remedying “burning injustices” and if the Home Secretary genuinely wants a fairer system of fees, this is a clear and obvious place to start. I hope the Home Office and the Immigration Minister look at this again.

Several hon. Members *rose*—

Mr Philip Hollobone (in the Chair): Order. The debate can last until 1 pm. I am obliged to call the Front-Bench spokespeople no later than 12.27 pm. There will be 10 minutes for the SNP, 10 minutes for Her Majesty's Opposition and 10 minutes for the Minister. If the Minister would be kind enough to leave three minutes for Mr McDonald to sum up at the end, that would be great. There are four or five Members seeking to speak and we have until 12.27 pm for contributions.

11.46 am

Douglas Ross (Moray) (Con): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on securing this debate, which allows us to contribute to the ongoing dialogue

about our immigration system. We both serve on the Home Affairs Committee, as the hon. Gentleman mentioned. I know that he has pursued this issue with great vigour. He only confirmed what he is asking for in the last few sentences of his speech. The early-day motion that he tabled, which has received cross-party support, speaks about the cost being prohibitive. I think he has now confirmed that his proposal would be for the cost to be roughly £400, rather than £1,000. The early-day motion also mentions that some people are simply

“unaware of the requirement to register”.

Perhaps the hon. Gentleman would say more in summing up, but I am not sure what more can be done to improve people's knowledge, to ensure that they know they have to register for these entitlements, as British citizens. I think that was missing from his remarks. I know why he focused on the financial element, but if awareness is a problem, it is important that we discuss that.

There has been a lot of debate about our immigration system in recent months. For most people coming to make a life for themselves in this country, the immigration system will be their first interaction with our Government. For others, such as children who have been brought here by their parents, it is a gateway to making a life for themselves in a country that we are all proud to call home. It is vital, therefore, that the system is fair and efficient and always has people—not abstract policies—at its heart.

I understand many of the concerns that have been raised. When children are brought to this country, it is often because their parents have decided to move here. For many of them, their life in the UK is the only one they have ever known. We have a long history of welcoming, as children, people who go on to make exceptional contributions to British life, science and culture, and who are as British as you or I. I want that to continue to be the case.

It is right, however, that those who benefit from our immigration system are, where they can, the ones who pay for it. As the hon. Gentleman alluded to, he believes they should pay the cost recovery. Let us not forget that citizenship fees are not something new. They were introduced, not by this Government, but as far back as 2004, to ensure that the cost of running the immigration system is borne by those who stand to gain most from it, not the British taxpayer. This concept is not exceptional, nor is it out of line with international comparisons. Almost every country in the world charges a fee to cover the cost of becoming a citizen.

A big part of this debate has been the level at which those fees are set. I want to make it clear that fees should never be prohibitive and if they have climbed too high, too fast, I hope the Minister will take cognisance of that and look carefully at this issue. However, as the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East said, the Home Office believes that the fees cover much more than the cost of the application, as they contribute towards the running of the wider system and towards the benefits that newly naturalised people stand to receive as citizens. Yet, as I have said, it is important that the fees do not become so high that citizenship becomes an option only available to the wealthy.

It should also be said that applying for citizenship is a choice. This brings us back to the issue of fairness, as people who choose to become British citizens should pay to support that system. If we were to deny non-citizens

[Douglas Ross]

certain benefits that accompany citizenship, I would better understand some of the concerns that exist around this argument. However, a child with indefinite leave to remain will have access to benefits and entitlements, as does someone with full citizenship. What is more, local authorities have a duty of care for all children in need, regardless of their status.

At the heart of our immigration system, there needs to be a focus on people. Everyone comes to this country with their own unique story to tell and we must ensure that our immigration system can handle people's different circumstances. That is why it is absolutely right for the Government to waive citizenship fees for children in certain circumstances, as they already do, including for children who are victims of slavery or abuse, who are asylum applicants, or who are being looked after by a local authority. That is exactly the sort of flexible, personal approach that we need throughout our immigration system, to ensure that we do not turn our back on the most vulnerable people who come to this country to seek sanctuary.

I accept, as I think all hon. Members from across the political divide would, that no system is ever perfect, and the arguments that we have heard today have shown that in relation to the fees that children are being charged. I know that the Minister is an extremely capable member of the Government and that she understands the points that have been highlighted today; I also welcome the fact that she embarked on a review of this system over the summer. I look forward to hearing the findings of that review.

I hope that if changes are made, two key features will be recognised, which should be at the core of immigration policy. The first is fairness, both to the taxpayer and to immigrants; and the second is flexibility, so that unique circumstances are recognised and so that nobody who has a right to citizenship is ever deterred by prohibitive costs from seeking it.

11.51 am

Sandy Martin (Ipswich) (Lab): Thank you, Mr Hollobone, for calling me to speak—it is an honour to speak under your chairmanship—and I congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on securing this debate.

For nearly six months, Parliament has been forced to confront the many personal tragedies that have been caused by the Windrush fiasco. Every one of us should be worried when British citizens can be quietly removed from the bottom of a list, refused their rights and healthcare, and thrown out of their jobs and houses after a lifetime of hard work, during which they have paid their taxes and national insurance. Many of us have constituents to whom some if not all of these things have happened.

Some of us also have ex-constituents who have already been deported from this country without trial. These people are British citizens who have been forced out of our country by a combination of the ruthless inefficiency of the Home Office and the hostile environment that discriminates not only against those born in any other country but even against those born in this country to British citizens who have moved here from abroad.

Both Houses of Parliament are rightly shocked that these things have happened to the Windrush generation, but a large part of the reason that the Windrush generation was treated so unjustly was that the systems that we have made it complicated and expensive for some people to establish their British citizenship. If an adult is applying for British citizenship as a privilege, then by all means let us expect them at least to cover the cost of their doing so. However, if someone has a statutory right to British citizenship, we have a responsibility to ensure that they receive the rights and the treatment that go with that citizenship. We should do everything in our power to ensure that such people are properly registered and are not inadvertently discriminated against.

One of the most blatant, indeed gratuitous, ways that we can discriminate against the children of immigrants is to charge them exorbitant sums for going through a process that we require them to go through—a process that in a truly equal and non-discriminatory society they probably would not have to go through anyway.

The early-day motion that was tabled in May makes absolutely reasonable demands on the Home Office. As far as I can see, legislation is not required to implement it and it is the only way in which the immigration system can be made compatible with the spirit of the various promises about Windrush that have been made in the House. The Minister should not continue to review these issues; instead, she should move immediately to respond to the calls that were made in the early-day motion.

11.54 am

Jim Shannon (Strangford) (DUP): I am grateful for the opportunity to speak. I thank the Minister for attending this debate, and I congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on securing it and on describing the current situation very well.

The consensus of opinion seems to be that we should look to the Minister for change. So far, everybody whom I have heard today—I presume that those who follow me will take a similar view—has said nothing other than that we have a system that appears to take advantage of many people financially. We believe that system must change.

I am very much of the opinion that it is the job of Government to provide a service for the good of the nation out of the reasonable taxes that are paid. I do not believe we are perfect in the way we collect taxes; I believe that members of the higher echelons, who can afford to pay a little more, manage to slip the noose. We rightly help those in lower-paid employment, and in the middle a growing number of people are now working in poverty; across the UK, there are 3 million people in working poverty who are just one pay cheque away from homelessness.

That is a part of the responsibility of tax; there is certainly an issue with how we are taxing the middle class beyond a level that they can bear. However, that is not the subject of today's debate, although I will take this opportunity to highlight the fact that we need to learn lessons from placing excessive burdens on people, in any way that we can, including tightening up tax loopholes to prevent them from being used by big corporations.

Today's debate focusses on the money raised by the fees charged to register children as British citizens, which is an issue I feel strongly about; indeed, it is the reason I am here in Westminster Hall today to support my friend and colleague, the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East, and others in what they are putting forward.

I do not expect any Government Department that is providing a service to non-British people to run at a loss. I also support those who call for non-British people to pay their NHS bills and I believe in a percentage of our GDP going to international development and aid; I support those policies entirely. However, there is a question as to how far our charity extends and I fully support a Department that makes charges to cover its costs.

However, that is not what is happening here, which is clearly quite different and clearly wrong. I hope that I have read something wrongly and that I will be corrected by the Minister—it costs approximately £372 in administration to process a registration, yet from 6 April we have been asking the very same people to pay £1,012. It is a long time since I did O-levels, or GCSEs, but my mathematics is just as good now as it was back at that time; some people say that my mathematics is not very good at all, but that is by the way.

Nevertheless, I can still trust my maths ability enough to know that these increased fees simply do not add up; we do not have to be an expert in maths at any level to understand that. Why are we charging 2.72 times the amount of money that it costs to run the system? Why does it seem appropriate to make almost 200% profit on this type of transaction? If that happened anywhere else, we would refer that place to the necessary ombudsman for racketeering. Indeed, in Northern Ireland somebody doing this could expect a visit from the Police Service of Northern Ireland, who would seek an explanation regarding exactly what the person was up to.

There should be a compassionate element, as these children are in a vulnerable position and should be helped to make the final steps to become British citizens. However, profit of this magnitude does not speak to me of compassion, so the Minister will understand our frustration when we speak about these matters and understand what we are gently trying to put to her, as she is the Minister responsible for this issue.

The Library briefing that some of us received before the debate says:

"Analysis published on the Free Movement website puts the profit made by the Home Office in the past five years at £94.24 million."

My goodness. It went on to say:

"The Home Office accepted the methodology of that analysis but disputes that the money made represents a profit as it helps to fund the visa and borders systems."

The hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East referred to that in his speech. Although I clearly understand the rationale for that, the fact of the matter is that there is a fine line between good stewardship and exploitation. We have to look at what is happening here. Is it good stewardship or is it exploitation? I respectfully suggest to the Minister that it looks more like exploitation than good stewardship. The Department must seriously consider its position at this time. I understand that the immigration system loses money with each application that is returned to it and with each in-depth investigation

that it makes. However, should two other applications be processed at the expense of a child's application? I think not.

I am asking the Home Office to consider that point, and this debate gives me the opportunity to do just that. Personally, I believe that rather than giving children indefinite leave to remain, we should see these children—who do not even know their parents' homeland—as British citizens and invest in them as British citizens, allowing them the absolute privilege of ticking the box marked "British citizen" and to consider themselves British—the greatest nationality label in the world.

Here in Westminster Hall today, we are all—all the parties that are represented—collectively saying that, too, and it is great that that is the case. I am overwhelmed by my hon. Friends and colleagues sitting on either side of me or in front of me who subscribe to the very same principle.

Kate Green (Stretford and Urmston) (Lab): I draw the House's attention to my entry in the Register of Members' Financial Interests in relation to the support I receive in my office for work on immigration.

The hon. Gentleman refers to the indefinite leave to remain route, and he will be aware that until 2008 we had a special process, known as the children's concession, for children who had lived in this country for seven years. Does he agree that if that were reinstated it might fast-track at least some of the children affected?

Jim Shannon: The hon. Lady brings, as always, wise words and suggestions to the debate. The Minister will have heard her call, which I, and indeed others, endorse, and perhaps that is a methodology whereby her Department might be able to take the matter forward.

We talk often of community integration and of ensuring that we do not create countries and allegiances within our country. I believe that a way of controlling this from the cradle is ensuring that these children can be proud of their original culture and their heritage while also being proud to be British citizens. That is the true definition of integration, in my mind and in the minds of many, and it is what should be encouraged, rather than keeping children who know no other life than the British one at arm's length and as somewhat second-class citizens.

I welcome the Minister to her place. I have always found her very responsive and helpful in any matters I have brought to her attention, and I appreciate that. I hope that she accepts the consensus in the debate—what we collectively would like to see happen in the days ahead in relation to this request. I understand that bills must be paid and I expect non-nationals to pay their way, but we should not ask them to pay someone else's way as well. That is why I ask for a reconsideration and a more equitable dividing of the fee.

12.1 pm

Alison Thewliss (Glasgow Central) (SNP): It is a pleasure to see you in the Chair, Mr Hollobone.

Week in, week out, at surgeries, I see the impact of the UK Government's hostile environment on the lives of the people I represent, and one of the cruellest things about that is how it affects children whose parents either cannot work or are not allowed to work, and have no access to public funds. It is the children who lose out

[*Alison Thewliss*]

in those circumstances. If a child does not have citizenship they are subject to most of the same frustrating and arbitrary rules as adults, some examples of which I will discuss. The hostile environment aims to reduce immigration by making life in the UK so difficult for people that they simply give up and go back to their original country. Children, however, do not have that choice, and it is staggering that the Government put such high barriers in the way of children's security and future prospects. The environment also limits children's opportunities. I have had cases in my constituency of children in youth clubs or schools wanting to go on trips but not having the right under citizenship to do so. They cannot get a passport and cannot travel and are therefore missing out on educational opportunities from which they would benefit hugely. It is also cruel for them to see all their friends going away and not being allowed to participate on the same basis because their family cannot afford the fee.

The fee has escalated, mirroring the escalation in the adult fee, but this is an example of migrant children being treated the same as adults in a way that is borderline discrimination. We do not treat children who are British citizens exactly as we treat adults, so why the children of migrants? Children would struggle to get the money from their paper round, lemonade stall or any other means of fundraising. The Home Office is charging vulnerable children nearly three times the actual cost of the process. The children have a right in law to be registered as British citizens, as my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) outlined, so making a profit is simply not acceptable. Charging children an excessive amount for something they are fully entitled to under the laws set by this Parliament is a policy the Home Office should be ashamed of. The Secretary of State's obligation to provide the framework to enable the will of this Parliament in recognising citizenship is long overdue.

There is also discrimination regarding the Government's intended charges for EU nationals' settled status, for which there is recognition that adults and children should be treated differently—the fee will be £65 for adults and £32.50 for children. There is a whole lot of resentment among many communities that EU nationals are being charged a different fee from non-EU nationals, which is stoking up problems for the future, because non-EU nationals seeking citizenship for their children are asking, "Why do we have to pay more? Is our contribution not valued as much? Is what we have to offer this country not valued as much?" I urge the Minister to consider the huge disparity in the fees, because it is causing an awful lot of resentment in communities.

The impact assessment refers to the fee being set above the cost of administration to reflect the benefit that users get from the system of migration, but that is entirely the wrong attitude. The child is not having additional benefits conferred by the Secretary of State; they are having their pre-existing right recognised. Characterising what should be viewed as a recognition of a right as the provision of a privilege has allowed the Home Office to apply the fee extremely rigidly. It is currently payable regardless of the child's situation and

there is no practical discretion to waive it in exceptional circumstances. That means, as we heard earlier, that children in the care of a local authority still need to come up with the amount. The local authority can pay, effectively constituting a transfer from local government funds to the UK Government and removing money that would otherwise be spent on public services.

Kate Green: The hon. Lady raises the issue of fees under the new settled status scheme for EU nationals. Does she agree that applying the adult fee to those aged over 16 is completely incompatible with our understanding of what constitutes a child in every other legal context?

Alison Thewliss: I agree. This system of immigration is beset with contradictions and unfairness, and really needs a root-and-branch review to ensure that everyone gets a fair deal—my experience at my surgeries is that everyone certainly does not. It is also a hugely expensive system, as we have heard. Perhaps parents will prioritise applying for their own citizenship so that they can work and provide an income for their children—children who are entitled but whose parents cannot afford to access that entitlement—therefore impinging on children's other rights and other household needs. I see many families, particularly those affected by the paragraph 322(5) highly skilled migrants situation, getting into huge amounts of debt by paying for lawyers and going through a complex, expensive and lengthy process, while all the time not being able to work or claim any other entitlements. That is hugely damaging to children, who are growing up in poverty because the Home Office's immigration policies and the way in which it goes about its business put those families at such a detriment for such a long time.

Sandy Martin: Does the hon. Lady agree that not only is it hugely expensive to operate this complex system for the people trying to apply, or those who ought to be able to apply, but that it is also extremely expensive for the authorities and, in particular, for local authorities, with families getting into terrible trouble and requiring social care and homelessness help they would not otherwise have needed?

Alison Thewliss: I absolutely agree. A constituent of mine who is affected by the 322(5) situation is under threat of eviction and the Home Office cannot tell us when the review it has been promising us will conclude. In the meantime, the family is in limbo and I have to fight off the housing association that is trying to evict a mother and her children. That is absolutely appalling, and the lack of information is scandalous. It is high time the barriers were removed and the fees for children taken away, because they are a huge burden on families.

There is also an issue with the statistics. The power to use discretion was mentioned. I am not sure that we have the detail on the figures, and if the Minister provided that it would be incredibly useful. In response to written questions on children applying for British citizenship, the Secretary of State has stated that the figures can be found in the Home Office's quarterly migration statistics. My office and I have looked at those statistics, and they do not contain disaggregated data regarding how many children are applying and how many are refused, and they contain no reasons for refusal. Indeed, the Home Office's own statisticians say that they do not currently produce routine breakdowns

of applications or refusals by applicants' age. That obfuscation conceals the true value of the money that the Home Office gathers from the citizenship applications of children and how many children are stuck in the process.

On the good character requirement, which some of my constituents have had issues with, paying the fees and the associated legal costs and having a parent as a British citizen still does not guarantee that a child will be registered as a British citizen. Any child between the ages of 10 and 18 who applies for such registration is subjected to a good character test in exactly the same way as an adult. The decision regarding the test rests with a decision maker, guided by official guidelines and criteria, many of which are redacted. If a child has filled in their tax return promptly and has a clean driving licence, then any further decisions will be shrouded in mystery. That comes from the Home Office's own guidelines on good character requirements and it should probably look at them because they are surreal. It makes no sense, and is hugely unfair, to treat often vulnerable children—children who have perhaps been through the care system or have got into trouble—in the same way as adults. The policy is arbitrary, not transparent enough and only serves as yet another barrier to the inclusion of children in society.

The potential of children is not to be found in this £1,012 fee. It should not be limited by that cost. We have no real route to citizenship in this country. We have a series of hurdles, barriers, loopholes and costs that cripple families in this country. Through the system, we are storing up problems with community cohesion, the creation of future Windrush situations and the lack of connection with children not afforded citizenship with the rest of society. They are set apart. They are not allowed the privileges that other children in their class are allowed. Does the issue sit within the Minister's obligations under the UN convention on the rights of the child? Article 7 is the right to a nationality. If we are denying that right by creating barriers, are we fulfilling our duties under the convention?

Some jibes have been made about the Scottish National party defending British citizenship. We hope that some day we will have a Scottish citizenship, with an entitlement to fairness at its heart. We do not want to see people in terms of the fees we can charge them, but in terms of what they can contribute to our society and what they can enrich our society with. That is the core of all these things. People are coming to our country and being brought up in our country. If we choose to alienate them, rather than accepting them and nurturing them, we are storing up problems for society in the future.

12.11 pm

Owen Smith (Pontypridd) (Lab): It is a pleasure to serve under your chairmanship, Mr Hollobone. Like others, I congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on bringing this debate to the House. It will be an important contribution to the review that the Minister is undertaking, which I hope will come to the right conclusions.

I do not think this is a terribly complicated affair, and I do not need to give a long speech to spell out the rights and wrongs and the facts. The simple truth is that since

2010, the Government have chosen to double the fees charged in respect of these children. They have gone up from around £370 to north of £1,000. That has happened in the context of the hostile environment, which has been infamous in recent weeks and months. The increase is clearly designed to discourage people from coming to this country or registering as British citizens. Unfortunately, an element of profiteering has come about as a result. It is entirely unjustifiable that the Government should seek to make profits from the immigration system, and in particular from children passing through our immigration system, in this fashion. The net result is that we have perhaps as many as 60,000 children—I agree with Members that we should know precisely how many children are engaged in the process—placed in limbo.

Why does it matter that these children are unable to secure the British citizenship that is their right? We need look no further than the Windrush scandal to see that it is vital that the right documentation is in place so that the British citizenship these children are entitled to is secured for them. While it may be true, as the Prime Minister has said on a number of occasions in responding to criticism on this issue, that access to benefits and other aspects of our social security system will be afforded to these children if they have indefinite leave to remain, who is to say, looking back at how the Windrush scandal unfolded, that that will necessarily be the case in future? Who is to say that there will not be renewed hostile environments under any future Government? If these children do not go through the process of securing British citizenship, they may well find themselves in the awful, invidious position in which British citizens have found themselves following the Windrush scandal, where they are denied access to their rights and are potentially deported from this country because they do not have the right papers.

For all those reasons, I hope the Minister has listened to the heartfelt and sincerely held views of Members from all parts of the House on the wrongness of profiteering from children and of simply assuming that indefinite leave to remain is good enough for these British citizens. In responding, I hope she will recognise that this is another Windrush scandal in the making, unless something is done about it. The right thing to do is very simple: we should waive fees for children in the care system; we should have a system that allows fees to be exempted for carers or parents who are unable to afford the fees; and we should not be charging exorbitant fees. It is entirely legitimate for there to be some administrative charge, as happens in other countries around the world, but we have clearly gone far too far. We are clearly gouging profits from children who by right should be British citizens. I think that is a pretty simple argument, and I hope the Minister can respond to it positively.

12.15 pm

David Linden (Glasgow East) (SNP): As always, it is a pleasure to serve under your chairmanship, Mr Hollobone. I welcome everyone back; I hope all Members have had a restful recess. I commend my hon. Friend the Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for securing today's debate under the auspices of the Backbench Business Committee. I pay tribute to his work as immigration spokesperson for our party. It is difficult to sum up this debate, because normally he would be doing it. I would have said much of what he

[David Linden]

said. I also want to take a moment to congratulate the hon. Member for East Renfrewshire (Paul Masterton) on joining the Government. He is moving up to be a Parliamentary Private Secretary to the Minister, and I wish him well in that.

During the course of the debate, we have had no fewer than 11 Back-Bench contributions, including interventions from the hon. Members for Stirling (Stephen Kerr), for Henley (John Howell) and for East Worthing and Shoreham (Tim Loughton), my hon. Friend the Member for Edinburgh North and Leith (Deidre Brock), and the hon. Members for Brentford and Isleworth (Ruth Cadbury) and for Stretford and Urmston (Kate Green). They all made valid contributions. The point that the former Children's Minister, the hon. Member for East Worthing and Shoreham, made about people who have been in the care system was spot on, and I hope the Minister will take it away and look at it.

The hon. Member for Moray (Douglas Ross) spoke about the importance of fairness, and I hope the Minister will take that on board. The hon. Member for Ipswich (Sandy Martin) made a passionate speech about the dangers of having another Windrush scandal by continuing the hostile environment. He was absolutely right to raise that issue. The hon. Member for Strangford (Jim Shannon) spoke with his typical compassion, which we have heard so often in this Chamber. In particular, he spoke about the racketeering that the Government are pursuing.

My hon. Friend the Member for Glasgow Central (Alison Thewliss) spoke eloquently about her casework experience and the people she sees at her surgeries week in, week out. She also spoke of the chaos we see unfolding from the Home Office week in, week out. She was absolutely right to put that on record. She also voiced concerns about what happens when we take back control of our borders and when EU nationals are also subject to the fees. Finally, the hon. Member for Pontypridd (Owen Smith) spoke about not learning lessons from the Windrush scandal. If we do not get a grip on the issue, we may well see a repeat of that.

The SNP has a fairly strong track record of consistently calling on the British Government to end their self-styled hostile environment policy. We have been consistent in calling on them to scrap their nonsensical immigration targets and abolish the prohibitive fees. The bottom line is that the Home Office should not be profiteering from children who are simply exercising their legal rights. Only last week, I had the pleasure of visiting Eastbank Primary School in Shettleston, where some of the children were showing me their wall display about their campaign for children's rights. It is a very topical issue for the Scottish Youth Parliament as well.

Young people are aware of their rights, but an estimated 120,000 children living in the UK have neither British citizenship nor immigration permissions to be here. Equally, more than half those children were born in the UK and are perfectly entitled to register as British citizens under the provisions of the British Nationality Act 1981. Many of these children would simply be exercising their rights by applying for British citizenship, but they are being actively prohibited from doing so because of blatant profiteering on the part of the British Government. The fee for children to apply for registration

stands at more than £1,000, making the Government a healthy profit of £672 on every application, given the stated processing cost of just £386. Why is there such a large fee? More to the point, why has there been such a significant increase—some 148%—since 2014? When the Prime Minister took office in Downing Street, she spoke about helping the “just about managing”. When the Government are asking people to pay these exorbitant fees, it seems they have forgotten about the “just about managing”.

Quite rightly, the British Government have been hauled over the coals following the shocking revelations about what happened to the Windrush generation. It is clear that the Minister and the Home Secretary are trying their best to get a grip on that situation, but the harsh reality is that, as other hon. Members have said today, we face the prospect of a second Windrush generation if the British Government do not immediately commit to reviewing and changing what has become, frankly, a Whitehall racket when it comes to child citizenship fees.

The ideology of the hostile environment is certainly not something that I support. It has no place in Scotland. We want instead to be a welcoming, outward-looking nation, with a diverse and growing population fit to meet the changes and challenges of the 21st century. However, Home Office policies and dogma are actively hindering that, so if the British Government will not enact a reasonable, fair and pragmatic immigration system, Scotland stands ready to take on immigration powers by way of devolution. That is not just something that I and the SNP are calling for; it is backed by the Scottish Trades Union Congress and countless others across civic Scotland.

Douglas Ross: Does the hon. Gentleman accept that it is not backed by the vast majority of people in Scotland, who have been polled time and again and agree that Scotland should have the same immigration systems as the rest of the UK?

David Linden: In short, no. We have to look at the challenges that Scotland faces. Over the summer recess I undertook a process called In Your Shoes and I worked in care homes. I spoke to the people who run the homes and they are absolutely terrified of what will happen in future with the workforce. If the Westminster Government continue to pursue the one-size-fits-all policy, pursued through an entirely London-centric lens, we will end up with a situation in which people in care homes say, “People will not come to work here because the UK Government have such a hostile immigration policy.” From a practical point of view, Scotland needs control over immigration.

I welcomed the comments made by the right hon. Member for Islington North (Jeremy Corbyn) when he came to Scotland on one of his recent trips. He was sympathetic to the devolution to Scotland of aspects of immigration policy, and I hope that the hon. Member for Manchester, Gorton (Afzal Khan) might be able to offer a little more clarity on UK Labour's position on the devolution of immigration powers when he sums up in a few moments.

In conclusion, we want the British Government to remove the profit element from applications that children make to the Home Office. We want an immediate commitment to not increase application fees for limited

leave to remain beyond the current level for children and young people. Above all—this is my final message to the Minister—we want an immigration system that is fair and compassionate and puts people first, not profit.

12.22 pm

Afzal Khan (Manchester, Gorton) (Lab): It is an honour to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) for securing this debate and also the other Members who have contributed. There appears to be a consensus that the amount charged is not acceptable.

As of April this year, the cost of registering a child for citizenship was £1,012—a 51% increase since 2014. There are no exemptions, waivers, reductions or refunds for the fees, even though the Secretary of State has the power to make provision for them. Such outrageously high fees mean that children from poor and low-income families are prevented from accessing their right to citizenship. Constantly increasing the price of an application makes it almost impossible to plan for future costs, and increases the chances of people losing status because they cannot afford the price. It is important to stress that the children would not be claiming anything. They are not paying for citizenship to be granted by the Government, but for their existing entitlement to citizenship to be recognised.

Speaking to the Home Affairs Select Committee, the Home Secretary said the fee is, “a huge amount of money to ask children to pay for citizenship”. He said he would “get around to”

looking at fees. My first question to the Minister is: has anybody got around to looking at the issue yet? The aspect of fees that I personally have greatest difficulty with is the profit that the Home Office makes on the applications. Of the £1,012 that is charged, £372 is the cost of administration and almost two thirds is profit. The Free Movement website estimates that the Home Office has made nearly £100 million in profits over the past five years. Such profits are unjustified because it is far from clear where the profits go.

It used to be the case that additional charges on visa and citizenship application fees contributed to a migration impact fund, which had a direct and measurable impact on communities experiencing high levels of migration. One of the first things that the coalition Government did was to scrap that widely praised scheme. They have since introduced a controlling migration fund, which is less accountable and less directly measurable than the previous scheme.

The profits are also potentially unlawful. The Secretary of State has a duty to safeguard and promote the welfare of children and to act in children’s best interests. The high cost of fees is in conflict with that duty. The impact assessment for the latest fee increase makes no reference to children and protecting their rights. Protecting the welfare of children has become even more vital as the hostile environment extends to more and more aspects of everyday life. Many children do not even know that they need to register for citizenship until they are prevented from taking out loans and going to university, accessing the NHS, or even going on school trips.

The costs of citizenship are not only contained in the fees. Recently, a family in my constituency approached my office for help; they were at the end of their tether. They had already paid the enormous cost of citizenship for their child. They were then asked to pay for a DNA test, even though the Immigration Minister had said that that was not Home Office policy. The family had only a week to get all the information together. In the end the application was refused, and they had to pay for an appeal. In total they have paid £1,783, and they were not in the best financial circumstances to begin with.

The immense complexity of our immigration and nationality system and the lack of legal aid, coupled with constantly increasing fees, makes it very difficult to gain documentation as a young person in the UK. I want to touch on why it is important for young people to have citizenship rather than other forms of temporary or permanent leave. It is vital that children have certainty about their lives and future prospects. Registering citizenship ends a young person’s engagement with the laborious, complex and high-cost immigration process. It is also vital to a young person’s identity that we, as a country, recognise that they are British. Other forms of leave do not reflect the identity that the young person might feel very strongly in themselves. It can be humiliating for someone who has no other place to claim as their home not to have the ability to rent a property, get a job and open a bank account with the most obvious form of ID—a passport.

In conclusion, the Government are undertaking a lessons learned review of Windrush. An essential part of that is to make sure that such a disaster never happens again. We have a large population of undocumented citizens who are a ticking time bomb for another Windrush-like scandal. The issue should be treated with urgency. Will the Minister set out what steps she is taking to review fees for registering children as British citizens in the immediate future?

12.28 pm

The Minister for Immigration (Caroline Nokes): As ever, it is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East (Stuart C. McDonald) on securing this debate. It will come as no surprise to anybody who knows his tenacity that he managed to bag the first slot in Westminster Hall after the summer recess. I thank all Members who participated—they made thoughtful and very good contributions. I also thank the many Members, not all of whom are in the Chamber, who have taken the time to write to me and express their views. I particularly thank the hon. Member for Pontypridd (Owen Smith) for his comments. He is absolutely right that people have been thoughtful in their contributions. However, he did cause some consternation on my side of the Chamber with his new beard, which has changed his appearance to such an extent that we were not quite sure who he was.

Before I respond to the specific points that have been raised, I will set out the current landscape for the fees that we charge for visa, immigration and nationality services. It is important to remind ourselves of the principles that were agreed with Parliament, and which bring significant benefits to the immigration system and

[*Caroline Nokes*]

everyone in the UK in the form of effective and secure border and immigration functions, reduced general taxation and economic growth.

Under the Immigration Act 2014, and the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 that preceded it, Parliament approved the principle of setting fees charged for visa, immigration and nationality services to reflect the benefits that they bring to successful applicants. Until 2015, all fees that were set at above the cost of providing the service, which included the charge for children to register as British citizens, were subject to affirmative debate in both Houses of Parliament. Under the 2014 Act, Parliament approved the principle of taking a range of additional factors into account, including wider immigration system costs, the promotion of economic growth, international agreements and international comparisons.

John Howell: At the Council of Europe, we produced a strategy for the rights of children. It made the point that the system that had been developed for judicial hearings and activity in relation to adults was simply being imported to deal with children, and that that was fundamentally wrong. We are not the only country to do that—the whole of Europe was largely doing that. Does the Minister share that view?

Caroline Nokes: I will turn to the rights of children in comments that I will make in response to other Members, so I will come to my hon. Friend's point very shortly.

The framework of charging, and in particular the principle of setting fees to reflect benefits accruing from a successful application, has enabled us to reflect the value that people get from the services that they receive, with indefinite leave to remain and citizenship rightly being the two most valuable outcomes.

Stuart C. McDonald: We are getting to the crux of the matter. Does the Minister accept that the statutory right to citizenship is completely different from an immigration application, indefinite leave to remain, or anything else? These kids have a right to citizenship. It is no more appropriate to charge them an extra fee to subsidise other parts of the immigration and nationality system than it would be to charge any of us a fee for our British nationality. It is a different thing altogether.

Caroline Nokes: If the hon. Gentleman allows me to make some progress, I will turn to the points he made in his opening speech.

During 2017-18, about 64,000 people were granted indefinite leave to remain and 123,000 were granted citizenship. Of those granted citizenship, more than 28,000 were minor children who were registered and were related to a British citizen, or children granted citizenship on a discretionary basis. In all cases the applicants either paid the due fee or had that fee paid on their behalf, reflecting the value placed on permanent residence and citizenship in the UK.

The charging framework for visa and immigration services delivered £1.35 billion of income in the last financial year, 2017-18. That helped to fund more than £620 million of costs associated with other immigration system functions, helping to maintain their effectiveness

and security, and investment in ongoing service improvement. Setting fees at above the cost of processing an application has also helped us to set some fees at below cost—for example, short-term visit visas, in recognition of the significant economic benefits that tourists and other visitors bring to the whole of the UK. The subsidy for the circa 2.5 million short-term visit visas issued each year costs in the region of £90 million per annum, which can be afforded only by setting a wide range of other fees.

Let me make one other obvious point: setting fees at the level that we do—putting the burden on those who benefit from the services—reduces the burden on the Exchequer and on the general taxpayers of this country. It is easy, particularly in opposition, to call for fees or taxes to be reduced, but a responsible Government must balance the books. The loss of income that would result from any reduction in fees would have to be made up elsewhere, and there have been rather fewer suggestions of how that might be achieved.

Turning to the nub of the issue, safeguarding the welfare of children has always been and will continue to be a priority for the Home Office that it takes very seriously, for the reasons raised by hon. Members. I am concerned by any suggestion that the current fee levels for child registration are putting children off from registering, or making it more difficult for those entitled to register to operate in our society when they reach adulthood. For that reason, I met the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East just before the summer recess. He was accompanied on that occasion by some of those involved in campaigning. I listened very carefully to what they said and undertook to reflect on the matter, which is exactly what I am doing.

The issue is also very much on the radar of my right hon. Friend the Home Secretary. A number of Members, including my hon. Friend the Member for Henley (John Howell), referred to the comments he made when he appeared before the Home Affairs Committee. I am sorry that I am not in a position to give a firm answer today, but that certainly does not mean that either the Home Secretary or I are ignoring the issue or have put it on the backburner.

I reassure the Opposition spokesman, the hon. Member for Manchester, Gorton (Afzal Khan), that we are working hard, but it is a complex issue and decisions cannot be taken in isolation. They must be taken in the round, taking into account any wider implications, for example on fees charged to other groups of applicants and the impact on the Home Office budget. I wholly rebut the suggestion that the Home Office is profiteering. In 2017-18, the total Home Office expenditure was £12.9 billion, which was funded by £10.5 billion from the Exchequer and £2.5 billion generated from income.

In due course, we will also need to consider the findings of the review of the borders, immigration and citizenship chargeable services by the Independent Chief Inspector of Borders and Immigration that will conclude later this year. I will update the House as soon as I am in a position to do so. In the meantime, the Home Office will continue to consider granting leave to remain to a child who has lived in the UK continuously for seven years, or to a young person who is over 18 but under 25 and has lived continuously in the UK for half of their

life. Such leave gives the person concerned the right to live, study and work in the UK and the right, in appropriate circumstances, to receive benefits from public funds.

An application can be made to the Home Office for the fee to be waived when the applicant is making one of a set of specified human rights-based claims for leave to remain and when there are reasons why the applicant cannot meet the payment required. Those human rights-based claims include those that are relevant to a child who has been in the UK continuously for seven years. That will ensure that the Home Office meets its core requirements to safeguard children and ensure their welfare, but we are working on a proportionate response to the representations made on child citizenship fees and will announce the outcome as soon as is practical.

Hon. Members have raised a number of points regarding young people who might be unaware of the requirement to register, and what specifically can be done to improve their knowledge of that. We are considering what more can be done using different channels. I am very conscious that, as Members have mentioned today, our immigration system can be complex, particularly for those who do not have experience or knowledge of it from the outset. It is important that we improve our processes and introduce online application systems that are intuitive and enable people to work through the parts of the process that apply to them and bypass those that do not. I am conscious that, as has been mentioned, young people perhaps do not go to gov.uk as a first port of call. We have to focus on what more we can do to better reach out to them through channels that they might use.

The hon. Member for Glasgow Central (Alison Thewliss) raised a range of issues. At one point she sought to conflate British citizenship with the settled status process for EU citizens who are living in the UK that we have recently launched, and which is currently in its private beta testing mode. It is a crucial part of our commitment to EU citizens, and the fees for it were set in agreement with the EU. It is wrong to conflate EU settled status with British citizenship because many EU citizens might choose, both now and in the future, to apply for British citizenship in addition to their settled status.

The hon. Lady mentioned young people who might discover that they do not have the same ability to travel abroad as their classmates for school trips, which is important. The Home Office works closely with education authorities to help to establish length of residence and reaches out to schools and those organising school trips to make those applications possible. We are willing to work with other public bodies to help make those applications as easy as we can.

Alison Thewliss: With the timescales of school trips and that of the citizenship and ILR processes, children apply and are still waiting after the school trip has been and gone and they have missed out. It seems very difficult to influence that process to be able to say that there is a school trip. All the Home Office will say in reply is, "That's too bad. You should have known you were going on a school trip beforehand. Don't book any travel ahead." Does the Minister agree that that is unfair for young people who will miss out when all their classmates go away?

Caroline Nokes: In my experience, I have not found school trips to be that spontaneous, particularly when they are abroad. Where Members find particular instances

of young people who are seeking the ability to participate in school trips—I know many Members make representations on their behalf—I urge them to use the MP account management units, which can help. Of course, in extremis—we have seen Members use the technique very effectively—questions in the House and summoning me to account in Westminster Hall can work incredibly well.

The hon. Member for Glasgow East (David Linden), acting as spokesman for the Scottish National party, which is, as he said, a pretty brave shout with his hon. Friend, the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East sat behind him, referred to immigration policy as one size fits all. Of course, we have a separate shortage occupation list for Scotland and, importantly, the Migration Advisory Committee has over the course of the last year or so been working on the impact of Brexit and labour movement, both on a sectoral basis and regionally. That is very important work and I look forward to the report coming forward very shortly.

David Linden: The Government have a one-size-fits-all approach. When the Minister gave evidence to the Scottish Affairs Committee, she said she would not grant to Scotland the powers she would not grant to Lincolnshire County Council, so it is quite clear that the Home Office does have a one-size-fits-all policy when it comes to UK immigration.

Caroline Nokes: I refute that. The Government very clearly have a separate shortage occupation list for Scotland, which I would have made clear at the Scottish Affairs Committee and am doing again today. The Migration Advisory Committee has specifically looked both at sectors and at regions. We absolutely believe that immigration policy should be reserved and I will continue to hold that view. However, I used the opportunity of the parliamentary recess to travel widely—to Scotland, Northern Ireland and, just last week, to Wales—to hold roundtables with business people and to talk to them about the impact of Brexit on labour mobility and their expectations. All of that work is important to me and feeds into the forthcoming policy on immigration post-Brexit.

I hope that I have reassured the hon. Member for Manchester, Gorton that we have got round to looking at this. He asked specific questions about safeguarding children and the impact assessment for immigration and nationality fees. The Home Office takes its responsibility for the welfare of children very seriously. We make sure that we treat children with care and compassion and that is an absolute priority. I want to make it clear to him that citizenship, unlike leave to remain, is not a necessary prerequisite to enable a person to remain in the UK and enjoy any of their convention rights. As such, the Home Office's view is that there is no breach of the European convention on human rights in requiring a person to pay a fee for citizenship applications.

Afzal Khan: Will the Minister explain why it is appropriate that children should pay fees to subsidise a visitor who is coming to Britain for a short period?

Caroline Nokes: I would very gently point the hon. Gentleman to the Immigration Act 2014, which gives us the ability to set fees. That has enabled us to look very carefully at the range of services provided by the borders,

[*Caroline Nokes*]

immigration and citizenship services and to make decisions accordingly. I am sure that he would agree that we want visitors to come to the UK to contribute to our economy. Particularly over the coming months and years, it is absolutely imperative that we make Britain an outward-looking, open country where visitors can come easily and help us to continue our sustained economic growth.

I am committed to reviewing our approach to setting fees for visa, immigration and nationality services, including taking account of the issues raised in this debate, the debate in the House of Lords in June and representations made to me elsewhere. As I have said, with fees from immigration and nationality services bringing in more than £1.3 billion of income per annum, which contributes significantly to our ability to afford and maintain a secure and effective border, decisions have to be taken in the round.

In the meantime, the Government remain entirely committed to maintaining the welfare of children who come into contact with the immigration system, ensuring that they are treated fairly and humanely. I am sure we will return to this issue, and that the hon. Member for Cumbernauld, Kilsyth and Kirkintilloch East will not let it go. As I have said, I have noted the strength of feeling expressed by all who have spoken today and I have given my word that I am giving active consideration and am keen to see it brought to a resolution.

12.45 pm

Stuart C. McDonald: I start by thanking all hon. Members for their very thoughtful contributions. The debate has served a very useful purpose in making clear to the Home Office that there is a consensus that citizenship should be not just celebrated, but positively encouraged and facilitated. There is a pretty broad and deep consensus in the Chamber, as well as a concern that the Home Office is prioritising making a profit from applications over ensuring that all those who have a statutory right to register as British citizens can do so. The fact that the Home Office reinvests some of the income in subsidising visit visas, for example, does not

disguise the fact that it is a profit. In fact, that we are asking British children to subsidise visit visas makes this all the more absurd.

In response to some of the Minister's arguments, I would re-emphasise that I do not regard the immigration system and immigration rules as in any way an adequate substitute for citizenship. The hon. Member for Moray (Douglas Ross) rightly mentioned awareness raising, which is as much a part of this issue as the fee itself. There is work to do. It was interesting to hear the Minister's remarks on that. Whether it be through local authorities, schools or the social care system, we have to ensure that everyone is aware of the need to register in some circumstances.

Ultimately, the Home Office is going wrong in trying to conflate citizenship with the immigration rules and the naturalisation processes for adults. They are different things. The hon. Member for Ipswich (Sandy Martin) nailed it: this is a statutory right. The source of these kids' right to citizenship is exactly the same as that of our right to citizenship—it is the British Nationality Act. We would be absolutely outraged if we were to be charged £1,000 to subsidise visit visa application fees in any other aspect of the immigration and nationality system, and it is just as outrageous that kids have been charged that massive fee as well. We pay a small administrative fee for a passport and we accept that an administrative fee might be appropriate for kids registering as British citizens—but it should not be anything beyond that.

I am grateful that the Minister is still listening. She is right that Members will continue to pursue the matter, but I very much look forward to hearing the result of her deliberations in due course. I very much hope that she will listen to the concerns that have been raised today.

Question put and agreed to.

Resolved,

That this House has considered fees for registering children as British citizens.

12.48 pm

Sitting suspended.

Leaving the EU: Women's Rights

1 pm

Dr Rupa Huq (Ealing Central and Acton) (Lab): I beg to move,

That this House has considered women's rights after the UK leaves the EU.

As ever, Mr Hollobone, it is a pleasure to serve under your chairship. To start, I thank Gina Miller, and Nina, Tess and the other people from OFOC—Our Future Our Choice—who gave me the idea for this debate. Some of them are in the Public Gallery today.

On 23 June 2016, the UK took the landmark decision to exit the European Union by 52% to 48%. The pound immediately plummeted and, swiftly, there was a change of Prime Minister. Knowing what we know now, however, enacting Brexit will clearly not be as easy as we were promised. We were told that it would be a cinch, a doddle, a trade deal that would be the “easiest in...history”. It is also now coming to light that there will be a worse scenario for women—even though we now have a PM who is one.

Two years on from the decision, we still do not know exactly where we are headed in terms of the final deal. The Cabinet has suffered the high-level resignations of both the Brexit Secretary and the Foreign Secretary, and since 2015 a subject that never featured on a doorstep in my election campaign—that was never mentioned at all—has now become all that there is, taking up valuable parliamentary bandwidth. As the Minister—whom I respect and like very much—knows, we are meant to have a domestic violence Bill to consider soon, but this bloomin' Brexit is taking up all the bandwidth. Brexit is all we ever see, and it dominates the airwaves.

We do know, however, that every Government impact study, for every region of the country and every sector of the economy, predicts that things will be worse. Above all, a multitude of factors add up to the inescapable conclusion that women will be the hardest hit of all by Brexit.

In recent months we have heard admonitions from farming, finance and fisheries, but females have been largely absent from that picture, whether among the voices leading up to the decision—the human face of the campaign was Nigel Farage—or the negotiating teams that we see on the news, with the exception of the PM, of course. Olly Robbins is, sadly, not Olivia Robbins, but one of the men in suits. All we saw on the news yesterday was dark-suited chaps engaged in Tory blue-on-blue warfare—internal party-management issues that are destroying our country. That is a massive oversight, especially as when one drills down to the gendered nature of the effects of Brexit—we have all heard about lost jobs, cuts to services and a squeeze on family budgets—women have the most to lose.

The scant progress in negotiations means that, all this time on, more than two years in, zero trade deals have been secured to date, and the Chequers plan has been rejected by the EU—personified in another man, Michel Barnier—so “no deal” is now seriously being talked about. If that ever came to pass, or even if our desperation to avoid it led to a bad deal, the UK would be put in a weak position to resist pressure from other countries to go for scenarios that would damage women's rights at

work, adversely impact them as consumers or undermine the quality of public service standards. I shall outline a couple of examples.

In terms of economic impact—Bill Clinton said, “The economy, stupid”, but the remain campaign was critiqued for a lot of its economic doomsday scenarios—the fall in GDP will most adversely affect sectors such as clothing and textiles, which have a majority female workforce and are particularly vulnerable to increased trade barriers. Despite people voting in good faith for £350 million every week of additional money for the NHS post-Brexit—that was plastered on the side of a big red bus—we now know that that will not happen. Instead, we face the prospect of opening up our NHS and other public services to overseas competition—that means grubby American insurance companies getting their mitts on our NHS.

The health service relies on a workforce from overseas and we hear that nurses from EU nations are already leaving in droves—we have not even left yet. There is also the ticking demographic time bomb of a worsening crisis in social care. We constantly hear about that, and it is the biggest spend in any local authority budget. It is the UK's lowest-paid sector, where 80% of workers are women, but it, too, is hollowing out as EU staffers go elsewhere or home. The profession is one that UK-born people eschew. In such a situation—some analysis came out last week—women always, sadly, bear the burden as unofficial carers. They care for elderly parents and, as the sandwich generation, care for their kids at one end and their parents at the other. If they are forced to cut corners at work or even to depart employment altogether to do that, we will have massive gaps in our labour market.

Jo Stevens (Cardiff Central) (Lab): I congratulate my hon. Friend on securing the debate. She mentioned social care and the preponderance of women in the sector. Through membership of the EU, women have also gained rights to part-time and flexible working, which are particularly important to the 6.2 million women who work part time because they have caring responsibilities. Does she agree that there is a double whammy of social care workers leaving and women with social care responsibilities unable to have their rights protected?

Dr Huq: I agree with my hon. Friend completely—she is also learned, as a distinguished lawyer for many years before she came to this place—and she makes a good point: it is not only the nature of the work, but the structuring of the contracts. Our party has argued against zero-hours contracts—we will ban such employment malpractices—and things such as part-time working directives have kept such women afloat so, as she says, they are being hit twice over.

Consider plummeting GDP, which is likely to have the knock-on effect of further cuts to Government spending on services. We have a clever Conservative Government who have shifted a lot of the burden on to local government budgets, but women are more likely to work in the public sector and to need public services, so they are the worst affected. Analysis has shown that, as it is, austerity has hit women: I think 80% of the savings—a euphemism for cuts—has fallen on women.

Consider women as consumers: increased tariffs and a fall in the value of the pound will result in increased food prices, which hit the poorest hardest. Looking at

[Dr Huq]

wage differences, we see that women are more likely to be poor and, like it or not, in the traditional family unit women are more likely to be bearing the burden of managing the household finances and shopping for food. I do not want to use horrible stereotypes—“Hi, honey, I’m home!”—but that is the case. We have already witnessed rising prices and things such as the shrinking size of the Toblerone bar—it is diminishing before our eyes, even though we have not yet left the EU. Potentially, we might also be subject to diluted standards, if we mirror US ones and get imported hormone-injected beef. Chlorinated chicken, anyone? Mmmm! All that is bad news.

Hard-won rights of maternity and paternity leave and, indeed, against pregnancy discrimination all came from the EU. We have no guarantee that we will uphold them or that we will mirror future advances. In 2017, the Women and Equalities Committee—a Conservative majority Select Committee, so not my words but theirs—did a report on “Ensuring strong equalities legislation after the EU exit”. The report stated:

“At present, domestic legislation and EU legal structures together provide the UK’s strong equality protections. Stakeholders have expressed concern that the removal of the EU legal underpinning, including the court system, will lead to a weakening of equality protection in the future unless its full effects are understood. It is therefore important for the Government, during the process of leaving the EU, to ensure that robust equality protection is embedded at each milestone. The Government should ensure that equality protections—including but not limited to workers’ rights—remain to the fore as negotiations begin and throughout the leaving process.”

That was in 2017. Since then, we have had a general election that took up eight weeks of valuable negotiating time, in a time-limited process set by the Government. But that report still should prevail. Will the Minister tell us how many of the report’s 15 recommendations have been adopted? I have heard nothing since.

We are at a crucial crossroads. The Secretary of State for the Environment said that we could theoretically opt to exceed the existing gender equality standards when we leave. The Government could do that—it is technically possible. The existing stuff we have via EU frameworks could be bettered. But the omens are not good, going by the previous form of Conservative Governments dating back to Mrs Thatcher’s dislike of the social chapter, and going by the Brexit Minister Lord Callanan’s criticism of the pregnant workers directive and the agency workers regulations, which my hon. Friend referred to. When he was an MEP, Lord Callanan called them “barriers to employment” and made a speech advocating that they be “scrapped”. It is all very googleable. Never let it be forgotten that the UK tried to block the EU’s pregnancy discrimination directive, but was overturned by the European Court of Justice.

Whether we exceed what is there or go backwards, it is unclear what the enforcement mechanisms would be. We are to cut ourselves off from the additional layer of accountability and recourse provided by the charter of fundamental rights, as the Government have vowed to end the ECJ’s direct jurisdiction. There is nothing to guarantee that gender equality law will not regress to below the UK’s current level. Even though it was a Labour Government, I am proud to say, who introduced the Equal Pay Act 1970 before we were a member of the

EU, equal pay was one of the establishing principles of the original treaty of Rome in 1957. Indeed, the UK’s weaker home-grown provisions in the 1970 Act were significantly strengthened by signing up to the European Economic Community equal pay directive on joining, as that obliged employers to pay women and men equally for the first time. The Equal Pay Act did not do that—it merely gave women the right to make equal pay claims.

Sacrificing workplace rights on which women rely, such as parental leave, equal treatment and rights for part-time workers, at the altar of increased flexibility and “competitiveness” could be easily done. It is easy to knock the EU—our leader gave it seven out of 10, but who would say 10 out of 10? We know the arguments against unelected bureaucrats in Brussels, but it has a good record on various equality measures. It enacted violence against women directives and the blue badge scheme, which is a European arrangement for parking for those with reduced mobility that is transferable among nation states. As MPs, I am sure we have all been asked to countersign the paperwork. Mobility features to accommodate wheelchairs and buggies on buses—I have been on many a bus with a buggy—originated from the EU. Red tape and EU directives have made life easier for women, by introducing anti-harassment laws and properly paid holiday rights, reducing hours worked and making it illegal to be dismissed for pregnancy.

I have a set of questions for the Minister—who I am usually quite a fan of, for a Tory—and I hope she will give proper answers and not just a gloss-over. What discussions has she had with colleagues from the Department for Exiting the European Union to ensure that Brexit does not disproportionately harm women, rather than just taking the Prime Minister’s word for it? The fact that we have a woman at the top does not enshrine continuity. What assurances will the Minister give to ensure that there is sufficient female representation during the remainder of the negotiating process? There is eight months to go, and there is the possibility of an extended article 50 process—it is not too late.

What steps are the Government taking to ensure that equality rights are not diluted after the UK leaves the EU, as per the Women and Equalities Committee report? What arbitration mechanisms can the Minister and her DExEU colleagues offer as a guarantor to hold future Governments to account? Will she reconsider the gender-blind approach to Government policy making and commit, like Labour, to gender-audit every policy and ensure action is taken now to avert disaster, and apply that to the Brexit deal so that we can evaluate the impact on women’s equality and financial well being?

Of course, women are people, and no Brexit scenario is a good scenario for anyone. Having entered the shady world of the reading room with the secret documents, I know that men, women and non-binary alike have all benefited from EU employment, environmental and consumer protections—things such as the European health insurance card, which entitles us to holiday healthcare, and the European arrest warrant, which protects us from criminals.

We will all suffer from the attempt to judderingly extricate ourselves unscathed from 40-plus years of progress, but women will most acutely feel the most adverse effects. Women also feature in the other block categories we hear about: EU nationals treated as collateral pawns in some sort of hostage situation, Brits abroad

on the costa del wherever who will not be able to have their pensions paid into UK bank accounts. It is not only those people; the average Jo—that is not just Joseph but Josephine—suffers, too.

For both leavers and remainers, the opinion polls indicate widespread dissatisfaction at how it is going. Those who deem themselves to be satisfied are in single figures on every poll. Project fear has become project reality. Britain has slipped from the fifth-largest economy in the world to sixth, behind France. What a humiliation that we have been overtaken by those who Bart Simpson called the “cheese-eating surrender monkeys”.

Since 2016, new variables are coming to light all the time: customs arrangements for complex supply chains, rules of origin for car and aeroplane parts and the Northern Ireland border are all unresolved. More recently, we have heard of the contingency planning for no deal regarding food, medicines and fuel to be distributed by troops on the streets. That was never on the ballot paper. International firms are relocating European operations elsewhere: in the last week, Panasonic's European headquarters went from Bracknell to Amsterdam and the London-based European Medicines Agency, which employs 900 people, has already upped sticks from Canary Wharf to the Netherlands. To add insult to injury, it is cutting Britain out of its contracts before we even leave, which is a body blow to pharmaceuticals.

With a £50 billion price tag of exit fees plus the Government's undertaking to underwrite all structural and research funding, Brexit will not be cheap. In fact, it is unprecedented to leave an organisation that it took 12 years of negotiating to join in the first place, and which has potential applicants queuing around the block to get in. There are 27 of them and one of us. There is the prospect of returning to the dark ages—there are eight months to go and we are still in the dark about what happens next.

Surely, in order to make any decision, one should be in receipt of the full facts. People voted in good faith, but increasingly they believe what they are presented with is not what they thought they were getting. To resolve what Danny Dyer so memorably called the “mad riddle” of Brexit, a people's vote is imperative. To validate the final deal must be a decision not just for 650 MPs, because we have a population of 60 million. Give that decision back to the people. The final say on whatever comes back from the negotiations—or on no deal, if it comes to that—must be presented to the electorate, with an option to remain, because we know what that looks like. Now that is what I call the will of the people.

1.18 pm

The Parliamentary Under-Secretary of State for the Home Department (Victoria Atkins): It is a pleasure to serve under your chairmanship, Mr Hollobone. I thank the hon. Member for Ealing Central and Acton (Dr Huq) for calling this debate on a subject which she knows we both share a great deal of interest in and are passionate about: ensuring not just that the rights of women are protected but that we flourish in our country in future.

May I give the hon. Lady a slightly different perspective on the 2015 election? She may not have been asked about Europe in Ealing Central and Acton, but I promise her that that was a subject of constant conversation in

Lincolnshire. As we saw in the referendum, perhaps different parts of the country took different views. I am grateful to her for taking us through the history of legislation to enhance the rights of workers, people with protected characteristics and so on, both before we joined the European Union and during our membership. I am committed to continuing that journey, and I know that the Prime Minister and the Government are too.

If the hon. Lady will forgive me, I will not be drawn into a re-enactment of the referendum debate—I suspect that will be to the relief of many people watching. However, I am delighted that she, I, the hon. Member for Cardiff Central (Jo Stevens) and my hon. Friend the Member for Faversham and Mid Kent (Helen Whately)—I congratulate her on being appointed as the Conservative party's new vice-chair for women—and our other female colleagues can shape the law as it affects women in this country. My constituents in Louth and Horncastle voted strongly in favour of Brexit, and one of their key asks is that, in respecting the result of the referendum, we ensure that Parliament and our Supreme Court are sovereign in shaping and determining the laws under which we all live. That is the essence of the Government's approach to reshaping our relationship with the EU as we withdraw.

Let me pick the hon. Member for Ealing Central and Acton up on chlorinated chicken. Given that my constituency feeds the country, I take a great interest in food standards and animal welfare. As a Back Bencher, I asked the Prime Minister—this was at Prime Minister's Question Time soon after she was selected as Prime Minister—to ensure that we maintain food standards and animal welfare. She has been absolutely clear about that, and I hope that Members across the House can coalesce around those very good intentions.

Let me start with some essential reassurances. As the Government have said on numerous occasions—I hope the hon. Lady will forgive me for repeating this—there will be no reductions in protection under the Equality Acts of 2006 and 2010 and the equivalent provisions in Northern Ireland as a result of our exiting the European Union. She rightly asked about ensuring that every measure is gender audited as we leave the EU. The Government not only agree but have acted on that. Thanks to provisions in the European Union (Withdrawal) Act 2018, which we passed only a few months ago, every piece of EU exit law will include an equalities impact statement.

As a starting point, I hope that that demonstrates our commitment to these incredibly important issues. That commitment applies to all protected characteristics, including sex and gender reassignment, and in all fields covered by the Equality Act 2010: employment, the provision of services and the exercise of public functions, education, housing, transport and associations.

More broadly, our key EU exit White Paper notes:

“Existing workers' rights enjoyed under EU law will continue to be available in UK law on the day of withdrawal. The UK already exceeds EU minimum standards in a number of areas...and is a leader in many others.”

I will come on to a couple of those in a moment. The White Paper continues:

“Given this strong record, and in the context of the UK's vision for the future relationship with the EU, the UK proposes that the UK and the EU commit to the non-regression of labour standards.”

[*Victoria Atkins*]

Not only are we setting out our stall, but we are setting out our expectation and hope that the EU will mirror our actions.

During the passage of the withdrawal Act, we also published a right-by-right analysis of the EU charter of fundamental rights. We ensured that that set out exhaustively and comprehensively how each right in the charter is covered by domestic or existing legislation.

Jo Stevens: Will the Minister explain why, in the so-called impact assessments that I read in the reading room, there is reference to the “opportunities” that leaving the European Union brings in relation to the working time directive? Those sound to me like opportunities to water it down.

Victoria Atkins: I will ask the relevant Minister to write to the hon. Lady. We put EU law into domestic law through the EU withdrawal Act, which means that any debate about which EU laws apply and which do not will go through the House, so that will have the scrutiny of 650 Members of Parliament.

Dr Huq: The Minister just said that any change would have to go through the House’s 650 Members. That is not strictly true, is it? It is possible to do lots of things by statutory instrument.

Victoria Atkins: I very much accept that point, which I thank the hon. Lady for making. As I said, I will not be drawn into the detail of that specific issue because I do not know whether primary legislation would be required to change that. In any event, statutory instruments are still open to scrutiny by the House, as I suspect we are all about to find out.

We are proud as a country to have long been a trailblazer on gender equality and tackling discrimination. Even after we joined the EU, Britain led the way on pre-empting protections that were later introduced through EU law, with legislation such as the Sex Discrimination Act 1975 and the Disability Discrimination Act 1995. We go beyond EU minimum standards in a number of areas, such as entitlement to annual leave, paid maternity leave and parental leave. We do not need to be part of the EU to have strong protections for workers or high standards in the workplace. We lead the world with our gender pay gap regulations. We would like the EU to follow our lead. For the first time, 10,500 businesses had

to discuss at board level how they pay women. That groundbreaking work was led not by the EU but by the UK Government.

We are doing more to try to help women flourish in our economy and our society. It is not just through legislation that we can help advance the interests and participation of women across society. A record number of women are in work, which gives them the financial independence in their families and their home settings that we worry about so often in this place, ensuring that they can control the direction of their lives.

Of course, that does not affect our commitment to, for example, changing the personal tax allowance and higher-rate threshold, which means an estimated 700,000 women have been taken out of income tax altogether and 13 million women will see their income tax bill reduced. The hon. Member for Cardiff Central mentioned women’s income. Increases in the national minimum wage and the national living wage are expected to benefit more women than men. We have announced investment in childcare of around £6 billion every year by 2020—more than ever before—which will help women with their responsibilities in that field. We are encouraging employers to introduce flexible working, as well as trying to open up opportunities for women who perhaps left work because of caring responsibilities to get back into work and develop their careers.

At the other end of the spectrum, since 2010 we have strengthened the law on violence against women. We introduced new offences of domestic abuse and failing to protect a girl from female genital mutilation, and we want to do far more. I very much look forward to the introduction of the draft domestic abuse Bill this year. The Prime Minister herself set introducing the Modern Slavery Act 2015 as a personal priority. Sadly, in some parts of the world, women are trafficked to the UK or elsewhere to be used as sex slaves. All those measures have helped in the darker recesses of humanity. They are helping us improve the lot of women in this country. I look forward to tomorrow’s debate about upskirting, as well as to work on sexual harassment.

The hon. Member for Ealing Central and Acton asked me a number of questions. I have already mentioned the transparency of equality statements. I will write to her about the other matters. This is a Government run by a woman for women, and I look forward to women flourishing in the future of this country.

Question put and agreed to.

1.30 pm

Sitting suspended.

TOEIC Visa Cancellations

[MR ADRIAN BAILEY *in the Chair*]

4.30 pm

Wes Streeting (Ilford North) (Lab): I beg to move,
That this House has considered TOEIC visa cancellations.

It is a pleasure to serve under your chairmanship, Mr Bailey. I place on record my enormous thanks to my right hon. Friend the Member for East Ham (Stephen Timms), who has put in a huge amount of hard work, not least in helping us to secure the debate. If he were not attending the Offensive Weapons Bill Committee, which unfortunately clashes, he would have been with us for the duration.

We are here to discuss Britain's forgotten immigration scandal, which has seen thousands of international students wrongly deported and tens of thousands more left in limbo. Their lives have been plunged into chaos by a Government who have effectively branded them all cheats, defied the principles of natural justice and created a hostile environment for international students. In 2014, BBC's "Panorama" uncovered evidence of widespread cheating at testing centres delivering the test of English for international communication—the TOEIC—on behalf of the Home Office for non-European economic area students as part of the tier 4 visa. It discovered that, in some colleges, exam invigilators read the correct answers to students or supplied proxies to sit sections of the test. The provider administering the tests, Educational Testing Service, claimed that 33,725 people who took the test used a proxy, and it suspected a further 22,694 instances of fraud.

That abuse on such a scale was allowed to take place at a Home Office-approved provider was clearly a source of political embarrassment for the Government and the Home Secretary of the day, who is now our Prime Minister. When immigration system abuse goes unchecked and unchallenged, it undermines public confidence in the system and the Government responsible for it. When individuals are found to be cheating the system, it is right that their visas are cancelled and they are asked to leave the country. When providers are found to be failing in their responsibility to ensure that tests are fairly and properly delivered, it is right that they are removed from the list of approved providers.

Cheating cannot be condoned or excused—there is no disagreement about that. The Minister comes to this issue with a fresh pair of eyes, and therein lies an opportunity to reflect on what has gone wrong and put right a terrible injustice. What we have seen in the TOEIC scandal is a Home Office response so appalling that it was described by one immigration tribunal judge as "so unfair and unreasonable as to amount to an abuse of power." The 22,694 students whose test results had been deemed questionable because ETS had "limited confidence" in the tests' validity due to of administrative irregularity were permitted to sit a new secure English language test. When the Minister responds, I hope she will tell us how many of those students were required to pay for those new tests and, crucially, what the outcomes of those tests were.

For those whose test results were deemed invalid by ETS, the Home Office relied on the assurances of an untrustworthy provider to presume the guilt of tens of thousands of international students without properly considering the merits of individual cases or giving

those students an opportunity to defend their innocence. According to figures obtained by the House of Commons Library, by the end of September 2016—the last time the Home Office published any figures related to such cases—more than 35,870 visa holders had had their visas refused or curtailed on the basis of the TOEIC test. More than 3,600 of those had received an enforcement visit and more than 4,600 had been subjected to removal from the country.

Mike Gapes (Ilford South) (Lab/Co-op) *rose—*

Seema Malhotra (Feltham and Heston) (Lab/Co-op) *rose—*

Wes Streeting: I give way to my neighbour, my hon. Friend the Member for Ilford South (Mike Gapes).

Mike Gapes: Like me, my hon. Friend has been contacted by constituents who have been subjected to this outrageous behaviour, so he will know that many people are distraught and have had their whole futures destroyed by these administrative measures. Is it not a fact that this a bigger scandal than Windrush in terms of the number of individuals removed from the country and whose livelihoods are being destroyed by anguish and despair? In many cases, they are labelled as cheats when they are not.

Wes Streeting: I am delighted that my hon. Friend could be here before returning to the main Chamber to consider the important matter of Brexit. I strongly agree and he is absolutely correct. The injustice is grave and the numbers affected are huge. This scandal should have been plastered on the front page of every national newspaper. It is bad enough that those students have been denied access to justice through appeal. They should have been given at least some sense of justice through the disinfectant of sunlight.

Gareth Thomas (Harrow West) (Lab/Co-op): I am grateful to my hon. Friend for securing the debate and for his work on this subject. I suspect that a number of Members in the Chamber have, like me, had a series of affected constituents approach them. Given the seriousness of what has happened in the Home Office in the past—never mind that the Minister is new to the subject—does he think that this new scandal merits a proper, thorough independent inquiry?

Wes Streeting: I strongly agree. In fact, when I come to describe the Home Office's handling of this, we will see that an independent inquiry is necessary.

Seema Malhotra: I congratulate my hon. Friend on securing the debate and on his excellent speech. Does he agree that, as well as the incredible social injustice that has happened under this Government's watch, the reputational impact that families have suffered, which has led to depression and affected whole families, including children, demands an extensive apology and potential compensation? Does he also agree that the huge cost to the taxpayer of enforcement action and otherwise should be investigated?

Wes Streeting: I strongly agree and will talk in some detail about those issues. The UK is highly regarded

[Wes Streeting]

around the world as a country that has respect for the rule of law and an independent judiciary. It also has a Government who are supposed to respect that rule of law, but in too many cases I am afraid we have seen blanket decisions and people deported without an opportunity to defend their innocence. I believe the Government have acted unlawfully and I am afraid that this country's reputation for respect, access to justice and upholding the rule of law is not warranted in this case.

Jim Fitzpatrick (Poplar and Limehouse) (Lab): I congratulate my hon. Friend on securing the debate. He said that this issue has not commanded the media attention of Windrush, yet the numbers of those directly affected in recent years are well in excess of that scandal, and it has been going on for at least four years now. Given that there has been a "Panorama" programme, a *Sunday Times* exposé and a *Guardian* report, does he have an opinion on why it has not commanded media attention like the Windrush scandal?

Wes Streeting: I am grateful for that intervention. There is some complexity—as I acknowledged, there is no doubt whatsoever that some cheating took place, which is clearly serious—but we must distinguish, and allow students to distinguish, between those who committed genuine wrongdoing and who deserve to be punished, and those who have been caught up in a scandal not of their making. That is the distinction I wish to draw in the debate, which the Home Office has failed to do. In the vast majority of cases, students were told that they had no right to appeal in the UK and that they should leave the country.

The experiences of students whose test results were deemed invalid by ETS varied considerably depending on when the Home Office took action and where those students were at the time. The hideous complexity I have alluded to is thrown into sharp relief by an excellent briefing by the National Union of Students, with the support of Bindmans. In some cases, it appears that the Home Office directed further and higher education institutions to withdraw students from their course of study and told students that they had 60 days to find a new sponsoring institution or to leave the country. Of course, having effectively been blacklisted by ETS and the Government, they invariably failed to do so. By handling cases in this way, the Home Office placed students outside the usual immigration processes without the right to appeal either in country or out of country.

That approach was found to be unlawful by the upper tribunal in the case of Mohibullah. The Minister should tell the House how many students fell into that category and what steps the Home Office has taken in light of the judgment in that case to contact other students who were similarly mistreated and, most importantly, to reassure the House that such an attempt to circumvent properly agreed immigration processes will never happen again.

Students who were outside the UK at the time of Home Office action, who received notices informing them of the allegations against them upon their return to the UK prior to 6 April 2015, were served with notices at airports and prevented from resuming their studies pending their appeal from within the UK. In some cases, students were subjected to interview and detention. For many students, that led to the end of their studies. However, the NUS,

"understands that in each and every case won by a student the Home Office appealed the outcome".

The NUS also asserts that, where the appeals process led to a successful outcome for students,

"the Home Office has been slow to provide a remedy"

to the student concerned, effectively leaving them in "limbo".

Is that right? Did the Home Office really drag every single case in this category through the upper tribunal and onward to the court of appeal? Perhaps the Minister can tell us how many cases we are talking about, how many appeals were successful and how much this lengthy process has cost the taxpayer. It is only reasonable to ask how long it takes, following the successful conclusion of an appeal, for the Home Office to ensure that successful appellants are given the right to remain in the UK.

For students who were in the UK at the time of Home Office action, their right to appeal varied according to when the action took place. From 6 April 2015, students were subjected to rules under the Immigration Act 2014, which removed the right to appeal, with only limited exceptions for human rights arguments deemed worthy by the Home Office. Prior to 6 April 2015, students were served with section 10 notices under the Immigration and Asylum Act 1999. Effectively branded cheats by Her Majesty's Government, they were told to leave the UK immediately, and that they could only appeal from their country of origin. The students took their fight for an in-country appeal to the courts. In the case of *Ahsan v. Secretary of State for the Home Department*, the Court of Appeal ruled in favour of students' right to appeal in the UK, finding that an out-of-country appeal was an inadequate legal remedy.

How much did that cost the taxpayer? How much of the UK taxpayer's money has the Home Office wasted in trying to stop students gaining proper access to the appeal to which they are entitled? Schools in my constituency are sending begging letters to parents to meet the cost of basic materials. I have countless examples of people having to fight tooth and nail to get social care for their elderly parents. I have community policing that only exists on paper and in the speeches of politicians because the Home Office has cut police budgets; but apparently the Home Office has a bottomless pit when it comes to dragging international students through lengthy, costly and pointless legal action.

In response to a written parliamentary question from my right hon. Friend the Member for Leicester East (Keith Vaz), the Minister's predecessor, the right hon. Member for Great Yarmouth (Brandon Lewis), claimed that he was unable to tell the House how much public money has been spent on court fees involving TOEIC cases,

"because Home Office data systems are unable to disaggregate costs".

That tells us quite a lot about cost control and value for money deliberations in the Home Office. Ministers should know how much this has cost, and they should be accountable to taxpayers for it.

What we have seen through those cases has made it clear before the courts and tribunals that innocent students have been wrongly caught up in a scandal that was not of their making. I am enormously grateful to Garden Court Chambers for the thorough briefing it provided to hon. Members in advance of this debate, to give us some examples. When the scandal was exposed by "Panorama", the Home Office's response was to delegate

the identification of those who used a proxy to ETS. The very organisation that had failed to properly oversee the test centres—the organisation the Government had deemed unworthy of Government accreditation—was none the less entirely trusted, it seems, to oversee this process.

Lyn Brown (West Ham) (Lab): You can see the logic.

Wes Streeting: Absolutely; it beggars belief. But do not worry, folks, because the Home Office ensured that two senior officials had oversight of the process. That was hugely reassuring—until, of course, those same Home Office officials responsible for supervising the process gave evidence before the president of the immigration tribunal, a senior High Court judge. His criticism was remarkable, and I am sure the House will indulge me while I read what he said in the course of judging that case. I will not name the officials, because they do not have the right to reply. The shambolic mess of the Home Office tells us that it is probably not their individual responsibility, and the judge said in the case of both those senior officials that they gave truthful evidence.

However, the judge also said that,

“this neither counterbalances nor diminishes the shortcomings in their testimony.”

He said:

“Neither witness has any qualifications or expertise, vocational or otherwise, in the scientific subject matter of these appeals, namely voice recognition technology and techniques...In making its decisions in individual cases, the Home Office was entirely dependent on the information provided by ETS. At a later stage viz from around June 2014 this dependency extended to what was reported by its delegation which went to the United States...ETS was the sole arbiter of the information disclosed and assertions made to the delegation. For its part, the delegation—unsurprisingly, given its lack of expertise—”

this is what the judge said—

“and indeed, the entirety of the Secretary of State’s officials and decision makers accepted uncritically everything reported by ETS.”

This is absolute amateur hour at the Home Office. How on earth, in a case of this nature, involving fraud and electronic tests, would someone at the Home Office—probably paid a significant amount of money at our expense—ensure that there was adequate expertise to properly judge, in life-changing decisions about individuals, whether the evidence presented was enough to deny them their right to study in the UK? It is outrageous; coupled with the fact that these people have in many cases been deported on the basis of this flimsy evidence, it is disgraceful. The whole process was also subjected to stinging criticisms by three independent experts, who gave evidence to the tribunal—again, before a senior High Court judge.

In evidence to the Home Affairs Committee, one of those experts, summarising the report of the three, said:

“We agreed that in any one testing session there could be a mix of genuine applicants and those who were paying for fraudulent results.”

He also said:

“It seems reasonable to conclude that the ‘ETS lists’ are not a reliable indicator of whether or not a student...cheated.”

Patrick Lewis, an immigration barrister with Garden Court Chambers, told the *Financial Times*:

“The highly questionable quality of the evidence upon which these accusations have been based and the lack of any effective judicial oversight have given rise to some of the greatest injustices”, that he had,

“encountered in over 20 years of practice”.

In the case of one of my own constituents I have seen this gross injustice for myself. He is one of the students whose test results were deemed invalid by ETS. He had to fight tooth and nail to get basic details of the allegations against him. When he requested the audio clip that had been used to brand him a cheat, it was discovered that there were two tests associated with him—two tests, involving my constituent, that are meant to have taken place at precisely the same time. This student came to the UK having already completed the highly respected International English Language Testing System test with the British Council, yet we are supposed to believe that he felt it necessary to cheat his way through the TOEIC test.

The decision has thrown his life into chaos, which is how I arrived on this issue. He is unable to complete his studies and get on with his life. His mental health has suffered. He is worried about his reputation back home, fearful that he will be considered a cheat because that is what the British Government has determined on the basis of this shambolic process. The irony is that the reputations of innocent international students are in tatters because around the world the United Kingdom is respected as a beacon of democracy and the rule of law, but what we see here is an affront to the principles of natural justice, with innocent students removed from our country without first giving them an opportunity to respond to the allegations against them. It is a disgrace. It should never have happened. There should be not only a fulsome apology, but immediate action to put this right. The family, friends and community back home of my constituent should be in no doubt about his innocence. I have no doubt about his innocence, and if our Government think otherwise they should meet the burden of proof and demonstrate his guilt.

My constituent is not alone. A Migrant Voice report reveals just how devastating this scandal has been to the lives of the international students caught up in all this, and we have heard them speak here in this very Parliament. They came to the UK, at considerable cost to themselves and their families, with the hope of experiencing a good education in a country renowned for its world-class universities. They have been robbed of that opportunity. They have been denied access to work, spent all their savings, relied on handouts from their family and friends and racked up debts in the battle to clear their name in a David v. Goliath contest, with poor old David cobbling together what he can to fund his legal action and Goliath funded by the taxpayer to unnecessarily drag these students through the courts. They have lost their right to rent. Their relationships have been placed under considerable strain. They have suffered mental ill health, heart troubles, hyperthyroidism and other stress-related conditions. All they want is the chance to clear their name, complete their studies and get on with their life and career.

Universities UK today published an excellent report about the importance of the contribution that international students make to the UK, not just to the economy but to our culture, enriching the educational experience of everyone at our world-class universities. I wholly endorse what Universities UK says about making it easier for students who come to this country to gain work experience after they graduate. However, how can we possibly expect the Government to take up such sensible recommendations

[*Wes Streeting*]

when they treat students who are already here in such a disgraceful way? Universities across the world—in North America and Australia—are going hell for leather to grab the UK's coveted place in the international student market and the Home Office is allowing them to run riot, diminishing our standing in the world and our ability to attract the very best students.

The Home Office and ETS—the grubby contractor at the centre of this scandal—have serious questions to answer about their conduct in all this. It is clear that the Home Office is persisting with creating a hostile environment for international students, hoping that, by dragging it out for as long as possible, it will cause students to simply give up and go home. The judicial criticism of senior civil servants' and the Home Office's approach should be a source of professional embarrassment for everyone involved; it is a global embarrassment to our country.

Prior to the summer, my right hon. Friend the Member for East Ham asked the Minister, and then the Home Secretary, to ensure that students whose visas were cancelled for allegedly cheating in the TOEIC test be allowed to sit a new test to resume their studies. On both occasions he was informed that that was being carefully considered, and that advice was being sought.

In closing, I offer some advice. We are now four years on from the "Panorama" investigation, and the Government have had long enough. Let these students sit their tests. Let them clear their names. Let them get on with their lives.

Several hon. Members *rose*—

Mr Adrian Bailey (in the Chair): Order. I intend to call the Front-Bench spokespeople at 5.30 pm. Simple mathematics demonstrates that the four Back-Bench Members who wish to speak should confine their remarks to eight or nine minutes each, which will allow each Member an adequate amount of time.

4.53 pm

Jim Fitzpatrick (Poplar and Limehouse) (Lab): It is a pleasure to see you in the Chair, Mr Bailey. I am pleased to follow my hon. Friend the Member for Ilford North (Wes Streeting). I congratulate him not only on securing the debate but on his excellent introduction, which set the scene for why the debate is necessary. I join him in expressing appreciation of our right hon. Friend the Member for East Ham (Stephen Timms) and his role in making sure that the Government keep having to address questions on this issue.

I will speak briefly on behalf of several of my constituents who have emailed me and who have been living in limbo since 2014. They all have different issues. They have each experienced different reporting restrictions. One was detained at one point for eight days. They have been denied in-country appeals. They have all experienced stress, causing health pressures, and sometimes mental health pressures, which has extended to their families, who are uncertain about their futures and those of their children.

In addition, their inability to access the benefits system while simultaneously being refused a work permit is completely unfair. How are people expected to survive

for years without access to work and if the Government are not allowing them to exist, given that the Government have decided to place them in such a position? This has been going on for four years. They risk being driven into the black economy and rely entirely on the charity of friends and family, with pressure then transferred on to the budgets, which are sometimes meagre, of those friends and family who try to look after people in this predicament.

The Library briefing was very helpful in explaining the background and the extensive and outrageous fraud exposed by "Panorama" and *The Sunday Times*. The cheats and the cheating obviously need to be addressed, and I entirely understand that the Government need to look at that, but it seems that, following those investigations and legal action, some Home Office responses have been questionable and even open to challenge. For example, the Library briefing says that

"the Home Office may have erroneously cancelled a significant number of visas"

and mistakenly deported thousands of people, as my hon. Friend the Member for Ilford North said, and that the Court of Appeal found that out-of-country appeals were not adequate.

I will be grateful if the Minister addresses those criticisms and challenges and, more importantly, if she gives us a timeline for when those outstanding decisions, as a result of parliamentary questions from my right hon. Friend the Member for East Ham, will be made. The Government clearly said that they are looking at these matters, but we are yet to hear a clear indication of when those decisions might be made.

My office has been contacted by a number of constituents who had their visas curtailed in 2014 and have since been denied permission to work and refused access to public funds. One told me that he could not complete his studies at Shakespeare College. A second told me that he was studying at the Chartered Institute of Management Accountants, spending his entire life savings to do so in an attempt to better his future. Instead he now lives in poverty, debt and uncertainty. A third was due to study business and marketing at Anglia Ruskin University in London. A fourth came to study business studies at the London School of Commerce in 2010. The Home Office curtailed his visa in 2014 and, since that cancellation, he has lost the £20,000 he paid for his studies and more than £15,000 in legal fees.

Some advocate an open-door immigration policy. I do not subscribe to that point of view. However, as my hon. Friend the Member for Ilford North outlined, our educational institutions are in the international marketplace trying to attract students. We want them to come here. We want their money. We want them to become friends of the UK, and if we need them for their skills and qualifications, we would hope to encourage them to stay. The least we want is for them to go home with a positive view of the United Kingdom. That is soft diplomacy in action and it will hopefully last.

We currently have the worst of all outcomes. Not only are people wrongly deported and denied basic liberties; they are also in limbo, with no hope, no means with which to live and/or provide for their families and no indication of when the Home Office will sort this out. There have been disagreements in Government for years about whether to count students in the immigration statistics, and this is partly a result of that indecision. It

is surely time to get a grip, and I hope the Minister is the person to do so. I hope to hear positive comments from her on how the Home Office will sort out the decent people caught up in this mess and what it intends to do to help them and to allow them to get on with their lives.

4.59 pm

Lyn Brown (West Ham) (Lab): It is good to be back here and speaking under your chairmanship, Mr Bailey. I hope hon. Members and all members of staff have had a fabulous holiday and have come back rested. I congratulate my hon. Friend the Member for Ilford North (Wes Streeting) on securing this debate. I echo his words about my right hon. Friend the Member for East Ham (Stephen Timms) and his valuable work on this campaign. I also pay tribute to Migrant Voice and, above all, those who have bravely spoken out about their experiences at the hands of the Home Office.

When the BBC aired the “Panorama” exposé about the test of English for international communication, the Home Office responded severely. It cancelled or refused visas for over 40,000 people in 2014 and 2015 alone. In a display of extraordinary cold bureaucracy—nowhere near natural justice—it prevented many of those students from appealing the decisions. Applicants were simply told that their claims were clearly unfounded. Cases were rushed through. The burden of proof fell on the defendants. The Home Office has admitted that much of the evidence against the students was “shaky”. These cases should have been reopened but were not. Like other hon. Members, I have been contacted again and again by constituents who have suffered utter humiliation because of this scandal. I want to give voice to a couple of those constituents’ stories today.

One man—I will call him Mr M—arrived in the UK in 2009. He undertook the International English Language Testing System exam before coming to the country, on which he scored a grade 6, which is defined as competent use of English. Mr M completed his undergraduate degree in business at the University of Sunderland and was pursuing his masters degree when he was summoned by the head of the business school about the TOEIC allegations. He undertook a 45-minute interview with the head of the business school along with his student manager. They bizarrely concluded that his level of English was proficient—who would have thought it! They left him to continue his degree.

Despite that, later that year, Mr M had his visa revoked by the Home Office on the basis of alleged cheating in the TOEIC test. As a result, he suspended his studies. In the years since he has repeatedly tried to appeal the allegations against him without success. The university has claimed the rest of his tuition fees, though he is not yet permitted to study there. He has spent his parents’ money as well as his own fighting legal battles and is now dependent on his uncle to support him. He has no right to rent or to work. He has told me that he has considered suicide. Four years of this young life have been wasted fighting a complicated and damaging legal battle over a one-year course—it is a travesty.

Another constituent of mine—I will call him Mr S—has a similar story. He came to study in 2009. He completed an undergraduate and a masters degree in business, the latter from a college of the University of Wales. In 2014, Mr S’s student visa was extended to permit him to specialise through postgraduate studies in business skills

for the social care sector at the London School of Technology. In 2015, without any warning, the Home Office cancelled his leave to remain, on allegations of cheating in his TOEIC exam. Like Mr M, he struggled to appeal the decision, spending £20,000 over three years, slowly building up debts to family and friends all the while. For the last few years, he has attended the reporting centre every fortnight where he says he feels like a criminal. His relations with his family back home have been severely tested. They believe he won his degree through dishonesty. “Above all,” he says:

“I want our dignity back.”

Who can blame him? In both cases my constituents told me that they are yet to see a single shred of evidence against them.

Probably the most upsetting story I have heard so far is from a constituent who had completed his studies and was living with his British wife and child. They met while he was studying. He has been in the UK for almost 11 years. When the TOEIC revelations emerged, he was asked to sit a different test. After successfully completing a language test called English for Speakers of Other Languages—ESOL—his visa application was accepted. Despite that, one day he was dragged from his bed at 6 am. He was not given a chance to say goodbye to his wife and was detained for several days, unable to contact her. The Home Office justified this treatment on the basis that he had obtained his leave to remain through “deception”. His right to work has been suspended, he is speeding towards bankruptcy and he certainly has not got the money to pay for more proceedings. Like the others, he has had to borrow thousands of pounds from friends to pay legal fees. He now lives in constant fear of a knock on the door.

I could go on—I have a number of cases—but time is short. I am not the first to compare the dreadful mishandling of the TOEIC cases to the scandalous mistreatment of the Windrush generation. There are differences, but in both cases people have been separated from their families, detained and deported, their assets are stripped away and their sources of income removed. Some become homeless. In both cases, the blame falls squarely on the shoulders of the Home Office. Our constituents undertook tests run by the Educational Testing Service, a body approved and licenced by the Home Office. They should not be punished for doing something like that. It is shameful and unacceptable that this is going on.

My constituents and all of those affected by this treatment need to be retested fairly. At the very least they deserve an apology. This is an issue of justice and it is crucial for universities, our exports and our economy. International student numbers are now growing far faster in the US, Canada and Australia than here. It is easy see why. This is about our international reputation, how we are seen and how we see ourselves. The Home Secretary has been hesitant to express his support for migration targets. I hope that that shows us that change is coming.

Moving on by treating each group as an exception will not do. First Windrush, now TOEIC. Who is next? I have spoken before about trust. This Government’s hostile environment has destroyed trust for so many, especially in constituencies such as mine, where we are blessed with diverse communities, where our lives have been repeatedly enriched by migration. The Confederation

[Lyn Brown]

of British Industry has recommended abolishing migration targets after Brexit, but this is about more than just business. It is about our fundamental values and justice.

5.7 pm

Naz Shah (Bradford West) (Lab): I congratulate my hon. Friend the Member for Ilford North (Wes Streeting) on securing this important debate. I reiterate the thanks to my right hon. Friend the Member for East Ham (Stephen Timms), who is not here, for all his work, and to the many others who have spoken passionately.

When I was on the Home Affairs Committee, we took evidence from many students. I was part of the evidence session when students came to give evidence about the impact this had on their lives. That impact continues. It is no laughing matter. One wonders what to do when one hears such raw evidence. We have just had the urgent question on Windrush. There appears to be a shadow hanging over the Home Office today. We have seen that for quite a while in relation to the hostile environment. At the end of my speech, I will ask some questions I hope the Minister can answer.

The hostile environment policy has extended to students. The Home Secretary has committed to move away from this shameful discrimination and has taken steps to offer remedy to the Windrush generation, which has suffered greatly. We are still waiting, however, for the Government to offer a concrete resolution to those unfairly affected by the TOEIC scandal. In many cases, the Government continue to fight judicially against individuals who have been accused. Financing such appeals brings to mind a bottomless pit, especially given what we have heard this week, which the shadow Home Secretary has responded to. Given the recent legal judgments that have lambasted the Government and ETS for failing to present any real evidence to support their actions, it is clear that many of those affected were treated unfairly, denied all natural justice and deemed guilty until proven innocent.

Some 56,000 students were accused of deception or potential deception while sitting the test—36,000 of them had action taken against them in one way or another by the Home Office, including the immediate cancellation of their visas. They were not given the evidence against them nor the chance to clear their name, and they received no help to survive legally in this country. They were simply told to go home.

To compound that appalling situation, many students were not even given the opportunity to contest the decision against them, even though they had been promised a chance to do so. The out-of-country appeal route that they were offered was effectively non-existent and it was certainly not robust enough to resolve the kinds of issues that these individuals had endured. Many of them would not have been able to access the relevant evidence against them, so they could not be involved in the hearings or give evidence themselves due to the unsatisfactory nature of the process.

In truth, it would have been better for those accused to have faced criminal charges, because at least they would have been entitled to see the evidence against them and contest it. However, the Home Office simply cancelled their visas, forcing them to leave the country

or live in poverty with the accusations against them hanging over their heads, with some people wanting to hang themselves.

As the Home Office was well aware, when a visa was cancelled because of alleged fraud it was impossible for those affected to travel to any other country to study or work. In effect, the Home Office is responsible for curtailing not only people's immediate livelihoods but the whole future for themselves and their family, not just in the country they had come from and that they had to return to with their heads hung in shame after being accused of fraud and cheating, but in any other country—they could not go to another country because they had been defamed by our country and our Government. If visas were cancelled because of alleged fraud, it was impossible for those affected to travel to other countries to study or work.

We must remind ourselves at every stage of this debate that, based on the evidence available to us, potentially thousands of people who were here perfectly legally and who had followed the Home Office's rules will have faced untold misery. The collective punishment approach of the Government has been shown for what it is—deeply toxic, unfair and unjust. It has potentially ruined the lives of thousands of individuals who acted according to the rules. They placed their trust in a Government-approved and Government-sanctioned test, and the response of the Government has been to treat them with contempt at every step of the process.

The Home Office has clearly been too eager to accept the analysis of the Educational Testing Service. There is clear evidence of mislabelling and misattributing the voice recordings to the wrong individual or the wrong test centre. When those recordings have been disclosed to an applicant, they have invariably turned out to be wrong, but there has been no system in place to allow for the cross-checking of tests.

Experts, including those employed by the Home Office itself, have highlighted a number of ways in which students could have been deceived by the test centres themselves and proxies used without their knowledge or involvement. In any other situation, this would make those students victims and not criminals, but the Government continue to disregard both the expert advice and judicial judgments. Instead, they rely on the evidence provided by the fraudulent test centres themselves to decide on the guilt of individual students. Those test centres had a monopoly on testing, which reminds me of the Carillion fiasco—the Government often seem to be involved in such fiascos.

This is a clearly flawed process that has turned lives upside down, but still the Government persist and still they rely on unreliable evidence. Has there been any real attempt by the Home Office to understand how many people have been unfairly accused? Do we know the number of people who are involved? I would be interested to hear the Minister say how many students were able to retake their tests and how many were deported.

Although we recognise that there was fraud within the system of Home Office certified tests and testing centres, we must also acknowledge that potentially thousands of innocent applicants had their lives ruined for doing nothing more serious than unwittingly choosing the wrong test centre, and they now have no way of remedying that accident of fate. Fate led them to this country. They and their parents might have spent years and years saving

up money to send them to a British institution to receive a degree from one of our universities that would qualify them to work anywhere in the world with its British “brand” of authenticity. And yet Britain failed them.

What resolution are the Government prepared to offer those students? After failures in court, will the Government continue to fight these individuals, or are they at least willing to listen and try to find a solution? Will there be a pot of compensation money for those who have been proven to have been mistreated by this Government? Will the Government finally commit to allowing these individuals the tools they need to have a fair and just chance of clearing their name, or will they continue with a decision that was politically expedient due to its “hostile character”, which victimises those who may only be guilty of being in an unfortunate circumstance?

In conclusion, I have some questions for the Minister. First, did these numbers contribute to the targets that were set by the Home Office? The targets I am referring to relate to the resignation of a previous Home Secretary, the right hon. Member for Hastings and Rye (Amber Rudd). Secondly, will the Minister now take this opportunity to apologise for Home Office mistakes? Such an apology was rightly offered to the Windrush generation and one should be offered to these students, who have been affected by the Government’s failure, the Government’s monopoly and the Government’s unfairness.

5.15 pm

Ruth Cadbury (Brentford and Isleworth) (Lab): It is a pleasure to serve under your chairmanship, Mr Bailey.

I, too, congratulate my hon. Friend the Member for Ilford North (Wes Streeting) on securing this debate, and I congratulate him and other colleagues who have covered many of the core issues that are important to this debate; I will try not to repeat all those excellent points, because they have already been made. I thank Migrant Voice for the briefing that it has provided for our debate today.

It strikes me that the TOEIC issue is yet another example of the hostile environment that has been created by the immigration section of the Home Office in recent years. It certainly affects many of my constituents. Like other Members who are here today, I represent constituents who come from many diaspora communities—some short-term and some long-term.

An urgent question on Windrush was asked in Parliament earlier today by the shadow Home Secretary. Other examples of the hostile environment include section 322(5) of the immigration rules; the removal of appeal rights for many applicants; the exorbitant cost of applications; and delays, often lasting years, in making decisions. Most worrying of all—I see this in my surgery week in, week out—are completely bizarre and arbitrary reasons for the refusal of perfectly reasonable applications to come here to visit or live, or for leave to remain, or for citizenship. It is a completely unacceptable environment, and it is not just about Windrush.

Immigration policies and processes must be fair and transparent; they should also benefit the UK and the countries that migrants come from. I want to give as an example one of my constituents; he is not a student, but he has still been hit by the TOEIC issue. Back in December 2012, he applied for a visa as a tier 1 entrepreneur

migrant. It took a year for his application to be refused, and at that hearing in December 2013 he gave oral evidence in English, in the presence of a barrister from the Home Office and a judge of the first-tier tribunal. Nobody at that hearing raised any concerns about his English language ability. The appeal was allowed at that time. My constituent—Mr A—waited for the implementation of that decision. He waited a year and three months, but he was refused on the basis that he had submitted a TOEIC test certificate that was cancelled by the Home Office.

My constituent, Mr A, had a partner in his entrepreneurial team, whom I will call Mr B, who was not a constituent of mine. The TOEIC certificate from Mr B was cancelled by the Home Office, but Mr B was given the opportunity to retake the English language test, whereas Mr A was not. Subsequently, Mr B had his application granted. Why, with two parallel applicants coming into the same situation to work together, was one refused the opportunity to retake the English test and one not? It is important to note that Mr A is competent in English, as in 2010 he passed the IELTS—International English Language Testing System—exam in Pakistan, with a 5.5 band. Like other Members, I have met many of those affected, and all the people I have spoken to have been perfectly able to converse in very clear English. A simple remedy, in the case of any doubt, would be to allow them to retake the English test. I certainly have no doubt about the competency in English of those I have met who have been affected.

I have written to the Home Office with a number of questions. Why does it not allow a retake of the test? Why does it take so long to get a reply, even after a case is won at the first-tier tribunal? As Mr A applied for his visa in 2012 under the old category, why did the Home Office not just grant him an in-country right of appeal according to the law at that time?

My constituent is an entrepreneur, not a student, but there is an impact on all those affected: on students—not just on them personally but on universities—on families and on the UK’s reputation around the world. How does it affect a student’s personal reputation in their home country and community, especially in those areas that have particular respect for British ways and the British state—the Commonwealth countries—when they have to tell their family and community that the British Government have told them they have cheated? These are good people who want to study and work, to bring prosperity both to their own communities and countries and to Britain, yet they have effectively been condemned out of hand by a Government and a country for which they and their communities have deep respect. That is shattering the UK’s reputation as well as shattering lives.

In this country, life has become unbearable for those who have been refused on this basis and cannot study, work or rent—they often have their driving licences removed. They are caught between a rock and a hard place: do they stay here or go home in shame? If they stay they can continue to fight, and that is why we are speaking on their behalf today.

The Government should address a number of recommendations. One thing that I and others have said is: why not just offer a repeat, trustworthy English language test? We should clear the students’ names and remove what is, effectively, a criminal allegation against them. We should put an immediate stop to detention

[*Ruth Cadbury*]

and deportation until a decision is made and a correct process is implemented, and issue clear instructions to universities to reinstate and readmit students and allow them to complete their studies without the need to resubmit costly financial and other evidence for a new visa. In future, universities should have the power to decide on student admissions, including the type of accredited or recognised English language test that is used. The Government should not have been involved in this process. Universities should develop their own processes, including using Skype or other technology to interview students before they leave their country, to ascertain their level of English. For non-student applicants, such as my constituent, there are other ways in which that can be done, but Skype is an obvious opportunity.

Other recommendations include issuing a students' rights Bill to protect their rights in the event of a university shutting down or a test centre failing or closing, and changing students' visa sponsorship, so that they get a visa to study for a particular UK university but can transfer it if they need or wish to move university. A recommendation that is relevant not just to this debate, but to many other debates in this place, is to remove students from the cap on net immigration. Those students who have been deported or have had to leave the UK should be given the opportunity to resit the test in their own country and to have their names removed from the allegation list, so that they can get on with their life, go back to studying, take up employment, develop their business and regain their dignity. Finally, students and others who were deported or who have left the UK should be allowed the option to return to complete their studies, their work and their entrepreneurial activity, following the above processes.

5.25 pm

Martyn Day (Linlithgow and East Falkirk) (SNP): It is a pleasure to serve under your chairmanship, Mr Bailey. I would like to point out that I have a personal family interest, more of which I will mention later.

I am grateful to the hon. Member for Ilford North (Wes Streeting) for securing time for this important debate and for his excellent opening contribution. I am also grateful to Migrant Voice for its report entitled, "I want my future back", and to the National Union of Students for its briefings, as well as the work of Mr Lewis from the Garden Court Chambers, all of which has been referenced by earlier speakers and which highlight the injustices and human costs of the situation. Perhaps those costs were best summed up by the hon. Member for Ilford North when he described the position of those affected as that of being in limbo.

We have heard from a range of speakers. The hon. Members for Poplar and Limehouse (Jim Fitzpatrick), for West Ham (Lyn Brown), for Bradford West (Naz Shah) and for Brentford and Isleworth (Ruth Cadbury) all made excellent first-hand contributions regarding their constituents. Indeed, I think we are all coming from the same page.

I first encountered TOEIC cases shortly after I was elected in 2015, when I met a native English-speaking—I stress that point—constituent whose indefinite leave to remain application had been refused because he had sat an ETS test. I was disappointed by the Home Office's

handling of the case and by its handling of the process since, and I echo the calls of many Members for an independent inquiry.

I start by stating that it is absolutely clear and not in question that a number of individuals cheated. Such fraud must never be tolerated and those responsible should be prosecuted wherever possible. Given the failings of the US organisation, Educational Testing Service, the Home Office was correct to remove it from the list of approved TOEIC test providers. However, what is in question is the heavy-handed nature of the Government's response to the cheating, with their revoking of at least 36,000 visas by the end of 2016 when recording stopped, and the estimates of thousands having been falsely accused and deported as a result. The impact on many of those affected has been devastating, with reputations ruined by the allegations of cheating, as well as severe financial hardship, family upheaval and ongoing distress. This is a clear example of the Tories' hostile environment policy on immigration, and there are serious questions about the process the Home Office followed.

What I cannot understand is why individuals were not simply given the opportunity to redo a TOEIC test at the time, which would have avoided a lot of unnecessary cost and distress for many individuals. Indeed, the right to resit the test is a key recommendation made by Migrant Voice, and one that I endorse. I trust the Minister will address that in her summing up. At the very least, the Home Office should recognise applicants' right to appeal from within the UK. According to research conducted by Migrant Voice, all those students it questioned stressed the unfairness of not even being given the chance to defend themselves and prove their innocence within the UK. None of the respondents was given an in-country appeal right, while the reality of conditions in the countries of many of the applicants would make it impossible for them to appeal. Most of the students affected are from Bangladesh, India and Pakistan, and I wonder what the lasting reputational damage to the UK will be. It can be no surprise—I think there is definitely a connection—that the number of student applications from India is barely one third of what it was before this situation arose.

Despite a Court of Appeal ruling, the Home Office continues to insist that applicants must appeal accusations of cheating from abroad via video link and forces them to leave the UK, which is unacceptable. If someone was accused of a criminal offence they would have their day in court with the right to see the evidence against them and the ability to defend themselves, and so should those affected by the TOEIC cancellations. It is a matter of natural justice.

Members might have met my partner, Nadia, who is a regular visitor to Parliament—she is here today—and has given evidence to the Home Affairs Committee. She is from India and was falsely accused of cheating having sat an ETS TOEIC test. She had her visa revoked as a result, even though she had never used the test to support her visa applications in the UK. She used the more detailed IELTS—she passed the test on two occasions. She had also qualified with a masters degree in information management in the UK, in English. That did not stop her being accused and arrested. When she was interviewed by an immigration officer, he said that her English was as good as his. It might even be better than mine. She clearly understands English and speaks it well. She

often corrects my grammar when she gets advance sight of my press releases and speeches. Unfortunately, the *Hansard* guys will have to do this one on their own.

Through Nadia, I have gained a real understanding of the personal impact this Home Office policy has had on those affected, and I have met many other victims. Like other speakers today, I have conversed with those affected, who have all done so in perfectly good English. I speak only English, so if they did not, I would not understand them. They have conveyed the trauma of living in fear of arrest and deportation with no way of supporting themselves financially. They have been living on the good grace of friends and relatives, suffering from stress and seeing relatives and loved ones overseas via Skype only. The situation has gone on for three or four years. They all have one simple wish: to clear their names and continue living without the stigma of these allegations.

One of the greatest areas of concern I have relates to the accuracy of the evidence relied upon by the Home Office when revoking visas. The hon. Member for Ilford North has already mentioned Patrick Lewis from Garden Court Chambers, who represented several of the affected claimants and overturned the Home Office's ruling in each case. He said:

"The highly questionable quality of the evidence upon which these accusations have been based and the lack of any effective judicial oversight have given rise to some of the greatest injustices that I have encountered in over 20 years of practice."

I would be glad to hear from the Minister about what she plans to do to tackle that injustice.

The Migrant Voice report noted that:

"Some students were accused of cheating in a city or place they have never visited, or of taking the test on a date on which they did not take it. One student who has never ever taken the TOEIC test was among those accused."

We know that the Home Office instructed ETS to use voice recognition software to check test recordings, but there is a serious credibility issue with the ETS evidence. ETS records for certain students are linked to the wrong test centre or the wrong date. The National Union of Students briefing that was sent to Members highlighted cases where those who had legitimately taken the test had had their recordings deleted. The briefing from Mr Lewis from Garden Court Chambers details the evidence experts gave to an immigration tribunal, and I noted that in every instance of fraud, test centre staff were involved. It seems bizarre that the Home Office continues to trust without question the evidence supplied from ETS while simultaneously having no confidence in ETS to run any future TOEIC tests. It would be far more reasonable to have no confidence in the evidence.

Too many innocents have been affected by the process. They have all suffered severe financial loss. For many, it is not just their own personal loss, but that of their families and members of their community. Even once their immigration status is resolved, they will face difficulty in rebuilding their lives. Imagine what a three or four-year gap in a CV looks like to a potential employer. That is what they face. Given the length of time the cases have taken, these people clearly should have the right to study and work until they are resolved. Fundamentally, everyone should have the ability to challenge the decision. Will the Minister spell out exactly what the Government plan to do to enable those wrongly accused in this process

to have their names cleared? I hope the answer is re-testing and giving all applicants the right to appeal within the UK.

5.33 pm

Afzal Khan (Manchester, Gorton) (Lab): It is a pleasure to serve under your chairmanship, Mr Bailey. I thank my hon. Friend the Member for Ilford North (Wes Streeting) for opening the debate in such a powerful and forceful manner. I also thank all other Members who contributed.

The situation of TOEIC students has a long history. The original controversy came to light in 2014, when BBC's "Panorama" uncovered an unacceptable situation of bogus colleges and fake tests through which people were illegitimately gaining UK visas. There was a crackdown, and the Government revoked or curtailed the visas of thousands of students. We have now reached a point where the pendulum has swung too far in the other direction. Thousands of innocent students have been victims of the crackdown. A prolonged and unnecessarily hostile legal fight with the Home Office has taken years to reach a settlement. The effect on innocent people caught up in the TOEIC scandal has been catastrophic and constitutes a grave injustice. The Government have not confirmed the numbers, but I have seen estimates that between 4,000 and 7,000 students have been falsely accused of faking their tests and deported.

Four years after the scandal, many students still have no resolution to their cases. For many, their mere presence in the UK was made unlawful. They have been subject to the hostile environment, stripped of the right to study, to work, to find accommodation and to access banking and NHS services. Because the charge is of having engaged in fraud, many students have felt compelled to stay in the UK to clear their names. They are unlikely to obtain entry clearance in the future without removing the charge from their record.

In 2016, the Home Affairs Committee heard from a witness who clearly said that they did not cheat on their English language test. They were arrested, their home was searched and they were taken to prison and made to wait 20 hours until somebody came and told them why they were even there. The combination of a traumatic event like that, followed by years of legal uncertainty over their status, has caused psychological and emotional damage, potentially to thousands.

The TOEIC scandal and the prolonged aftermath expose two wider problems in the Home Office. First, the appeals process is insufficient and is not conducive to swift justice. High fees, the stripping back of appeal rights, the lack of access to legal aid and the hostile environment combine to make it very difficult for people to seek justice and rectify wrong Home Office decisions. Initially, the TOEIC group was only allowed out-of-country appeals. It took a prolonged legal fight to establish that they should have the right to contest the decision in the UK. It is extremely difficult to launch an out-of-country appeal. The technology often does not work and any difficulties can result in a case being postponed for months.

The *Financial Times* featured the case of a man who emigrated to the UK from Bangladesh. His student visa was suspended over allegations he cheated on an English language test in 2014. He returned to Bangladesh and now faces a two-hour walk to the nearest place where he

[Afzal Khan]

can use the internet to make an international telephone call. His case has been adjourned until December, leaving him with months of uncertainty before he can clear his name. He described his situation as follows:

“My future is being destroyed here, not only financially but morally”.

In the case of Ahsan, which was decided at the end of 2017, the judges ruled that students who had lived and studied in the UK for a number of years should not be summarily removed from the UK with only an out-of-country appeal. The NUS is aware of at least eight cases currently before the Court of Appeal that are due to be heard in November. Is the Minister aware of any ongoing cases where appellants are not allowed to be in the country? Will she confirm what the Home Office’s approach is to TOEIC appeals? Will the Home Office restore the rights of those appealing while their case is being decided?

The second issue that has been exposed by the TOEIC issue is the Home Office’s lack of a human face. Many of the students accused of cheating on their English language tests have never had the chance to speak directly to anybody at the Home Office about their case. Many of the students accused of cheating speak very good English. I heard of someone studying for a degree in English literature who was accused of cheating on their English language test. Why would someone possibly cheat when their vocabulary is wider than that of many MPs? Can the Minister tell us if those accused of cheating will have the chance to sit their tests again to prove that they can pass on their own?

Throughout the Windrush scandal, we heard calls for the return to a face-to-face approach in immigration. Lucy Moreton from the ISU, the union for borders, immigration and customs staff, said that face-to-face interviews with visa and immigration applicants vanished around 2014. That had a bearing on the Windrush scandal, and it clearly has had a bearing on TOEIC as well. As part of her review of Windrush, and of the Home Office’s handling of the TOEIC scandal, will the Minister commit to reintroducing a human face to the Home Office’s approach to visas and immigration?

5.39 pm

The Minister for Immigration (Caroline Nokes): It is a pleasure to serve under your chairmanship, Mr Bailey. I, too, congratulate the hon. Member for Ilford North (Wes Streeting) on securing the debate, and all Members who have contributed. It would be remiss of me not to mention the right hon. Member for East Ham (Stephen Timms), who is detained elsewhere. In his absence, I thank him for his continued scrutiny of the issue, and for first raising TOEIC tests with me when I was a very new Immigration Minister indeed.

I value the contributions that have been made in the debate. I will begin by providing something of an overview, but I thank the hon. Members for Ilford North and for Poplar and Limehouse (Jim Fitzpatrick) for having set the scene quite clearly regarding what was certainly a very big scandal in terms of how the tests went so horribly wrong and became open to abuse and, in some cases, organised criminality.

English language testing for certain immigration purposes was first introduced in 2008. Since reforms in 2011, it has been a requirement for all student visa applicants to

prove that they can speak English at an appropriate level. A number have used the qualification provided by the secure English language testing regime, and all private colleges are required to ensure that their sponsored students have a SELT qualification. Thus, individuals who wished to come to the UK to study, or to extend their leave to study, had to submit, where required, an English language test certificate from an approved company licensed by the Government.

Test centres operated on behalf of Educational Testing Services, or ETS as we have often heard it described this afternoon, were the subject of a BBC “Panorama” programme in February 2014 that aired footage of systematic cheating in examinations for the test of English for international communication—TOEIC—at a number of its UK test centres. Facilitated by organised criminals, it typically involved invigilators supplying, or even reading out, answers to entire exam rooms, or gangs of impostors being allowed to step into the exam candidates’ places to sit the test as proxy test-takers, and sitting speaking tests for candidates.

The Government, as one would expect and welcome, took immediate, robust action, which has been measured and proportionate. So far, 21 people have received criminal convictions for their role in the deception and have been sentenced to a total of 68 years’ imprisonment. Only two further live investigations remain.

Gareth Thomas: Can the Minister tell the House whether ETS itself is still under criminal investigation? If not, will she take steps to ensure that ETS agrees to release any information reasonably requested by one of its student clients?

Caroline Nokes: Unfortunately, I cannot provide a live update on criminal investigations, but I will write to the hon. Gentleman providing him with that information.

The majority of individuals linked to the fraud were sponsored by private colleges, not universities, many of which the Home Office had significant concerns about well before “Panorama”. Indeed, 400 colleges that had sponsored students linked to ETS had already had their licences revoked prior to 2014. ETS had its own licence to provide tests within the UK suspended in February 2014. That licence expired in April of the same year and ETS was removed from the immigration rules on 1 July 2014. Approximately 20% of the tests taken in the UK were provided by ETS prior to its suspension in February 2014.

Over the course of 2014, as we have heard, ETS systematically analysed all the tests taken in the UK dating back to 2011—some 58,458 tests. Analysis of the results identified 33,725 invalid results and 22,694 questionable results. People who used invalid ETS test certificates to obtain immigration leave have had action taken against them. Those with questionable results—more than 22,000 individuals—were given the chance to resit a test or attend an interview before any action was taken.

In appeals, we have sought to provide sufficient evidence to discharge the evidential burden of establishing that fraud was used to obtain a certificate from ETS. The courts have consistently found in our favour that our evidence for invalid cases is enough to act on and creates a reasonable suspicion of fraud. It is then for individuals, through either appeals or judicial reviews, to address that.

Before addressing some of the specific points raised, I add that the issues covered in today's debate have been looked into very thoroughly by the Home Affairs Committee, which ran an inquiry in 2016. During that inquiry, Ministers and officials from the Home Office answered well over 100 specific questions, and those answers are still detailed on the Committee's website.

Where we have made removal decisions against those with invalid certificates, we have ensured that any appeal against the decision is properly exercised after removal from the UK. Under the appeals regime that was in place in 2014, many of those who we believed to have committed fraud were given an out-of-country appeal. That had been the position since 2003. As a result of the Immigration Act 2014, there is now a right of appeal only where claims raising asylum, humanitarian protection or human rights issues are refused.

Lyn Brown: I have time for the Minister—I often find her speeches considered and reasonable—but I am struggling with what she is saying here. We know that there is a problem, and she is defending, it seems to me, taking people's liberty away and threatening them with deportation, despite the fact that we know there is a problem with the process. I really want to hear an apology from her, and some understanding of just how unfair, unreasonable and unjust this has been.

Caroline Nokes: I am moving on to some additional comments, but we have heard today repeatedly the use of the word "deportation". Those who have followed this matter carefully will know that deportation happens only to foreign national offenders. Those who have been subject to removals have been removed from the country, not deported. There is a very clear difference between those two scenarios that the hon. Member for West Ham (Lyn Brown) may not agree with, but it happens to be a fact.

The action that the Home Office took was based on information from ETS, but it is incorrect to suggest that we relied exclusively and unquestioningly on the material that it provided. Yes, a senior delegation from the Home Office visited the USA in order to obtain a thorough understanding of the process, but following that, and fully considering the seriousness of the issues for the individuals concerned, we commissioned a further independent expert report from Professor Peter French, chairman of J P French Associates, the forensic speech and acoustics laboratory, and professor of forensic speech science at the University of York, into the reliability of the evidence.

That report, unlike the report produced as part of earlier legal proceedings and quoted extensively in recent coverage of ETS issues, was produced with the benefit of additional evidence about the specific systems that it used to verify matches. With the benefit of more information, Professor French specifically concluded that findings that the previous expert made around high error rates in other models are not

"transferable to the ETS testing"

and that the number of false matches would in fact be very small. He concluded that the triple-lock approach that ETS took was much more likely to give people the benefit of the doubt than falsely flag people as having cheated. The courts, at every level up to the Court of Appeal, have consistently said that that standard of evidence is sufficient to justify making an accusation of fraud. It is

then up to an individual to establish an innocent explanation for their involvement, and they can challenge the finding, where applicable, through a judicial review.

A number of Members mentioned the case of Ahsan and out-of-country rights of appeal. That case was indeed heard at the Court of Appeal last year, but did not look at the evidence that the Home Office had relied on to establish that fraud had taken place. The narrow issue that the Court looked at in the Ahsan case was whether an out-of-country appeal would be an effective remedy to the accusation of fraud. It concluded that, in such cases where there was no mechanism for the individual to give oral evidence, that was unlikely to be the case.

Since then, the Home Office has put in place practical arrangements, including video conference links from overseas, to enable appellants to give live evidence at their appeal. Those overseas with outstanding appeals can apply to the tribunal that is hearing their appeal to indicate if they wish to give live evidence. It will then be for the tribunal to decide whether the arrangements that the Home Office can put in place are sufficient or whether it is necessary for the individual to return to the UK.

Naz Shah: Does the Minister know how many people have been successful in their out-of-country appeal? Have those who have been successful been offered compensation for the Home Office's mistakes?

Caroline Nokes: The hon. Lady asks whether the Home Office has offered compensation. We have not, because what we have seen in successive High Court judgments is that our ability to rely on an accusation of fraud was appropriate. We heard a lengthy quote from a senior High Court judge, who, it is interesting to note, said in a subsequent case that new evidence that the Home Office had provided was focused and much more substantial. That same judge also found that evidence was sufficient to make our accusation of fraud.

Afzal Khan: The question that is being asked is not about the Home Office being right in some cases. The question is, in the cases where it has been wrong, has it offered any compensation?

Caroline Nokes: The Home Office has enabled people to take cases to judicial review. The Home Office has established that we can rely on the evidence of fraud that we very clearly have, and the links to criminal gangs. It is important that we recognise that there was significant, widespread and indeed very lucrative fraud taking place in these cases. Our enforcement investigations uncovered evidence of impersonation and of proxy test-takers. I very much regret that this has happened. Innocent applicants may well have been caught up in widespread fraud, but we also have reports from judges that there were a number of different reasons why individuals might have undertaken the deception, even if they spoke very good English.

Naz Shah: Will the Minister give way?

Caroline Nokes: I have given way plenty of times. I am very clear that we have acted proportionately, both in initial actions and in response to the Court of Appeal's verdict. We are right to continue acting on these cases.

[Caroline Nokes]

The Government are committed to the principle of a fair immigration system, which welcomes highly skilled migrants and genuine international students, and we have heard a number of points about the attractiveness of the UK to international students. We know that the number of overseas students applying for tier 4 visas is up and there has been an increase in the number of visas granted, including 9% more from Chinese nationals and 32% more from Indian nationals. The UK remains an attractive place for foreign students to come to. We welcome highly skilled migrants and genuine students, while guarding against attempts at abuse. We have significantly strengthened our secure English language testing regime to ensure the issue cannot be repeated in future, and have put in place additional features to make sure that we clamp down on abuse by non-genuine students.

5.52 pm

Wes Streeting: I thank everyone who has taken part in this afternoon's debate. It is striking that no Government Members have chosen to come along to defend their conduct; it has been left solely to the Minister.

To put it mildly, I am deeply disappointed with the Minister's response. There are a few key issues that she has not addressed. I do not think she adequately explained how it was that international students were told to leave the country without a right to appeal here, in contravention of the Court of Appeal ruling. She did not address at all the fiasco where further and higher education institutions were told to cancel student places and force them out of the conventional immigration appeals route. That issue has not been adequately addressed.

Perhaps worst of all, the Minister has not given any sense of reassurance to students who are here today about when this will be resolved. My constituent's case has been in limbo now for years, and he is not alone. The Home Office has a responsibility to these people to make sure that their cases are reviewed fairly, and that they are given the chance to clear their name and get on with their lives. We have had no reassurances whatsoever. We have not been told anything by way of detail about numbers of people. We have overall numbers affected—we have quoted those and they are really clear in the briefings—but nothing in terms of appeals, what stage

they are at, success rates, how long it is taking to resolve the issues and, crucially, how much it is costing the taxpayer.

With some of the ongoing cases, not least that of my constituent, a really simple, cost-effective and fair way to resolve the case would be to allow them to resit the test. That is true for so many students. It would prove beyond any reasonable doubt whether or not they were fit to sit that test and whether the pass rate was valid or invalid. If it is invalid, they have to take it on the chin and get on with their lives in that knowledge, but in the vast majority of cases that we have seen as constituency MPs, and in the vast majority of cases that have been seen by the organisations we have heard from in this debate, there is no doubt about the proficiency of the students' English. There is no doubt in our minds about the integrity of the students and their desire to engage with their studies.

I hope the Minister will agree, if I write to her, to look at my constituent's case and will write back to me about when we can expect action on it. I hope she might agree to a detailed meeting with some of us, to look at how we can resolve this in a timely fashion, but I also hope that she will go away and challenge her Department and her officials about the way in which they are pursuing these cases and the time and public money that is being invested, in order to make sure that we can move on in an adequate and appropriate way.

This is really doing enormous damage to the reputation of our universities. It is doing enormous damage to our students. We heard most powerfully from our Scottish National party Opposition colleague, the hon. Member for Linlithgow and East Falkirk (Martyn Day), about his own family circumstances. That is one story that captures the absurdity and the human impact of the situation. It is so close to this place! Of course, not everyone has a member of the family who is a Member of Parliament. We are speaking on behalf of so many of our constituents who have suffered real injustice. They have been given a voice today, but they have not been given sufficient answers. We have been going on with this for far too long.

Question put and agreed to.

Resolved,

That this House has considered TOEIC visa cancellations.

5.57 pm

Sitting suspended.

Derbyshire CCGs' Finances

[SIR CHRISTOPHER CHOPE *in the Chair*]

6 pm

Ruth George (High Peak) (Lab): I beg to move,

That this House has considered Derbyshire clinical commissioning groups' finances.

It does not give me great pleasure to raise this matter of great importance: the finances of our local health services and the clinical commissioning groups in Derbyshire. Two months ago—ironically on the 70th anniversary of the NHS—all the voluntary sector organisations in Derbyshire were shocked to receive letters stating that their funding from the clinical commissioning groups was to be cut. Our voluntary services provide much-needed support to thousands of frail, elderly and disabled people across Derbyshire, including support when they come home from hospital, befriending services, respite care, overnight stays and community transport.

Thousands of volunteers give their time to help vulnerable people, often in very rural areas where no other services are available, to live independently and stay well. They provide a constant check on those people's physical and mental wellbeing. I thank all the volunteers across Derbyshire and the services that support them in helping people. They help older people to manage on their own, reducing the calls on GPs, visits to accident and emergency, and stays in hospitals or care homes for a fraction of the cost of those services. For example, the night-sitting service in High Peak provides emergency and respite care overnight—for example, when a carer is ill or to prevent a patient who would otherwise have to go into hospital from being admitted.

Toby Perkins (Chesterfield) (Lab): I congratulate my hon. Friend on securing this important debate. Does she agree that, alongside the financial consequences of their cheaper cost, many voluntary organisations, such as Age Concern, which I saw last week, keep old people well and prevent them from having to use health services by providing services such as the befriending service in Chesterfield?

Ruth George: Absolutely. Age Concern and other voluntary services work fantastically well with thousands of older people.

Last year, the night-sitting service supported 93 people with more than 2,000 hours of care at a cost of just £34,000. That works out at just £369 per person for an average of three nights' support each. Just one of those nights in a hospital would have cost the CCG more than that.

The CCG says that the county council provides an alternative service, and it may do on paper, but as we have a drastic shortage of social carers, like so many other places, no other help is available. The voluntary sector provides friendly, personalised, local care for far less than any other service could. For example, New Mills and District Volunteer Centre told me that it supports 550 mostly elderly, widowed and disabled clients for an average cost, between the staff and the volunteers, of just £2.26 an hour. If just two of those 550 clients have to go into a care home as a result of losing the volunteer services—in practice, it is likely to be many times that—the cut will cost more than has been saved.

Nigel Mills (Amber Valley) (Con): I congratulate the hon. Lady on securing this important debate. I agree with her: the work that volunteers do in my constituency and the support they get from the centre for voluntary services is vital. Does she agree that it is short-sighted in the extreme to try to fix a medium-term funding issue by creating irreversible long-term damage to voluntary services in the area? The way it was done—with the threat of little notice—was equally crazy, as there was no way of replicating the structures in that time. We need a long-term, sustainable solution, not a short-term quick fix that does long-term damage.

Ruth George: The hon. Gentleman has just summarised the next 11 minutes of my speech extremely well. I absolutely agree with him.

Having asked their commissioners to make a decision about all the cuts to voluntary services two weeks ago, after just four weeks of consultation over the summer, and in the face of challenges from Healthwatch Derbyshire and the county council's health scrutiny committee and a large public outcry, the CCGs are now being forced to look again at some of the cuts, but they are still on the table. They come on top of all the other cuts to health and social care in Derbyshire, where the county council has lost more than half of its funding since 2010.

Lee Rowley (North East Derbyshire) (Con): I share the concerns outlined by the hon. Lady and my hon. Friend the Member for Amber Valley (Nigel Mills), and I absolutely regret what the CCGs are proposing for the voluntary budgets. I hope they think again, as I am sure everybody in this Chamber does. However, does the hon. Lady agree that contextualising this issue with a wider point about cuts, which she is about to start doing, is not as accurate as it could be? The litany of historical poor management decisions by the four CCGs got us to this place and is the problem we are dealing with now. As my hon. Friend said, we need a long-term solution, and we should not default to a narrative of Government cuts when we know that is not quite correct.

Ruth George: Actually, the alternative is correct. The CCGs in Derbyshire were managing absolutely fine until the five-year forward review in 2016-17. They were making surpluses, and there was no problem—particularly with North Derbyshire CCG, which covers my area and the hon. Gentleman's area. It had surpluses and hit the 1% target underspend—[*Interruption.*]

Sir Christopher Chope (in the Chair): Order. It is intolerable that the hon. Member for North East Derbyshire (Lee Rowley) should seek to intervene from a sedentary position.

Ruth George: The figures speak for themselves, as do the cuts to the county council, and as do all the other cuts that the CCG has had to make since the reduction in its funding increase in 2017, which I will set out in detail.

Last year, just after I was elected, our local dementia assessment and support ward in Buxton was axed. It was a gold-standard service that took the most difficult patients with dementia and helped them back into care in their own home in an average of less than six weeks. Our rehabilitation and support ward at Buxton, Fenton ward—the only place where acute patients in High Peak can be sent, as we have no nursing homes at all—is due

[Ruth George]

to lose more than half its beds, despite the fact that a waiting list of patients in our acute hospital need those beds, even during the summer.

Community hospitals across Derbyshire are facing the loss of 84 beds. Bolsover Hospital and Bakewell have already closed, and staff at Clay Cross and Ilkeston hospitals are living with a threat to their wards. Anyone would think we were seeing a reduction in the number of patients with dementia, or elderly and frail people who need rehabilitation to get them home from hospital. Of course we are not. Instead, there has been an explosion in the need for those services at a time when our NHS is being forced to make short-term cuts that will have long-term implications for the care of our patients and for the skilled staff we need to keep in the NHS.

I had thought that the Government's aim was to keep our long-term health costs down. Instead, cut after cut is forcing up costs—not just in the long term but immediately. The hours have been cut at our minor injuries units at Buxton and in Erewash. Our local A&E had an immediate increase in patients, which is costing the NHS even more. That A&E department, which usually sees 200 cases a day on average, rising to 250 in winter, has been seeing 300 patients a day over the summer. There has not been a spate of accidents; those patients have long-term illnesses that are not being managed because our local health services cannot keep up with the increased demand as they are not now being funded to do so.

It seems that, whichever service that helps people to stay out of hospital or long-term care one thinks of, it is being reviewed or cut. Our respite care for people with severe learning disabilities is one of the services that patients have been told is being reviewed due to the challenges it faces. My constituent Christine told me that her daughter Julie, who is 38 but has a mental age of eight, receives four or five days of respite care a month, and that is all that enables Christine and her husband to continue to care for her at home, as Christine is 62 and her husband 75. The alternative of permanent residential care would be far more expensive for the state to provide.

Specialist nurses who help people to manage very serious long-term conditions, including heart failure, diabetes and Parkinson's disease, are also proposed for cuts. After more outcries, especially from the GPs who would be shouldering that huge extra burden, those cuts have been put on hold until next year. The threat, however, is still there, and the specialists and the committed staff who run the service do not feel secure in their jobs.

Even funding for wound dressings has been removed. After suture removal and the first dressing, GPs are supposed to send patients with suppurating wounds to clinics many miles away, although often those patients have no transport. Otherwise, GPs have to pick up the burden themselves to prevent their patients from suffering serious infections, ending up in constant pain and back in hospital. In the case of our average small rural GP practice, that is 1.5 days of practice-nurse time a week. To keep that up is not sustainable.

Given all the rhetoric from the Department of Health and Social Care about sustainability, why is that happening? Why are short-term financial decisions impacting so hard on our frontline health services, on our voluntary services—which are vital as part of a long-term sustainable

service—and on the frail and vulnerable people who need them? The short answer is finance. Finance has become the be-all and end-all for decisions on healthcare in Derbyshire. It is not an unusual area and we do not have particularly unusual health needs, apart from being more rural and having a slightly older age profile. The cost of our health needs, as in most areas, increases by about 3.5% a year.

Our CCGs were doing absolutely fine—meeting all their targets, delivering the required underspends and building up reserves—until the funding formula changed in 2016. North Derbyshire, for example, had a reserve of £20 million until, instead of the average CCG increase of 3.75%, North Derbyshire received only 1.6%. With a flat budget for 2017-18 and only a 2% increase for 2019-20, that is disastrous. The CCG was told by NHS England to find £16 million in cuts over six months during 2016-17. When that did not happen, it was placed in special measures and told to find cuts of 7% in 2017-18. However, long-term services with loyal staff cannot be cut that quickly, so again the deficit mounted.

Now Derbyshire's four CCGs are applying to merge so that they can achieve the required efficiencies of scale and organisation. However, their combined deficit is now £95 million. NHS England has stipulated that if they can make £51 million of cuts, the other £44 million will be written off. That is all well and good, but it is dependent on those £51 million of cuts being made in just seven months. If the CCGs cannot make those cuts, they will have to find not only the £51 million but another £44 million. That is on top of the unmet extra costs of services next year of a further £21 million.

The Government claim that they are increasing spending on the NHS, but that is not what we see locally. Our communities see cut after cut after cut. Even the long-promised uplift of 3.5% a year from 2020 will only meet that one year's increase in need; it will do nothing to deal with the huge backlog of cuts from a decade of austerity for our NHS.

Healthwatch Derbyshire has challenged the legality of the cuts, because they are being made at such speed that there is little assessment of the impact, let alone proper consultation. Much of the problem is that the benefits of the services that are being cut will not be measured financially—only their immediate cost. As far as NHS England is concerned, as long as £51 million of cuts are made, it does not matter that those cuts will increase costs by £151 million next year and every year thereafter. Furthermore, in the case of our voluntary sector and of our skilled specialist staff, when they are gone, they are gone. Voluntary services such as ours in Derbyshire take years of building up, of working with volunteers and of recruiting staff who are often prepared to be paid for only a few hours a week but who show absolute commitment to looking after their clients and volunteers. No one wants to make those cuts, but as the chair of one of our CCGs said:

"I wish that we had a regulator who would walk the path with us, and would look at the impact of these cuts, instead of simply demanding savings."

That brings me to my question for the Minister. We should be nurturing our voluntary services and supporting our hard-working NHS staff, whose pay has been declining while their workloads have soared. We should be protecting our ever-growing numbers of frail, elderly and disabled patients, who have seen huge cuts to their social care

and become ever more reliant on the health service, and working to integrate our health and social care budgets properly so that we do not see one service making cuts that cost the other even more. We should be building a sustainable health service fit for the 21st century. Please will the Minister tell me that NHS England will enable that to happen in Derbyshire?

6.16 pm

The Minister for Health (Stephen Barclay): It is a pleasure to serve once again under your chairmanship, Sir Christopher. I congratulate the hon. Member for High Peak (Ruth George) on securing this important debate. She has effectively put on record her concerns about the financial challenge faced by the Derbyshire CCGs.

The hon. Lady is right to recognise that the Government are committing more money to the NHS. That is why the Prime Minister has announced a funding increase of, on average, 3.4% each year to 2023-24. The NHS budget will therefore increase by more than £20 billion a year compared with today. Alongside that, it is also right for NHS England, the independent organisation that allocates funding, to question the efficiency of CCGs, in particular by comparison with other CCGs, looking for what efficiencies can be found. Indeed, the four CCGs in Derbyshire have already identified £39 million of savings, against our target which is 3% of their overall budgets. Significant progress has therefore been made to meet the challenge set by NHS England.

Ruth George: Part of that £39 million is £5 million of decommissioning, which includes those voluntary services, so they are now having to be reviewed. That £39 million in cuts is not good news—it is pretty bad news for the NHS, as I have set out.

Stephen Barclay: I was just about to come on to the voluntary sector, because that is where the hon. Lady's speech started, but in her remarks she talked about the four CCGs coming together as part of the "efficiencies of scale"—her precise phrase—so I shall come back to the voluntary sector later.

Toby Perkins: I am probably in the position of largely agreeing with the Minister. I remember that, back in 2010, we had the Derbyshire primary care trust, but then the Lansley reforms came in, broke up the PCT and turned it into five different organisations in North Derbyshire. Can he imagine how galling it is for us to hear that those organisations, which went from a very strong financial position back in 2010, are now in utter financial chaos, so the Government are going to undo the Lansley reforms and to get those economies of scale that we were telling them about back in 2010?

Stephen Barclay: There seems to be a slight contradiction in the hon. Gentleman's argument. He is arguing that, on the one hand, the financial position was strong in 2016—I remind him simply that the Lansley reforms were in 2012—and, on the other hand, that the issue is with the Lansley reforms.

Toby Perkins: May I make a point of clarification, because the Minister is misquoting me? I said that the financial position was strong in 2010, not in 2016.

Stephen Barclay: In which case, I refer to the remarks of the hon. Member for High Peak, who did say that the CCGs' position was strong in 2016. The hon. Gentleman is therefore seeking to disagree with his hon. Friend rather than with me.

Lee Rowley: Every Member present who represents a Derbyshire constituency is concerned about the actions of the CCG, particularly the implication for the voluntary sector. That was outlined by the three Conservatives and two of the Labour Members, either by speaking or by being present. The challenge is that, if we contextualise this debate in a not-quite-accurate framework, we misunderstand why we are here in the first place and therefore how we get out of here. That is why the cuts narrative from the hon. Member for High Peak is unhelpful in the extreme.

Stephen Barclay: My hon. Friend is absolutely right. I was coming on to address the allocations for the four CCGs, which I am told by NHS England are above where NHS England independently sets the target. To be precise, according to NHS England, in the case of the Derbyshire CCGs, North Derbyshire is 6.2% above its target allocation, while Erewash is 2.31%, Hardwick 1.92% and Southern Derbyshire 0.25% above the target.

My hon. Friend is absolutely right that it is about how effectively the money is spent. He is also right that, within that search for efficiencies, alongside the additional £20 billion of funding that the Government have allocated, we need to address the point that the hon. Lady correctly raised about the value for money of many of the voluntary services. He correctly identified that there is a cross-party consensus and indeed concern that the value for money of those services should not be the first line of call when seeking efficiencies.

As part of that discussion, the CCG has confirmed that, having looked into this, three of the voluntary services will be protected. The south Derbyshire, Chesterfield and north Derbyshire Cruse Bereavement Care and the Stroke Association support services will be protected. The hon. Lady made a point about the value for money of night services costing £34,000, which within a £51 million target is a very small sum, and the New Mills where she cited the £2.26 per hour. That is exactly the discussion that the CCG is having. It is unhelpful to scare local people ahead of those consultations, because those decisions have not been taken. One of the benefits of the hon. Lady calling this debate is that it allows Members from across the House to put on record their support for voluntary services as part of looking at the legitimate question of where the efficiencies from economies of scale can be identified across the CCGs.

The Government are allocating more funding to the NHS, but they are looking at areas that are above their target allocation to ask, "Where are the inefficiencies and how do we spend that?" As part of asking taxpayers to contribute £20 billion more a year to the NHS, it is right that we ask how effectively that money is spent and that we ensure that we drive efficiencies.

The hon. Lady did not mention this, but it is pertinent that there is funding to Derbyshire in other forms: for example, the £12.5 million that has recently been provided for the four CCGs to spend on increasing theatre capacity at the Royal Derby Hospital. Again, that is part of

[Stephen Barclay]

enabling the CCGs to drive efficiencies. Some £40 million of sustainability and transformation partnership capital bids are yet to be approved. There are additional funding bids in the Department, NHS Improvement and NHS England as part of driving those efficiencies that the CCGs are being asked to deliver.

Alongside that is the vanguard programme—the CCGs agreed a business case in January 2018 to spend £1.1 million to continue to fund significant elements of the Wellbeing Erewash programme. My hon. Friend the Member for Erewash (Maggie Throup) has been an extremely strong champion of the benefits and importance of the programme in Erewash in her interactions with ministerial colleagues. The CCGs have introduced a range of financial measures to improve their financial position, including development of an efficiency strategy and a move to joint leadership arrangements, to which the hon. Member for High Peak referred. Closer functional working across the four CCGs in Derbyshire will help, but so will the additional capital that is being sought and innovation to work more efficiently through programmes such as vanguard.

On the voluntary sector, which was the meat of the hon. Lady's remarks, it is important to stress that decisions have not been taken and that a consultation process is under way. The CCGs will have those discussions with local stakeholders. It is important to be clear that before taking any final funding decisions on services through the voluntary and communities sector, that further round of engagement and consultation with the local communities, local authorities, patients, GPs and other stakeholders will take place.

Nigel Mills: What we desperately do not want is a short-term saving made to fix a short-term problem. Bringing those services back in 18 months' time when the much-welcome increased funding is available will not happen, because the volunteers and the organisations will have gone. Can there be any kind of downpayment on that future funding, or some slight relaxing of the annual deficit calculations, just to get us through the gap so that we do not do something now that we regret in 18 months' time?

Stephen Barclay: To some extent, that is already happening in the form of the £45 million of the deficit that is being absorbed by NHS England, but part of the NHS England consultation is assessing where the CCGs are against their target allocation—it is part of the consideration of the £40 million of capital bids for Derbyshire and part of the £12.5 million that was secured for the improvements at Derby county. It is also part of other issues in the NHS such as length of

stay—43% of patients in acute hospitals do not clinically need to be there and would be better served in the community, which is where those value for money assessments need to play a part.

Ruth George: Why are 84 community beds, and my beds in Buxton at Fenton ward, which are the only place where patients in acute care can be transferred, being cut?

Stephen Barclay: Again, local clinical decisions are taken by the CCGs, which is the correct approach. This goes to the heart of the point raised by my hon. Friend the Member for North East Derbyshire. Driving efficiency as part of spending more on the NHS is not about not having any change. Indeed, the hon. Lady previously expressed concerns about the specialist dementia inpatient beds in her constituency. Again, those are specific commissioning decisions—it is inappropriate for a Minister to comment on specific decisions—but, although I understand her concerns in relation to the number of specialist dementia inpatient beds, I am assured that the model implemented in Derbyshire reflects the changing needs and approaches to providing health and care for dementia patients. Patients benefit from structured care in their homes or in an adult care-led facility—that model is supported by clinicians.

We need to differentiate legitimate questions from NHS England in an area that is receiving more than its target allocation and where there are opportunities for efficiency, while taking on board the concerns raised by my hon. Friend the Member for Amber Valley about the transition as the additional Government funding comes, and while allowing the NHS in Derbyshire to change. Just as the additional funding to Derby will unlock efficiencies, so will the vanguard programme and other local initiatives on, for example, dementia care to deliver an NHS that is fit for the future. It needs to evolve but is also needs to take the community with it. That is why it is right that we have a discussion about the voluntary sector without scaring people that decisions have been taken, when services such as the three I mentioned have already been protected and I am told that no decisions have been taken on the other voluntary's services.

We are committed to spending more on the NHS in Derbyshire. That is the clear commitment the Prime Minister made. The CCG has made significant progress on delivering efficiencies against its 3% target, but we are building an NHS fit for the future, which includes ensuring that we give more money to Derbyshire. As part of the 10-year plan being devised by NHS England and NHS Improvement, Derbyshire will receive its fair share of that additional funding.

Question put and agreed to.

Legal Aid: Post-Implementation Review

6.30 pm

Ms Karen Buck (Westminster North) (Lab): I beg to move,

That this House has considered legal aid and the post-implementation review.

It is a pleasure to introduce this important debate under your chairmanship, Sir Christopher.

We cannot have meaningful rights without the means of enforcing them, and we cannot have meaningful justice if people have no way of accessing it. Legal aid lies at the heart of both those assertions, which is why I very much welcome the Government's review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 six years on, and the opportunity to ask the Minister about the review's process and substance. If she is unable to answer all my questions—I suspect she may not be able to—I would be grateful if she agreed to write to me so that we have answers on the record.

A few weeks ago, the Joint Committee on Human Rights, of which I am a member, published its report, "Enforcing human rights," as a contribution to the wider debate. It stated:

"Access to justice is fundamental to the rule of law. We are concerned that the reforms to legal aid introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO) have made access to justice more difficult for many, for whom it is simply unaffordable."

Six years on from the Act's passage, it is clear that the system is in crisis. Cuts to the Ministry of Justice were higher than to any other Department, at 40%. The impact of cuts on that scale is simply unsustainable.

The review of the changes must provide answers—not rhetorical answers and warm words, but practical solutions. Such solutions were set out in the Committee's report, as they have been in expert report after expert report by bodies from the Bach review—I pay particular tribute to Lord Bach—to the Law Commission, and in evidence from the frontline of civil and criminal law. Solutions were also set out in excellent briefings for the debate from the Legal Aid Practitioners Group—I particularly praise the work of the extraordinary Carol Storer, who has been in charge of the LAPG for the past decade, and her team—the Equality and Human Rights Commission, to which I will make particular reference, the Law Society, Mind, the Families Together coalition, the Children's Society, the Coram Children's Legal Centre and many others.

I will ask about some of the specific points arising from all those briefings, but let me first ask about the review process. The review is currently under way, with a deadline of the end of this month for the submission of evidence and engagement with stakeholders. I put on the record my appreciation for officials' engagement with the all-party parliamentary group on legal aid, which I chair, but there are a number of wider concerns about the transparency of the process.

No minutes have been published of the meetings that have been held. We understand that no independent research has been commissioned either. Will the Minister confirm whether that is the case? Will she also confirm that the report will definitely be published by the end of the year? How long does she estimate it will take the Government to respond? Critically, what will happen next? Will the review be affected in any way by Brexit?

How long will the response take? What steps will be put in place to safeguard the current situation and prevent more providers from closing before there is an opportunity for recommendations arising out of the review to be implemented?

Let me return to the substantial issues that confront us in the post-LASPO world. We hope that many will be addressed by the review, and hopes are high, given the pressure under which many legal aid services are operating. LASPO narrowed considerably the scope of legal aid, with the result that it is no longer available for most private family, housing, debt, welfare benefit and employment matters. LASPO also changed the financial eligibility criteria for legal aid, including by increasing the amount that people have to contribute from their income and by removing automatic eligibility for people on means-tested benefits.

I could have filled my allocated time with any number of comments made to me by individual lawyers prior to the debate, but I picked one at random relating to housing, which I am particularly concerned about. I was contacted this morning by Russell Conway, a housing lawyer with Oliver Fisher, who said:

"Legal Aid lawyers are hanging on by the skin of their teeth. Worse still large numbers of clients cannot get access. Yesterday I turned away 10 prospective housing clients as their cases were no longer within scope".

The latest statistics relating to the provision of legal aid confirm exactly that. Total legal aid expenditure has fallen by £600 million since 2013. The number of legal aid and controlled legal representation claims fell from 188,643 to 92,124—in other words, they halved. Mediation starts more than halved, and the number of providers has plunged by 800 in criminal law and 1,200 in civil law. It is no wonder that when the Joint Committee looked at the impact of LASPO on access to justice, concerns about advice deserts—parts of the country where advice and representation are close to non-existent—featured strongly.

In summary, legal aid is no longer available to many of those who need it. Even those eligible for help find it hard to access it, and major gaps in services are not being addressed. As is so often the case, the most disadvantaged and the disempowered bear the burden. To take just one group, important research by the mental health charity Mind found that half the people facing legal problems that were removed from the scope of legal aid by LASPO have mental health problems.

As LASPO removed significant areas of law from the scope of legal aid, exceptional case funding was brought in as a safety valve for more complex cases, such as where funding is deemed necessary to prevent a breach of human rights. Exceptional case funding was expected to support between 5,000 and 7,000 cases a year, but there were only 70 successful grants in the year after LASPO was introduced. Although that funding has picked up to some degree, it clearly has not fulfilled its intended function. We need to be reassured that addressing it will be core to the review.

Both the Equality and Human Rights Commission and the Joint Committee on Human Rights raised grave concerns about discrimination cases, the implications for human rights and the disproportionate impact of legal aid cuts on access to justice for people with protected characteristics, including disabled people, children and migrants. I hope the Minister will join me in welcoming

[Ms Karen Buck]

the Equality and Human Rights Commission's report and the inquiry it announced yesterday. Although the timing of that inquiry means that its results will not feed directly into the Government review, I hope she reflects on what the commission is doing and why.

The Equality and Human Rights Commission drew attention to how the removal of most welfare benefits law from the scope of legal aid disproportionately affected disabled people. It flagged up the fact that the number of benefits disputes cases in which legal aid was granted fell by 99% post-LASPO, from 29,801 in 2011-12, to just 308 in 2016-17. When individuals are able to challenge benefits decisions, the majority are overturned. Since 2013, 63% of appeals against personal independence payment decisions and 60% of appeals against employment and support allowance decisions have been decided in the claimant's favour.

The Equality and Human Rights Commission also drew attention to the fact that the removal of most private family law from the scope of legal aid affects women disproportionately, and of course the removal of most immigration law impacts people from certain ethnic minorities. As the EHRC report states, many of the areas of law removed from the scope of legal aid cover issues central to domestic and international human rights protections. Restrictions on the availability of legal aid carry the real risk of preventing the enjoyment of fundamental rights and freedoms, especially when the practical effect of such measures is to hinder, dissuade or deny access to legal redress where individual rights have been violated.

The EHRC cited specifically the effects in family law or immigration cases that may involve violations of the right to respect for family life under article 8 of the European convention on human rights; in education cases where the removal of provision presents barriers to justice for those seeking redress for breaches of the right to an education, which is protected by article 2, protocol 1 of the convention; and in social welfare law cases, the removal of many of which from the scope of legal aid carries implications for the UK's international obligations under the international covenant on economic, social and cultural rights.

The Minister will be very aware of the concerns that have been raised about the operation of the civil legal advice mandatory telephone gateway, which is often the only way for a victim of discrimination to access the legal aid system. Somehow, just 16 people have been referred to face-to-face advice in the past five years, despite more than 18,000 discrimination cases coming through the telephone gateway and an estimate that the referral rate would be 10%. Why does the Minister think that is?

Is the Minister able to say how many people with protected characteristics, including mental health problems, have been denied legal aid since the introduction of LASPO? Will the LASPO review include an assessment of the impact of legal aid reforms on groups with protected characteristics? What assessment has the Department made of the number of those people with protected characteristics who have been forced to represent themselves in court since the introduction of LASPO? Will the review consider reintroducing to the scope of legal aid those issues most commonly experienced by vulnerable individuals?

Powerful evidence of how LASPO affects children has been submitted by the Children's Society and Coram Children's Legal Centre, among others. They and I greatly welcome the MOJ's decision to bring back into scope non-asylum immigration advice for unaccompanied and separated children's immigration matters before the end of 2018, yet many other children and young people with outstanding immigration matters—particularly children with parents, and young people who are over 18—will continue to miss out.

The Government estimated 8,500 cases involving claimants aged 18 to 24 and around 43,000 cases involving claimants over 25 would go out of scope for immigration and asylum matters. No data were available on how many dependent children would be affected within those cases and I do not believe there has been any assessment since then. Is the Minister aware of such information? If not, will she ensure that such an assessment is carried out, so that we have accurate data on which to plan?

We know that the status children have can change easily and sometimes frequently. The lack of legal aid available for families to resolve their immigration status can mean children fall in and out of services, leaving them exposed to considerable risk. Undocumented children are often excluded from accessing mainstream benefits, secondary NHS healthcare and local authority homelessness assistance, and their parents are sometimes not allowed legally to work. Children in such families, care leavers and young adults who are over 18 with unresolved immigration issues are at serious risk of destitution and, at worst, abuse and exploitation, as a result of hardening immigration policies and cuts to legal aid.

That is just the situation today. It could soon get worse. There is a critical need to plan for a post-Brexit future, as millions of European economic area nationals, including children, need to settle their status in the United Kingdom. Although little is known about the immigration system post-Brexit, restrictions on the movement of EEA nationals are likely to mean that more children and families will become subject to immigration control in this country and therefore will need to regularise their status. That will include thousands of EEA children in local authority care and care leavers. Making legal aid available to those cases will be critical to protecting children's rights.

Will the post-implementation review take account of the likely issues on the horizon, to ensure that they future-proof our system of access to justice and ensure that there is consistency in access to legal aid, to help to resolve the range of complex immigration circumstances and protect children, young people and families? Does the Minister know how many children in families and young adults have been affected by cuts to immigration legal aid since 2012? What assessment has she made of the availability of immigration advice regulated by the office of the Immigration Services Commissioner as a result of LASPO? What assessment has she made of the need for advice in areas where regulated immigration advice has dried up as a result of LASPO? What steps will she be taking to ensure that action is under way to deal with the issue of advice deserts?

The withdrawal of legal aid for initial legal advice in many areas of law can result in the escalation of relatively minor problems into more complex issues. There is a clear link between receiving professional legal advice early and resolving a problem sooner. Research commissioned

by the Law Society using data from the legal needs survey found that on average one in four people who receive early professional legal advice had resolved their problem within three to four months, while one in four people who did not receive early legal advice had resolved their problem within nine months.

Lack of early legal advice can cause problems to escalate unnecessarily, potentially increasing the burden on the courts and increasing costs to the public purse. That has a clear impact on access to justice and the rule of law. The Government anticipated that people with legal problems in areas taken out of scope by LASPO would use alternative means of resolution. When removing legal aid for family matters, for example, the Government predicted that there would be increased uptake in mediation as an alternative, so that families could resolve their problems outside court. In fact, there has been a decrease of 56% in mediation assessments in the year after the reforms and the number of mediation cases that started fell by 38% in the same period. It may be that solicitors providing early advice referred people to mediation, so that removing access to such advice from a solicitor resulted in fewer, rather than more, cases being resolved that way. Has the Department conducted such research into the extent to which people have found alternative means of resolving disputes or obtaining representation? What research has been carried out or commissioned within the review looking at the cost of displacement to other services?

One obvious area of displacement is the rise in the number of litigants in person—people representing themselves in court. LASPO has resulted in an increase in litigants in person in family law proceedings, with 19,000 more unrepresented parties in 2016-17 than in 2012-13—up from 42% to 64% of such cases. Litigants in person often struggle to understand their legal entitlements and the complexities of court procedures. As the National Audit Office found, litigants in person are less likely to settle cases outside court, likely to have more court orders and interventions, likely to lack the knowledge and skills to conduct their cases efficiently, and create additional work for judges and court staff, which can make court listing processes less efficient. The Joint Committee on Human Rights report welcomed the fact that the Government are considering the impact of the increase on litigants in person, both in terms of outcomes for the individual concerned and on the court system. Has the Minister considered the recommendations of our report? Will she ensure they are reflected in the LASPO review?

Finally, the Joint Committee on Human Rights heard compelling evidence about the extent to which pressures caused by the reforms in legal aid impact on legal aid professionals. By damaging morale, and undermining the legal profession's ability to undertake legal aid work, access to justice, the rule of law and the enforcement of human rights in the UK are further undermined. In the area of criminal law, data suggest that in five to 10 years' time, there will be insufficient criminal duty solicitors in many regions of the country, leaving those in need of legal advice unable to access their rights.

I will quote just one message from the many that I was sent before this debate. A lady wrote to me to say that she has been a family lawyer and latterly a mediator for 35 years. She continued:

"Since 1996, I have been mediating under the legal aid scheme. I have always done legal aid work, as a solicitor as well as mediator...I will leave it to others to give facts and figures...I just

want to put in a plea for the people who provide these services. We, the mediators, are paid the same rate as we received in 1996. This is no pay rise for 22 years...This has the consequence that services are not viable any longer. I have not had a pay rise for 22 years and carry on out of the goodness of my heart. Unless this issue is addressed, even if legal aid is reinstated in many cases, there will...not be the lawyers or the mediators to provide the service at all."

Let us recognise that reality and praise those people who work so hard, frequently in very stressful environments and for precious little money, despite all the rhetoric about fat cat lawyers.

How is the review addressing the issue of future provision? How will any restoration of services be guaranteed when no new providers are operating in certain parts of the country? How many firms does the Minister estimate do not see a future for legal aid in their future business plans? How many legal aid lawyers expect to retire and how will they be replaced? What immediate steps are being taken to try to encourage young lawyers who want to do legal aid work to obtain training contacts and pupillages, and to overcome the reluctance of those with student debt burdens to enter into this work? Truthfully, it is impossible to wholly separate the impact of LASPO on those who need advice and representation from the needs of the people who provide that service. I hope that the Minister will reassure me that the review is considering the issue of pressures on those working in the sector and recruitment and retention, not just nationally, but across all parts of the country.

I doubt that many people working in legal aid will have been reassured by the contract debacle this weekend. It would be helpful if the Minister said something about how that is going to be swiftly resolved. Almost every aspect of the legal aid debacle was predicted and objected to at the time, hence the large number of defeats in the other place—only very minor, although welcome, adjustments have been made since. There is an opportunity in this review to learn from what has gone wrong and to put it right. The moment must be seized before it is too late.

6.48 pm

Hugh Gaffney (Coatbridge, Chryston and Bellshill) (Lab): It is a pleasure to follow my hon. Friend the Member for Westminster North (Ms Buck), who spoke passionately and effectively on a subject that I know is dear to her heart, as it is to mine. I do not want to speak too long today, but when I saw that she had secured this debate, I wanted to come along and say a few words on behalf of the people of Coatbridge, Chryston and Bellshill, and in the defence of access to justice.

I want to say a few words on legal aid because of its vital importance to our society and our country and every single person in Scotland, England, Northern Ireland and Wales. I welcome the comments from the Justice Committee. Earlier this year, it warned that the cuts we have seen from this Tory Government and the Liberal Democrat-Tory coalition before it have damaged the fundamental right of legal defence. Rather than being empowered, supported and protected, people across our country are ever more vulnerable to abuse at work from bad employers and to domestic abuse at home. Those are just two examples.

[*Hugh Gaffney*]

After the last decade of austerity, it is clear that working people in this country are paying the price of decisions made by people in this place. Of all that we have seen taken away from the most vulnerable, the poorest and the most in need across the United Kingdom, the cuts to legal aid have been among the most disgraceful.

Joanna Cherry (Edinburgh South West) (SNP): The hon. Gentleman is, like me, a Member for a Scottish constituency, and will be aware that the legal aid system in Scotland is completely different, with much wider scope and eligibility.

Hugh Gaffney: I thank the hon. and learned Lady for her intervention. I do understand that Scottish legal aid might be different, but this is still something that affects all people. Having been a representative of the Communication Workers Union across Britain, I am here to stand up for the whole country—that is why I have come down here.

Not only is legal aid no longer available for those who need it, those who are eligible are finding it harder and harder to access. I hope that the Government, as part of their review, will do all they can to right the wrongs, and acknowledge that the cuts have not worked, have not been just and must be reversed. They must be reversed for the age-old principle that is access to justice but also because of the people who use legal aid, the people eligible for legal aid and the people who deserve it.

Legal aid is often used for housing cases, and we must not forget that many people across the country, particularly in our inner cities, are dealing with overcrowding pressures and, increasingly, with rogue landlords, who evict families if they can find tenants willing to pay higher rent, or worse, when a tenant speaks up about damp or other structural issues that pose a risk to the lives of those living there. Legal aid is also used for family-related issues, whether a refugee parent seeking to keep their children away from an abusive partner or any other unpleasant situation.

I have said in this House, since my election, that I was sent here to stand up for and defend working people, seeking justice for those who need and deserve a better deal. I am a proud member of the Communication Workers Union, and I have seen at first hand the support provided to people who cannot afford to represent or defend themselves. In those circumstances when the union movement is not able to defend a member, legal aid has been the route to ensuring that people are not on their own.

I said I would be brief, so I shall leave my remarks there. I hope that the Government will listen to the Law Society's request for an economic review of the long-term viability of the criminal legal aid system and that they will think again about their approach to this issue. I thank my hon. Friend the Member for Westminster North for her work on this incredibly important issue and for letting me take part in the debate. I look forward to working with her and with colleagues around the House on these issues over the coming months and years.

6.52 pm

Andy Slaughter (Hammersmith) (Lab): It is a pleasure to serve under your chairmanship, Sir Christopher, and to take part in this important debate. I congratulate my

hon. Friend the Member for Westminster North (Ms Buck) on securing it, on her excellent speech setting out the main issues and on her continuing work as the chair of the all-party parliamentary group on legal aid.

There is no doubt that part 1 of the landmark piece of legislation that is LASPO rolled back 70 years of development in social welfare law. I have nothing complimentary to say about the Government—not even about the review, because it was one of the concessions that was wrung out of them during the passage of the LASPO Bill. Even then, they left it until the last possible moment—five years on from the implementation of the Act—before introducing it. I wonder what we will see from the review. I appreciate that work is being done and that substantial work is being carried out by practitioners and others to influence the Government. I am interested in hearing from the Minister how much money there will be and how seriously the Government are taking the review.

The legislation was very controversial at the time, with double-figure defeats in the other place. The fact that we ended up with only nugatory changes had nothing to do, I am sure, with my lack of eloquence as shadow Justice Minister, and more to do with the coalition Government's substantial majority. The Liberal Democrats deserve a mention. I dwell on the number of times they waxed lyrical about the importance of legal aid but voted time and again to destroy it as part of the tawdry deal—perhaps that is why we see none of them here today.

Since 2013, we have moved on, and favourable decisions in our higher courts have restored legal aid in some respects—on prisoner law, on exceptional case funding, and on non-asylum immigration by unaccompanied and refugee children. There have been accompanying decisions in analogous fields—a Supreme Court decision showed that the disgraceful fees for employment tribunals were unlawful. Such decisions are important and benefit large numbers of people, but they only scratch the surface.

Opposition has crystallised around certain areas regarding eligibility for early funding, particularly in housing and law on family reunion. I hope there will be specific concessions when the review takes place in those areas and perhaps in others. The Legal Aid Agency's lack of independence was raised in Committee, and we have seen a series of High Court judgments about unlawful patterns of behaviour on behalf of the Legal Aid Agency. The way the system is run is quite shocking.

Rather than dwell on the details, which my hon. Friend the Member for Westminster North has dealt with expertly, I will talk about the profundity of the changes that the legislation has brought in. It has, of course, affected millions of vulnerable people and people with protected characteristics, which we see in the number of successful appeals in welfare benefits cases. If people have the ability—cynically, the Government hopes that many people do not, or can no longer get advice—to get before a tribunal, they often succeed. Two thirds of appeals are succeeding in many cases.

We can look at what happened with what was supposed to be the safety net—the telephone gateway that provided ready access for exceptional case funding, which has not been used at all. There was only 2% of the anticipated demand for exceptional case funding in its first year. I know that has grown since, but it is still at very low.

We have advice deserts all over the country—areas where there are single practitioners, or sometimes no practitioners, which applies to entire counties for certain areas of law. How can the Government defend their record? It is about the day-to-day effects on individuals seeking justice or redress legitimately and not being able to get it. The Minister, who is a senior practitioner, should be ashamed of that, as should her colleagues.

The effects go far beyond that. Legal aid was often at the forefront of important test cases in establishing and developing the law. That has gone in many cases. I cannot emphasise enough that having an effective system of justice, and particularly challenging the decisions of the state and other powerful institutions, promotes good behaviour. It stops bad landlords and bad employers doing what they want to do, because they know that they are subject to legal challenge. Again, that has gone. I am sure that that is deliberate on the Government's part, but they should dwell on it.

It affects the operation of the whole justice system. The courts are now overwhelmed with litigants in person. With all due respect to litigants in person, in complex areas of law, particularly when there is an inequality of arms and the other side is represented and they are not, or even when there are two litigants in person, it is very difficult for justice to be done. What a difficult and insidious position that puts the tribunal in, where the established adversarial process of law, which has grown up over several hundred years in this country, is suddenly turned into an inquisitorial one, where the judge has to suddenly act in the role, effectively, of both counsel and an interventionist, rather than simply as somebody who is keeping order and arbitrating in proceedings. The Minister may think that I am exaggerating, but the rights of defendants in the courts have been established over many hundreds of years, and an important part of that has been established through legal aid in civil justice, as it was previously in criminal justice, over that time.

I wish I could be in two places at once, because I would like to be taking part in the debate on the Second Reading of the Civil Liability Bill. That is another strong attack on the justice system in this country, where another swathe of claimants will be prevented from getting justice by arbitrary decisions by the Government. That says to me that the Government have not learnt their lessons from LASPO, and therefore it is very unlikely that the review will get us where we want to go.

I would love to be proved wrong, but in fact we are seeing the effect not only of the lack of representation and advice, but of the huge, swingeing cuts in the Courts and Tribunals Service, which have led to court closures, the inability of courts to function properly and the inability of the prison system to function properly, which was referred to in the main Chamber today.

The Minister took over at a rather difficult time, when the fruits of austerity were becoming apparent across the Ministry of Justice which, as my hon. Friend the Member for Westminster North said, has suffered the largest cuts of any Department over the last seven or eight years.

I made my opening speech in a political debate and it lasted for a mere three hours—you would not consider that to be a long speech, Sir Christopher. However, the point I wanted to emphasise was that legal aid was an

important part of the welfare state settlement. It was about looking after vulnerable people; it was about providing a safety net; and it was about providing justice and equality for people. That is how important it is to our society and that is what LASPO has destroyed.

When the Minister replies, she may not be able to deal with all the points that my hon. Friend has made. However, I hope that when the Government give their response to the review, they will dwell on that point, as well as on the individual points and the individual cases that are crying out for justice.

7.1 pm

Joanna Cherry (Edinburgh South West) (SNP): It is a pleasure, Sir Christopher, to serve under your chairmanship.

I congratulate the hon. Member for Westminster North (Ms Buck) on securing this important debate. It has been a pleasure to work with her on these matters in the Joint Committee on Human Rights and I very much admired her tenacity in getting to the bottom of things. As she has said today, this issue is fundamentally about access to justice; it is one of Lord Bingham's eight principles that are fundamental to the rule of law that there should be equal and ready access to justice.

As the hon. Lady explained in her speech, the Equality and Human Rights Commission is very concerned about these reforms in England and Wales, because it feels that they have restricted access to justice. Ensuring that there is access to justice is a principle that is required not only by the common law of England and Wales, and indeed by the common law of Scotland, but by article 6 of schedule 1 to the Human Rights Act. As the hon. Lady went on to say in her speech, the Equality and Human Rights Commission, like other bodies, has underlined the fact that there is evidence of a disproportionately negative impact on people who share certain protected characteristics, such as disabled people, as a result of these so-called reforms. The commission has also said that there is evidence that LASPO has limited access to redress for breaches of human rights and for discrimination claims.

The hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) raised an important issue. I know about it because I have to declare an interest from a previous life, when I was a practising member of the Scottish Bar and did a lot of legal aid work for people who had had accidents at work. It has been very important over the years for ordinary working people to have access to legal aid in order to realise their rights, and we must take very seriously anything that undermines that. Like the hon. Gentleman, I am anxious that there should be access to justice south of the border, as there is north of the border.

In my speech today, therefore, I will take a few moments to outline the findings of a recent independent review of legal aid in Scotland, which may be of assistance to the Minister as she considers how to deal with the shortcomings of the current system in England and Wales.

Despite a succession of cuts to the Scottish budget by the UK Government, the Scottish Government are committed to promoting access to justice, and they have managed to maintain a much fairer system of legal aid, with much wider scope and eligibility than exists south of the border. The hon. Member for Westminster North will recall that those of us who serve on the JCHR heard evidence about this from a number of witnesses.

[Joanna Cherry]

In particular, we heard evidence about an independent review of legal aid that was carried out in Scotland earlier this year. It was independent of Government; it was chaired by Martyn Evans, the chief executive officer of the Carnegie UK Trust; and it reported at the end of February this year.

I am not saying that the Scottish legal aid system is perfect—indeed, Martyn Evans suggested some ways in which it could be reformed—but crucially he found that, although the Scottish Government spend less per capita on legal aid than the UK Government spend in England and Wales, the scope of legal aid in Scotland is broader, and a larger percentage of the population of Scotland is eligible. The report shows the contrast between what is done with a smaller budget in Scotland and what happens in England and Wales.

As others have said—the hon. Member for Hammersmith (Andy Slaughter) made an eloquent speech—according to last year's figures from the Ministry of Justice, legal aid expenditure in England and Wales has been cut from £2.5 billion to £1.55 billion in real terms in a few short years. In England, that has led to a substantial reduction in the scope of family, social welfare, debt, housing and immigration cases. We do not have the same problem in Scotland. Legal aid is still available for family, social welfare, debt, housing and immigration cases, and the Scottish Legal Aid Board manages to make it available, despite spending less per capita. Do not take my word for it; take the word of the independent review.

The independent review looked at three key areas of legal aid in Scotland—scope, eligibility and cost—and compared the service in Scotland with that of other jurisdictions in relation to them. On scope, it found that the provision of criminal legal aid in Scotland compares very well with other systems. In almost all criminal cases prosecuted before a jury, the accused receives legal aid, which potentially pays for the best criminal defence lawyers available. I can vouch for that, not because I was one of them, but because I used to have to prosecute people and I regularly found myself up against some of the best criminal silks in Scotland, who were paid for by the legal aid fund.

For civil legal aid in Scotland, the scope is also broader than in many other jurisdictions, with comparatively few areas excluded. Approximately 70% of the population of Scotland are eligible on the basis of income for a degree of civil legal aid to fund at least part of their actions. That is one of the highest levels of eligibility in Europe.

On cost, Scotland's expenditure per capita exceeds €30—it is in euros because this is European research. The European average is €9 a head, and the median is €2 a head. The figure spent in England and Wales is €38 a head, and in Scotland it is €33. That shows that it is possible, with a lesser spend, to have greater scope and greater eligibility for legal aid.

The report found that Scotland is one of the leading jurisdictions in Europe for the provision of legal aid on the basis of scope, eligibility and expenditure. In drawing attention to that, I do not say that the situation is perfect in Scotland. I am sure many of my former colleagues would want me to say that they do not think

it is perfect, but lawyers will always moan about legal aid. What we as politicians must be most concerned about is access to justice for our constituents.

Does the Minister agree that the Scottish experience shows that, with less spending per capita, it is possible for legal aid to involve a wider scope and more eligibility, and to cover the sorts of cases that hon. Members are concerned are not covered at present in England and Wales? Will she look to the Scottish example to see how the system in England and Wales can be reformed? Will she consider commissioning, rather than the in-house review of LASPO, an independent strategic review of legal aid in England and Wales similar to the one commissioned by the Scottish Government, about which I have spoken today?

7.8 pm

Yasmin Qureshi (Bolton South East) (Lab): It is a pleasure to serve under your chairmanship, Sir Christopher. I congratulate my hon. Friend the Member for Westminster North (Ms Buck) on securing this important and timely debate, and on the excellent points she made in her speech. I commend the work she does as chair of the all-party parliamentary group on legal aid. Her record on this issue is outstanding, and her spirited defence of legal aid was stupendous.

Before I come to the crux of my speech, I acknowledge the hard work of my hon. Friend the Member for Hammersmith (Andy Slaughter), who was the shadow Minister who led on the LASPO Bill in the Parliament of 2010-15. At that time, I was on the Justice Committee. I remember the hours of work that my hon. Friend put into the scrutiny of that Bill. The sadness of it is that many of the predictions he made, and those of the Justice Committee that examined LASPO at the time, have come to fruition. All the warnings and worries that we had then have turned out to be justified now. That is really sad. I do not think any of us wanted to be proved correct; we would have preferred to be proved wrong, but we have turned out to be correct.

The reforms have caused an enormous amount of sadness and misery for many ordinary people who are not familiar with the legal system. Often they are not the most literate people, who may not have the most excellent advocacy skills and are probably coming to the judicial system—criminal or civil—for the first time. Most are utterly bemused, and do not know what they are doing. I am sure many Members of Parliament have constituents who have come to them with such problems, and will know that most of them are completely confused, are not sure what to do, do not know their rights and do not have the finance to afford legal support. Because there is no legal aid, they cannot access a solicitor or a barrister or get legal advice.

My hon. Friend the Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) spoke about the problems of tenants and landlords. It is a shocking situation that many people now live in squalid accommodation but cannot do anything about it and do not know their rights. In any case, enforcing any of their rights costs too much. They live in squalid accommodation, and their options are to shut up or try to move elsewhere—and often the alternative accommodation they could move into is not great. That is another area where vulnerable people are affected.

My hon. Friend the Member for Westminster North spoke about immigration—another sector where there have been big cuts in legal aid—and particularly the impact on children and families. Immigrants are not flavour of the month in most parts of the world, but they are human beings with children and family ties, who have legal rights and need to be able to access legal advice. There has been a massive reduction in their ability to understand what their rights are in trying to keep their family unit together.

Those are just two areas. We also know about people who are employed but who are in not particularly good working conditions or have employers who are not the fairest, and they cannot access employment tribunals. Many people with health issues cannot get advice on the benefits they may be able to get or, if they have a disability, on what their rights are. Such vulnerable groups are badly affected. Prior to LASPO, a reasonable, decent amount of legal aid was available and accessible. A lot has now gone.

We have also talked about ordinary family law cases, not just family law issues in relation to immigration—where parents may be going through divorce or separation, or where children are involved. That is a lot of stress for families. Often, they cannot go and get legal advice because, frankly, they cannot pay for it, and that causes distress.

Even if we ignore the human costs of the changes in legal aid, our court systems have not benefited, either. I distinctly remember hearing from a number of judges sitting in the civil courts, who came to give evidence on LASPO to the Justice Committee. They said, “One effect of the legislation will be that you will have a lot of unrepresented litigants turning up in court, taking more time, clogging up the court, which in the end will cost us more.”

Let us face it: even an hour in a county court, a magistrates court or the High Court costs thousands and thousands of pounds, because there are all the costs of running the court and paying people. When there is an unrepresented claimant or person before the court—or a defendant, in the criminal courts—they can take up a lot of time. Any saving of a few hundred pounds that might have been made by preventing them from getting the preliminary advice that could have helped them ends up being wasted, because the courts will, and do, take longer to deal with those cases and those cases clog them up. I think that if hon. Members speak to judges, they will find that that problem is still occurring.

Of course, one of the things the Government plan, which we have not touched on but which will have an additional impact on unrepresented people, is the increasing introduction of virtual courts and online court systems, where they will not be speaking to anyone, nobody will be able to guide them and they will be even more confused. One of our great worries in the criminal justice system is that we may have people pleading guilty or making admissions to things they should not.

As a practitioner in the current system—in which we do not have so many virtual courts—I remember being in court when somebody would come in who was unrepresented. Many legal professionals in court, when they hear that somebody is not sure about their case, will often give them voluntary advice and guidance or signpost them as to where they should go. That will not

happen in a virtual court. The availability of legal aid becomes even more important in this technical age, where there will be less interface with people and there will be fewer people able to guide litigants.

I am sad that the Government, even now that they are carrying out a review, are taking so long about it. We were told we would probably have the review by the end of the summer; now we are talking about the end of the year. My first question for the Minister is, when will the review be completed?

The second question that I hope the Minister will answer is, in the light of what we know is happening, will there be any real changes to legal aid to make it applicable and available to many more people? The Ministry of Justice must be aware of the issue that I and other hon. Members have raised about the effect on people's lives. It is pointless to have rights if we cannot enforce them; they might as well be meaningless if we have no mechanism to enforce them. The lack of legal aid means that those rights often cannot be enforced for the people who are the most vulnerable.

Another problem that has occurred as a result of the legal aid cuts is that even those people who might qualify for legal aid often find that there are not enough lawyers out there who are willing to do legal aid work, because the rates have gone down. The Government's attitude is, “These are all ‘fat cats’ or people who are living a lavish lifestyle.” That is not true. Most legal aid lawyers are not fat cats or people earning hundreds of thousands of pounds; they are just trying to make a reasonable living. Therefore, it is more difficult to find people who can do legal aid work, and many small high street firms have closed down because they cannot afford to continue to run a practice. Even when people are able to get legal aid, finding lawyers who will do legal aid work for them is problematic.

I ask the Minister to look at this issue again. Legal aid was introduced by a Labour Government in 1949 as one of the benefits that people need the most, and I hope the Minister and the Government will reconsider the whole issue of legal aid and make it much more widely available to people.

7.19 pm

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): It is a pleasure to serve under your chairmanship, Sir Christopher. I thank the hon. Member for Westminster North (Ms Buck) for bringing the debate. I acknowledge her work, as others have done, as chair of the all-party parliamentary group on legal aid. I am delighted to have the opportunity to respond, because legal aid is an important part of our legal system. It is fundamental that individuals have access to justice—the ability to determine their rights in a fair and impartial way—and, as the hon. Lady said at the beginning of her speech, legal aid is an important part of the process for those who cannot afford to pay for legal representation.

Before I address many of the important points made, I want to make three points, which concern the amount of money we have invested and continue to invest in legal aid, the recent steps we have made to expand the scope of legal aid, and the significant investment we are making in our justice system, which will assist all litigants more broadly. First, on spending, it is important to recognise that the Government spend £1.6 billion a year

[Lucy Frazer]

on legal aid, which is a fifth of the Ministry of Justice budget. That is in addition to other sources of funding to ensure justice and the fair determination of rights. For example, in the last three years we have spent almost £6.5 million in addition through the litigants-in-person support strategy to help people to navigate the legal process.

Secondly, in recent months the Government have increased the scope of legal aid in a number of areas, as the hon. Member for Hammersmith (Andy Slaughter) kindly highlighted. In January, we broadened the accepted evidence for domestic violence and removed all time limits. Since then, in the first quarter of this year, there has been a 21% increase in applications for legal aid for domestic violence and a record number of legal aid grants were made.

In February, as the hon. Gentleman mentioned, we broadened the scope for legal aid for prisoners, and in June we updated the legal guidance for inquests on cases involving deaths in custody. In doing so, we have ensured that the starting presumption is always that legal aid should be available for such cases. I have also recently committed to laying an amendment to LASPO before the end of the year to bring immigration matters for unaccompanied and separated children into scope of legal aid.

Thirdly, it is important to mention that the Government are making a significant investment to transform our courts and tribunal services—we are investing £1 billion to bring our justice system into the 21st century. That helps vulnerable people in a number of ways. It enables traumatised and vulnerable witnesses to give pre-recorded evidence. It enables those who find it difficult to travel to court the opportunity to take part by video link. It enables those who are time-pressed to make applications to court online, for example, for divorce or for probate. It enables those who wish to resolve money disputes up to £10,000 to make claims online and, should both parties agree, to settle without going to court. It also enables those making welfare claims to do so online, get updates about those claims online and deal with queries and issues before a hearing by liaising with the judge online. All those mechanisms and that investment make our justice system more accessible and more available to all. The Government are investing in our justice system in so many ways to protect the vulnerable and to facilitate justice outside the provision of legal aid.

I turn to the changes made by LASPO. The hon. Lady rightly highlighted that the Joint Committee on Human Rights, on which she serves, recently published a report, which I read with interest. She and the hon. Member for Coatbridge, Chryston and Bellshill (Hugh Gaffney) are right to identify that changes were made to legal aid by the coalition Government through LASPO in 2012, but it would be wrong not to mention the context in which those changes were made.

When the programme to reform legal aid commenced in 2010, the scale of the financial challenge facing the Government was unprecedented. As the then Chancellor said in November 2010, the Government faced

“the greatest budget deficit in our peacetime history”.—[*Official Report*, 29 November 2010; Vol. 519, c. 529.]

The Government’s financial deficit for the fiscal year 2010-11 was almost £144 billion, according to the Office

for National Statistics. The savings required from public services to cut the deficit were substantial, in which circumstances the Government made difficult choices. They rightly focused their resources on the most vulnerable people in our society and set the following principles for LASPO: to discourage unnecessary and adversarial litigation at public expense; to make significant savings to the cost of the scheme; to deliver better overall value for money for the taxpayer; and to target legal aid at those who most need it.

The hon. Member for Westminster North was right to identify that we are in the process of a review. My officials have met more than 70 organisations to gather evidence from across the justice system. Over recent months, I have met representatives of Resolution, Women’s Aid, the Law Centres Network and the Low Commission to gain a greater understanding of the impact of the legal aid changes. I am also pleased to have recently led a number of roundtable discussions focused on topics such as domestic violence and improving the use of technology in the justice system. Those discussions, and this debate, will better inform our thoughts and views on the LASPO review.

I will respond to some of the points made by hon. Members from both sides of the House. In the short time that I am on my feet, I will not have time to address all the points that the hon. Member for Westminster North made, but I will take up her offer and address those that are outstanding in writing. I will try to go through as many as I can in the time remaining. Many hon. Members asked about the timing of the review. The Government remain committed to responding by the end of the year. The hon. Member for Westminster North suggested that there was a lack of transparency, which I hope is not the case. I have mentioned the large number of third parties with which we are engaging and having extremely transparent discussions. In July, we published an update on gov.uk about the progress of the review, which included the agendas of the consultation groups.

The hon. Lady started and finished with the impact of the changes on providers, which she said meant that providers were closing. She asked how we were going to deal with that. The Legal Aid Agency regularly reviews market capacity to assess capacity around the country. In a recent retender of face-to-face contracts, it received tenders from more than 1,700 organisations that wished to deliver face-to-face civil legal aid work. Those organisations submitted more than 4,300 individual bids, so it is confident that a good quantity of people are providing work at the moment.

The hon. Lady mentioned solicitors more broadly and the recent Law Society study. There is a further study in relation to the age of the profession, which I have looked at with interest. I am meeting the Law Society this month to discuss that and several other matters. In relation to barristers, we recently launched our consultation on the advocates’ graduated fee scheme, with a commitment to put a further £15 million into criminal advocacy.

The hon. Lady mentioned exceptional case funding and human rights. Quotes and figures were given about the start of the exceptional case funding scheme. Concerns have been expressed, but it is important to point out that the number of applications has risen significantly in recent years. In the first quarter of 2018, 745 applications were made through the ECF, which is a 40% increase on

the previous year. Not for the first time, concerns were also expressed about the telephone gateway. As a result of those concerns, I recently had a meeting in Nottingham with the Legal Aid Agency and the provider of the telephone gateway service to understand how that service operates. I was interested to hear that they say that more than 90% of people find the service helpful, but I will continue to look at that.

Briefly, the hon. and learned Member for Edinburgh South West (Joanna Cherry) mentioned the Scottish law review. I have read it, and it is interesting that some of the ideas in it are already being put in place by this

Government—for example, video links and the online court. I have not been able to address all the points that have been made in the debate, although I would have liked to, because these are important matters. However, I am pleased that I have had the opportunity to touch on some of the issues that are so important to the House.

7.30 pm

Motion lapsed, and sitting adjourned without Question put (Standing Order No.10(14)).

Written Statements

Tuesday 4 September 2018

EXITING THE EUROPEAN UNION

EU Exit

The Secretary of State for Exiting the European Union (Dominic Raab):

Technical notices

As announced by the Prime Minister and Secretary of State for Exiting the European Union on 18 July 2018, the Government are publishing a series of technical notices during August and September. On Thursday 23 August, we published 25 of these notices and will publish more in the coming weeks. These notices are designed to inform people, businesses and stakeholders about steps they may need to take in the event of a “no deal” scenario.

Notices were published on the following areas:

Overview

UK Government’s preparations for a no deal scenario

Applying for EU-funded programmes

The Government’s guarantee for EU-funded programmes

Horizon 2020 funding

Delivering humanitarian aid programmes

Civil nuclear and nuclear research

Nuclear research

Civil nuclear regulation

Farming

Farm payments

Receiving rural development funding

Importing and exporting

Trade remedies

Trading with the EU

Classifying your goods in the UK trade tariff

Exporting controlled goods

Labelling products and making them safer

Labelling tobacco products and e-cigarettes

Developing genetically modified organisms (GMOs)

Producing and processing organic food

Money and tax

VAT for businesses

Banking, insurance and other financial services

Regulating medicines and medical equipment

Batch testing medicines

Ensuring blood and blood products are safe

How medicines, medical devices and clinical trials would be regulated

Submitting regulatory information on medical products

Quality and safety of organs, tissues and cells

State aid

State aid

Studying in the UK or EU

Erasmus+ in the UK

Workplace rights

Workplace rights

Notices were published on gov.uk during the parliamentary recess. These can be found at:

<https://www.gov.uk/government/collections/how-to-prepare-if-the-uk-leaves-the-eu-with-no-deal>.

Copies of notices were also placed in the Libraries of both Houses to ensure all Members had access, and we will continue to ensure that technical notices are made available to Members.

Slides on the framework for the UK-EU partnership

The UK negotiating team are also producing presentations for discussion with the EU, in order to inform development of the future framework.

Slides have been published in the following areas over the parliamentary recess:

Financial services

Open and fair competition

These were published on gov.uk during the parliamentary recess and were also deposited in the Libraries of both Houses. Copies can also be found at:

<https://www.gov.uk/government/publications/framework-for-the-uk-eu-partnership-financial-services>.

<https://www.gov.uk/government/publications/framework-for-the-uk-eu-partnership-open-and-fair-competition>.

[HCWS929]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Social Housing Green Paper

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): On 14 August, my Department published our social housing Green Paper “A new deal for social housing” which proposes fundamental reform to ensure social homes provide an essential, safe, well managed service for all those who need it. The social housing Green Paper was laid before Parliament on 14 August (CM 9671).

Everyone deserves a decent, affordable and secure place to live. It is the most fundamental of human needs. While we have made important strides to build the homes we need in recent years, I recognise we have much further to go when it comes to making our housing market work for all parts of our society—not least for residents in social housing. Our Green Paper is an important step towards this.

It is based on conversations with almost 1,000 residents at 14 events across the country, with over 7,000 submitting their views and ideas online. We have heard what people love about social housing—stories of people’s pride in their homes and communities. But we also heard what needs to change. The Green Paper is underpinned by five principles:

Ensuring that homes are safe and decent

Residents were not only concerned about safety, but also the quality and maintenance of their homes. The Government have identified opportunities to accelerate a social sector early response to recommendations in Dame Judith Hackitt’s independent review of building regulations and fire safety by supporting residents and landlords to engage on issues of building safety. The Green Paper will also consider whether the decent homes standard is demanding enough and delivers the right outcomes.

Swift and effective resolution of disputes

Residents raised issues about how complaints were dealt with when things go wrong. We want to make the process of handling and resolving complaints faster, easier and more effective. As part of this, the Green Paper asks whether the “democratic filter” should be reformed or removed. In addition, we want to explore whether more could be done to strengthen mediation opportunities so landlords and residents can resolve disputes locally, and help residents to access the right advice.

Empowering residents

We want to ensure residents are empowered, with more transparency about the information they receive from landlords. The Green Paper contains proposals to assess landlords against standards that matter to residents, to publish these assessments, and to strengthen the regulatory framework for social housing. We want to make sure the regulatory framework as a whole remains fit for purpose and published a call for evidence which seeks views on how the current regulatory framework is working, alongside the Green Paper. We are also seeking views on how to ensure residents’ voices are heard and strengthening their choice over the services they receive.

Elimination of stigma

Stigma was one of the most consistent themes raised by residents. We are seeking views on a number of proposals to tackle this including ways to celebrate thriving communities, encourage greater professionalisation among housing management staff and promoting good social housing design. We are also exploring options for improving neighbourhood management and addressing anti-social behaviour, another key issue for residents.

Boosting the supply of social housing and supporting home ownership

Residents told us that they wanted to see more affordable homes delivered. We published the right to buy receipts consultation which sets out our proposals for exploring new flexibilities around how local authorities can use their right to buy receipts. We will also explore how we can help people living in affordable home ownership schemes, such as shared ownership, progress more easily to owning outright.

After listening carefully to social housing residents, we are proposing not to implement the provisions in the Housing and Planning Act to make fixed-term tenancies mandatory for local authority tenants at this time.

We recognise the benefits of fixed-term tenancies in the right circumstances to help social landlords make best use of their housing stock and that flexibility will remain. But we remain keen to ensure that victims of domestic abuse do not risk losing their lifetime tenancy if they are granted a new tenancy after fleeing abuse. We will bring forward new legislation to ensure that councils honour their lifetime tenancy in these cases.

In addition, on 16 August, I launched the £200 million voluntary right to buy midlands pilot. The pilot will enable thousands of tenants across the midlands to buy their home from their housing association, at a discount funded by the Government. The pilot builds on the small scale pilot with five housing associations in 2016-17, and will test two key aspects of the voluntary agreement with housing associations not tested in the initial pilot—the portable discount and one-for-one replacement overall of the homes sold. Eligible tenants in the midlands will need to register their interest on the MHCLG website, with the registration open until 16 September. To give all prospective purchasers an equal chance of participating, places on the pilot will be allocated by ballot.

[HCWS932]

Supported Housing and Rough Sleeping

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): On 9 August, I announced that housing benefit will remain in place to fund supported housing, alongside publication of the Government’s response to the October 2017 consultations on possible alternative funding options. We also announced that we will not be pursuing the sheltered rent model. This demonstrates our commitment to protect some of the most vulnerable people in our communities, by ensuring vital services are in place.

I am also keen to work with providers, local authorities, membership bodies and resident representatives to develop a robust oversight regime, to ensure quality and value for money across the sector. Alongside this enhanced oversight, my Department will undertake a review of housing related support in order to better understand how housing and support fit together.

Taken together, this gives the sector the confidence they need to continue to invest in supply.

On 13 August, I announced a cross-Government rough sleeping strategy setting out the first steps towards achieving our commitment to halve rough sleeping by 2022 and end it by 2027. This builds upon the work of the rough sleeping initiative announced in March, and set outs the further action we will take to support those currently sleeping rough.

To develop the strategy my Department has worked across Government through the rough sleeping and homelessness reduction taskforce, and with the homelessness sector and local areas through the rough sleeping advisory panel, to set out our long-term vision for how both local and central government will work together to build a country where no one needs to sleep rough again.

The strategy is based around three core pillars: prevent, intervene and recover, with a focus on moving to a “rapid rehousing” approach. Taken together with initiatives my Department had already committed to prior to publishing this strategy, this represents over £150 million of funding dedicated to reducing rough sleeping over the next two years. In addition, we confirmed additional funding for health services for people sleeping rough. We will refresh the strategy on an annual basis, setting out the progress we have made and ensuring that our interventions remain relevant and targeted. We are also developing a delivery plan, to be published in the autumn.

We will prevent rough sleeping by providing timely support to those at risk by, for example:

- piloting suitable accommodation and tailored for those leaving prison so they do not end up on the streets;
- researching the nature and scale of LGBT homelessness to determine what measures need to be put in place to prevent this;
- ensuring that local authorities investigate rough sleeper deaths to understand and tackle the root causes; and
- implementing the duty to refer on certain public bodies as part of the Homelessness Reduction Act, to ensure that more people get the help they need faster.

We will intervene to help people already on the street get swift, targeted support by, for example:

- rolling out a new initiative, Somewhere Safe to Stay, to help up to 6,000 people who are new to the streets or vulnerable to rough sleeping, offering support to rapidly identify issues that led them to sleeping rough;

introducing “navigators”—specialists who will act as trusted confidantes—who will help people sleeping rough access the appropriate services and accommodation;

providing up to £30 million for health services for people sleeping rough, informed by the findings of a health provision audit to be carried out this year; and

providing training for frontline staff on how to best help people under the influence of Spice, those who are victims of domestic abuse, modern slavery, as well as how best to support homeless LGBT people.

We will help people recover, find a new home quickly and rebuild their lives by, for example:

providing affordable accommodation for those leaving hostels and domestic abuse refuges, and to support them in managing this accommodation;

investing money from dormant bank accounts into housing for those on the streets or at risk of rough sleeping;

launching a new fund to help up to 5,000 former rough sleepers and those at risk to sustain their tenancies by working with them to boost financial independence and access training and employment opportunities; and

launching a £50 million fund for homes outside London for people ready to move on from hostels or refuges but need additional support.

We recognise that this is a challenging commitment but are confident this strategy will pave the way towards achieving our 2027 vision. We are clear, however, that this is just the first step.

The rough sleeping strategy was laid before Parliament on 13 August (Cm 9685).

[HCWS931]

Tenant Fees Bill

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): I am today placing in the Library of the House the Department's analysis on the application of Standing Order 83L in respect of the Government amendments tabled for Commons Report stage for the Tenant Fees Bill.

[HCWS930]

WORK AND PENSIONS

Pensions Update

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): Throughout the last decade, Government have worked closely with the pensions, financial services and consumer community to rebuild the UK's pension savings culture.

Through automatic enrolment, 10 million people will be newly saving or saving more into a workplace pension scheme, with an estimated £20 billion extra pension saving by 2019-20.

The pension freedoms have given people much greater choice about when and how they use their pension savings.

The Government have a significant programme of work ahead to increase confidence in workplace pensions, by improving:

The provision of information to, and financial capability of, individuals, in order that they can make informed and more confident financial decisions.

The way pensions are run, making them more secure; improving transparency; and responding more quickly when things go wrong.

Improving the provision of information to, and financial capability of, individuals

The pensions dashboard will offer people the opportunity to access their pension information in a clear and simple form—bringing together an individual's savings in a single place online.

The work that the Department for Work and Pensions has done in assessing feasibility for a pensions dashboard has made it clear that we should not underestimate the size or complexity of the challenge. An industry-led dashboard, facilitated by Government, will harness the best of industry innovation. We will continue to engage with industry on this model and Government will protect pension savers and personal information by legislating where necessary. This will build on the Government's “Check your State Pension” online service for the state pension. We will shortly report on the findings from the feasibility study.

To improve financial capability and understanding we have taken through Parliament the Financial Guidance and Claims Act 2018, which gives us the power to introduce the Single Financial Guidance Body. This will bring together the services currently delivered by the Money Advice Service, the Pensions Advisory Service and Pension Wise. The creation of the SFGGB is a genuine opportunity to improve provision of free and impartial Government-sponsored money and pensions guidance and debt advice so that people—especially those who are struggling, can make informed choices about their finances.

The appointments of the chair and chief executive of the new organisation have recently been announced, and we expect to establish the body as a legal entity in October when the chair and chief executive take up their roles. It will then launch in January when it takes on its delivery functions of money and pension guidance, and debt advice.

Improving security and transparency

We have legislated to introduce a new master trust accreditation regime from 1 October 2018 for multi-employer pension providers wishing to continue to operate in the automatic enrolment market.

We will strengthen the powers of the pensions regulator to ensure that peoples' pensions are protected. The Department recently consulted on proposals to improve the regulator's powers so that they can be more proactive, punish wrongdoing and get involved earlier when employers make changes which could affect their pension schemes. We are currently considering the responses, and hope to publish our conclusions towards the end of this year. We are also investigating how to facilitate consolidation of DB schemes, including looking at the establishment of “superfunds”, and intend to publish a consultation on this in the autumn.

Finally, collective forms of pension saving offer interesting new possibilities, and the Department is currently working through proposals for the first collective defined contribution schemes in the UK. We intend to launch a formal consultation in the autumn.

This is an ambitious programme of work, which has the potential to further transform the pensions landscape and benefit consumers.

[HCWS933]

Petitions

Tuesday 4 September 2018

OBSERVATIONS

EDUCATION

Calderdale Schools Funding

The petition of residents of the UK,

Declares that Calderdale schools are in urgent need of extra funding to offset the worst effects of the proposed National Funding Formula and increased costs; further which sees more than three quarters of Calderdale schools significantly disadvantaged under such funding arrangements.

The petitioners therefore request that the House of Commons urges the Government to fund all schools fully and properly as a matter of urgency and necessity; and further to invest in both staff and pupils; further to commit to such investment over the life of this Parliament, and further to recognise the potential negative impact of insufficient funds on children's educational outcomes if schools are unable to maintain adequate staffing levels, safe environments and appropriate learning resources.

And the petitioners remain, etc.—[Presented by Holly Lynch, *Official Report*, 17 July 2018; Vol. 645, c. 373.]

[P002212]

Observations from the Minister for School Standards (Nick Gibb):

School funding is at its highest ever level at £42.4 billion this year and £43.5 billion next year. Figures from the Institute for Fiscal Studies show that real terms per pupil funding in 2020 will be more than 50% higher than it was in 2000. A primary school class is now funded to £132,000 up from 10 years ago and a secondary school class is funded up to £171,000 more.

As the petitioners note, we have also introduced a new national funding formula for schools. This is an historic reform. For the first time in 2018-19, school funding was distributed based on the individual needs and characteristics of every school in the country. In 2019-20, all schools in Calderdale and across the country will attract an increase of at least 1% per pupil compared to their 2017-18 baselines. Those schools that have been historically underfunded will attract up to 6% more, per pupil, compared to 2017-18—a further 3%, per pupil, on top of the 3% they gained in 2018-19—as we continue to address historic injustices.

Under the national funding formula, Calderdale schools have attracted an average increase of 2.2% per pupil this year. We have now published updated illustrative local authority and school level allocations for 2019-20. These show that schools in Calderdale will attract a 3.6% per pupil increase by 2019-20, compared to 2017-18. This represents an increase of £161 per pupil. Full details of formula allocations can be found here: <https://www.gov.uk/government/publications/national-funding-formula-tables-for-schools-and-high-needs-2019-to-2020>.

We do recognise schools have faced cost pressures in recent years, and we are providing extensive support to schools to deliver the best value from their resources. Further details of the support available can be found at <http://tinyurl.com/HUTWG36>.

This includes recommended deals on the things that schools buy regularly, including savings up to 40% on printers and photocopiers. You can find further information on national deals here: <https://www.gov.uk/government/publications/deals-for-schools/deals-for-schools>. On teachers' pay, the largest area of schools' expenditure, we will be supporting schools in England to implement the 2018 pay award with an investment of £508 million through a new Teachers' Pay Grant.

Public sector nursery provision

The petition of residents of Salford,

Declares that public sector nurseries consistently provide above-average quality of provision, provide superior levels of school-ready pupils, Special Educational Need provision and services to areas of high deprivation; further that in comparison to the private sector, public sector nurseries provide more accurate tracking information to schools, more affordable services and a better standard of early education; further that new conditions imposed by the Department for Education have thrown many nurseries and Early Years services across the country into financial peril, both in the public and private sector; further that local authorities are now unable to use the vast majority of the Dedicated Schools Grant for their own Early Years provisions; and further notes that the £55 million fund set aside to support Maintained Nursery Schools is not available for Local Authority nurseries which are not headed up by a head-teacher and which lack trained teaching staff.

The petitioners therefore request that the House of Commons urges the Government to do all in its power to value and to support the continuation of public sector nursery provision, including reversing the changes to the Dedicated Schools Grant and changing the way that the £55 million supplementary funding for Maintained Nursery Schools is used to make available to all Local Authority nurseries.

And the petitioners remain, etc.—[Presented by Barbara Keeley, *Official Report*, 17 July 2018; Vol. 645, c. 374.]

[P002218]

Observations from the Parliamentary Under-Secretary of State for Education (Nadhim Zahawi):

The Government are spending more on childcare support than any other Government—around £6 billion a year by 2019-20. This includes an additional £1 billion a year to deliver the childcare entitlements. Our funding rates are based on evidence from our “Review of Childcare Costs”, which was described as “thorough and wide ranging” by the National Audit Office.

The Government also introduced the Early Years National Funding Formula (EYNFF) to allocate their record investment fairly and transparently and ensure that early years providers can deliver free childcare on a sustainable and high-quality basis. Local authorities are also required to pass through 95% of early years funding directly to providers to ensure it reaches the frontline. The Government consulted extensively prior to introducing the EYNFF and received broad consensus on the reforms they introduced (including the 95% pass through).

The Government's 30 hours programme is rolling out successfully with more than 340,000 children aged three and four years old benefiting from a 30 hours place throughout the first year of delivery. This is saving

families up to £5,000 per year in total and making it easier for them to work and earn more in the years before their children start school.

It is for Salford City Council to decide how best to fund their providers to meet their duty to provide sufficient places to meet parental demand. We are pleased that there are no reports of 30 hours sufficiency issues in the Salford City local authority area.

All authorities have the option of requesting flexibility around the 95% passthrough requirement and the Government would be willing to consider such an application from Salford City Council for the 2019-20 financial year.

With regard to Maintained Nursery Schools, they are required to employ a qualified teacher and a headteacher, as well as to be constituted as a school, which means they typically incur higher costs than other types of early years providers that are not required to meet these obligations. In recognition of these requirements, we are providing supplementary funding to protect existing Maintained Nursery School funding rates until 2019-20.

The Government have also had extensive discussions with Salford City Council. On 16 May 2018, I met Salford MPs, the Mayor of Salford, and representatives from Unison, parents and staff to discuss five of Salford's council-maintained nurseries. I have also met Andy Burnham, the Mayor of Greater Manchester Combined Authority, to discuss the same matter. Alongside these meetings, DfE officials have had ongoing constructive communication with council officers to discuss the options being explored locally and to provide advice and support.

We are happy to continue this dialogue with local authority officers as they consider the options available to them.

School funding in Tiverton and Honiton

The petition of residents of Tiverton and Honiton,

Declares that parents have concerns about funding for schools in the constituency of Tiverton and Honiton; further that Tiverton High School is facing pressure on staff numbers and further that parents and teachers in Tiverton and Honiton are concerned about ability to maintain high school standards.

The petitioners therefore request that the House of Commons does not let those cuts take place.

And the petitioners remain, etc.—[*Presented by Neil Parish, Official Report*, 19 July 2018; Vol. 645, c. 12P.]

[P002242]

Observations from the Minister for School Standards (Nick Gibb):

School funding is at its highest ever level at £42.4 billion this year and £43.5 billion next year. Figures from the Institute for Fiscal Studies show that real terms per pupil funding in 2020 will be more than 50% higher than it was in 2000. A primary school class is now funded to £132,000 up from 10 years ago and a secondary school class is funded up to £171,000 more.

By 2019-20, all schools across the country, including schools in Tiverton and Honiton, will attract an increase of at least 1% per pupil compared to their 2017-18 baselines. Those schools that have been historically underfunded will attract up to 6% more, per pupil, compared to 2017-18—a further 3% on top of the 3% they gained in 2018-19—as we continue to address historic injustices.

Under the national funding formula, schools in Tiverton and Honiton will attract an average increase of 1.9% per pupil by 2019-20, compared to 2017-18 funding levels. This represents an increase of £82 per pupil. Based on 2018-2019 pupil figures, this amounts to a total funding increase of 4%, or £2 million. Full details of formula allocations can be found at: <https://www.gov.uk/government/publications/national-funding-formula-tables-for-schools-and-high-needs-2019-to-2020>.

We do recognise that many schools have worked hard to manage the impact of cost pressures on their budgets. Most of these pressures have been absorbed by schools, at the same time as standards continue to rise. There are now 1.9 million more pupils in good or outstanding schools compared to 2010.

We continue to provide support, guidance and tools to help schools achieve the best value from their resources, further details of which can be found at <http://tinyurl.com/HUTWG36>. This includes information for school leaders, so they can better consider a range of options for their staff structures. There are many examples of schools making improvements through revising the deployment of staff. For example, by reducing workload, reviewing curriculum planning, sharing staff across sites or schools, changing the make-up of the leadership team, new approaches to flexible working, and reviewing the balance of teaching and support staff. We published the School Workforce Planning guidance which helps school leaders address this in a structured way—with a series of prompts and questions, linking through to available evidence (for example from the Education Endowment Foundation) and benchmarking information.

Home education: draft guidance and consultation

The petition of residents of Dudley South constituency,

Declare that the “Home Education—Call for Evidence and revised DfE guidance” has been written following significant consultation with local authorities and no consultation whatsoever with the home education community; further that the consultation is consequently for little more than show as an intention to implement the content has already been stated: further that it seeks to encourage local authorities to breach the ECHR Article 8 and the GDPR; and further that the report provides no accessible means for a parent to address ultra vires behaviour by their local authority, where many of those authorities already act routinely in an ultra vires manner.

The petitioners therefore request that the House of Commons urges the Government to withdraw the draft guidance and the consultation, until it has put in place an accessible and workable complaints procedure and further has consulted with home educating parents, as it has with Local Authorities, what the contents should include.

And the petitioners remain, etc.—[*Presented by Mike Wood, Official Report*, 18 July 2018; Vol. 645, c. 5p.]

[P002240]

The petition of residents of Bristol South,

Declare that the “Home Education—Call for Evidence and revised DfE guidance” has been written following significant consultation with local authorities and no consultation whatsoever with the home education

community; further that the consultation is consequently for little more than show as an intention to implement the content has already been stated: further that it seeks to encourage local authorities to breach the ECHR Article 8 and the GDPR; and further that the report provides no accessible means for a parent to address ultra vires behaviour by their local authority, where many of those authorities already act routinely in an ultra vires manner.

The petitioners therefore request that the House of Commons urges the Government to withdraw the draft guidance and the consultation, until it has put in place an accessible and workable complaints procedure and further has consulted with home educating parents, as it has with Local Authorities, what the contents should include.

And the petitioners remain, etc.—[*Official Report*, 24 July 2018; Vol. 645, c. 17p.]

[P002261]

Observations from the Minister for School Standards (Nick Gibb):

The consultation “Home Education—Call for Evidence and revised DfE guidance” closed on 2 July 2018. The relevant documents can be found at:

<https://consult.education.gov.uk/school-frameworks/home-education-call-for-evidence-and-revised-dfe-a/>.

As well as the call for evidence, the consultation includes draft versions of two guidance documents on the current arrangements for home education. These are intended to replace the Department for Education’s current non-statutory guidance for local authorities, which is to be found at:

<https://www.gov.uk/government/publications/elective-home-education>.

The Department discussed home education with stakeholders in the normal course of business up to the launch of the consultation on 10 April.

All responses to the consultation will be considered before publishing the finalised guidance documents. At no point has the Department stated an intention to publish them as final versions without revision in the light of responses received to the consultation.

Representations on whether the contents of the two draft guidance documents breach Article 8 of the European Convention on Human Rights (right to private and family life) or the provisions of the General Data Protection Regulation (as embodied into UK law in the Data Protection Act 2018), will be taken into account as we consider responses to the consultation.

The documents in their draft form contain no reference to remedies for behaviour by local authorities. This is because no special provision for this is necessary in respect of home education. The Education Act 1996 already contains general provisions for this purpose relating to local authorities. However, the Department will consider whether the finalised versions of the guidance documents should contain specific information on this.

This Department does not recognise the suggestion that consultation has been flawed or inadequate. Several thousand responses, the majority of which have come from home educating families, have been received, as well as a substantial petition, and there has been considerable opportunity for detailed comment and input from such

families. Following the consultation and consideration of the responses, the two guidance documents will be published in the autumn of 2018 in their revised and finalised form. In addition, a formal Government response document analysing responses to the call for evidence, and setting out next steps, will also be published in the autumn of 2018.

DEFENCE

Backing Our Servicemen and Women

The Humble Petition of Hampshire and the wider United Kingdom,

Sheweth,

That urgent action must be taken by HM Government to protect British Military veterans from spurious and vexatious historic allegations and repeated prosecutions.

Wherefore your Petitioners pray that your Honourable House urges HM Government to take all possible steps to immediately legislate for a Statute of Limitations that will prevent British Military veterans of the conflicts in Northern Ireland, the Falklands, the Balkans, Iraq, Afghanistan and other overseas combat operations suffering spurious and vexatious historic allegations and repeated prosecutions.

And your Petitioners, as in duty bound, will ever pray, &c.—[*Presented by Mr Ranil Jayawardena, Official Report*, 25 June 2018; Vol. 643, c. 725.]

[P002153]

Protection for British Service Personnel

The petition of Residents of West Oxfordshire,

Declares that urgent action must be taken by the Government to protect British Military veterans from spurious historic allegations and repeated prosecutions.

The petitioners therefore request that the House of Commons urges HM Government to immediately legislate for the Statute of Limitations that will prevent British Military veterans of the conflicts in Northern Ireland, the Falklands, the Balkans, Iraq, Afghanistan and other overseas combat operations suffering spurious and vexatious historic allegations and repeated prosecutions.

And the petitioners remain, etc.—[*Presented by Robert Courts, Official Report*, 25 June 2018; Vol. 643, c. 726.]

[P002158]

The petition of residents of Aldershot and the wider United Kingdom,

Declares that urgent action must be taken by the Government to protect British Military veterans from spurious historic allegations and repeated prosecutions.

The petitioners therefore request that the House of Commons urges HM Government to immediately legislate for the Statute of Limitations that will prevent British Military veterans of the conflicts in Northern Ireland, the Falklands, the Balkans, Iraq, Afghanistan and other overseas combat operations suffering spurious and vexatious historic allegations and repeated prosecutions.

And the petitioners remain, etc.—[*Presented by Leo Docherty, Official Report*, 26 June 2018; Vol. 643, c. 862.]

[P002159]

Observations from the Minister for the Armed Forces (Mark Lancaster):

The Ministry of Defence is acutely aware of the strain that criminal and judicial investigations place on service personnel and veterans. We take seriously our duty of care,

and provide appropriate legal and pastoral support to those facing such investigations as a result of their service.

We rightly expect the highest standards of our service personnel and it goes without saying that the vast majority meet those expectations while performing a difficult job in the most difficult circumstances. But, like all citizens, our service personnel are subject to the law. In terms of investigations, there is a statutory obligation on the service police to investigate credible allegations of criminal conduct. In addition, there are circumstances in which the UK is required under the European Convention on Human Rights (ECHR) to investigate.

We nevertheless acknowledge the growing strength of feeling in Parliament and elsewhere that our service personnel and veterans should be afforded greater legal protection. As Defence Ministers have repeatedly made clear, nobody wants to see serving personnel or veterans facing repeated investigations many years after the event.

It is useful to remember that the circumstances in which our armed forces have operated over the last few decades have varied considerably, in terms of geographic location, the nature of the operations and the political and legal contexts in which these operations have been conducted. These variations create challenges when seeking to adopt solutions that apply effectively across the full range of operational situations, both domestic and overseas. Even if an all-embracing statute of limitations were legally possible, the risk of significant unintended consequences would be high, given that it would allow the International Criminal Court to assume jurisdiction for many alleged crimes where the limitation period barred our authorities from prosecuting.

For Northern Ireland, the Government understand the concerns that people have about the way in which legacy matters are currently dealt with. The Government believe that the institutions set out in the 2014 Stormont House Agreement are the best way to ensure a fair, balanced and proportionate approach to addressing the legacy of the past in Northern Ireland. That is why the Northern Ireland Office is currently consulting on the detail of how the Stormont House Agreement institutions could be implemented.

The Ministry of Defence is aware that the House of Commons Defence Committee has recently launched an inquiry into this important topic. The Committee's interest is welcome. In a complementary initiative, the Defence Secretary has recently announced the creation of a dedicated team within the Ministry of Defence to consider the wider issues engaged by this debate and to advise him on the way forward. The team will look beyond the statute of limitations idea to consider other possible approaches and will operate closely alongside the Northern Ireland Office with respect to their consultation process.

HEALTH AND SOCIAL CARE

Closure of Sandfield House

The petition of residents of North Lincolnshire,

Declares that Rotherham, Doncaster and South Humber Mental Health NHS Foundation were given notice to cease operating at the site of Sandfield House by North Lincolnshire Council; and further notes that the closure of the community resource would affect more than 1,000 people who are being treated there.

The petitioners therefore request that the House of Commons urges the Government to intervene with North Lincolnshire Council to stop the closure of Sandfield House.

And the petitioners remain, etc.—[Presented by Nic Dakin, Official Report, 4 July 2018; Vol. 644, c. 457.]

[P002167]

Observations from the Parliamentary Under-Secretary of State for Health and Social Care (Jackie Doyle-Price):

Decisions on the provision of local healthcare services and facilities are made locally. The closure of this facility is a matter for North Lincolnshire Council, and it is the responsibility of the local NHS to ensure service continuity for patients.

The Department of Health and Social Care understands that Rotherham, Doncaster and South Humber NHS Foundation Trust has already re-located its Options Recovery College to Scunthorpe town centre, and is working closely with local health commissioners and consulting on proposals to accommodate other staff and clinical services previously provided from the Sandfield site.

The independent Mental Health Taskforce published its Five Year Forward View for Mental Health February 2016 which set out the current state of mental health service provision in England and made recommendations in all service areas. The Government accepted all the recommendations in the Five Year Forward View (FYFV). The NHS England Dashboard for the Five Year Forward View gives a public platform against which key targets set out within the FYFV can be tracked.

The Government confirmed their commitment to improving mental health services and announced they would invest an additional £1 billion to support the Five Year Forward View for Mental Health. Spending on mental health has increased to a record £11.6 billion in 2016-17 and we are expecting to confirm expenditure on mental health of £11.86 billion for 2017-18.

By 2020-21, each year up to 29,000 more people living with mental health problems should be supported to find or stay in work through increasing access to psychological therapies for common mental health problems and expanding access to Individual Placement and Support (IPS).

MenC vaccine

The petition of residents of the United Kingdom,

Declares that in March 2016 the Joint Committee of Vaccination recommended that infants aged twelve weeks no longer require the vaccination against meningococcal serogroup C (MenC) due to the success of the immunisation programme that started in 1999; further that from July 2016, the MenC vaccine for twelve week old babies was discontinued from the NHS childhood vaccination programme and further declares that there was a baby girl in Bradford recently left fighting for her life after contracting MenC at the age of ten months and that one case of MenC is one too many.

The petitioners therefore request that the House of Commons urges the Government to reintroduce the MenC vaccine for babies aged twelve weeks.

And the petitioners remain, etc.—[Presented by Judith Cummins, Official Report, 14 June 2018; Vol. 642, c. 1184.]

[P002155]

Observations from the Parliamentary Under-Secretary of State for Health and Social Care (Steve Brine):

The incidence of meningococcal group C (MenC) disease is very low across all age groups, including infants and young children, due to the successful implementation of the MenC vaccine programme in 1999.

In June 2015, our expert group, the Joint Committee on Vaccination and Immunisation (JCVI), advised that children now need two rather than three doses of vaccine that protects against MenC. As a result the United Kingdom (UK) vaccination schedule changed from 1 July 2016.

Children no longer have a dose of MenC vaccine at 3 months of age. However they continue to be protected against group C meningococcal disease through the routine 12-month MenC/Haemophilus influenzae type b (Hib) vaccine and a dose of a combined vaccine against meningococcal groups A, C, W, and Y in teenagers.

The new meningococcal vaccine (Bexsero®) was introduced into the national infant immunisation programmes in September 2015. This offers protection against group B meningococcal (MenB) disease but is also expected to provide some protection against certain strains of MenC. The MenB vaccine is provided at 2, 4 and 12 months.

Cases of MenC disease remain extremely low across England. Public Health England (PHE) continue to closely monitor rates of disease. Local PHE centres follow up and investigate all cases, and recommend any necessary precautionary measures to prevent further cases.

The JCVI keeps all vaccination programmes under regular review.

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Leasehold terms in Chase Park, Sherburn Village

The petition of residents of the United Kingdom,

Declares that the terms and conditions associated with the lease extensions of leasehold property on the Chase Park Estate, Sherburn village, Durham, are unfair; and further that the current terms and conditions make it difficult to afford a lease extension and to sell or purchase the respective leasehold properties.

The petitioners therefore request that the House of Commons urges the Government to call on the current administrators of the leases on the Chase Park Estate to provide fair evaluation for the cost of lease extension, and to provide fair ground rent terms after the extension of a lease.

—[Presented by Dr Roberta Blackman-Woods, *Official Report*, 18 July 2018; Vol. 645, c. 520.]

[P002235]

Observations from the Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Mrs Heather Wheeler):

On 21 December 2017, the Government published their official response to the consultation “Tackling unfair practices in the leasehold market”

<https://www.gov.uk/government/consultations/tackling-unfair-practices-in-the-leasehold-market>

The response sets out how the Government want to make it easier for existing leaseholders to be able to exercise their right to buy their freehold, or extend their lease, faster, fairer and cheaper, and for this right to be available as soon as possible.

The Government are working with the Law Commission to achieve this. They will consult on introducing a prescribed formula that provides fair compensation to the landlord, while also helping leaseholders avoid incurring additional court costs. They will also consider introducing a Right of First Refusal for house lessees.

On 19 July 2018, the Law Commission published a summary paper on proposed solutions for leasehold houses. It sets out options for reducing premiums paid for enfranchisement and proposes solutions to simplify the enfranchisement process. Details can be found at: <https://www.lawcom.gov.uk/project/leasehold-enfranchisement/>.

A detailed consultation on a new enfranchisement regime in respect of leasehold houses and flats will be published in Autumn 2018. The final report will follow in 2019.

Additionally, the Law Commission’s 13th Programme of Law Reform was published on 14 December 2017, and includes a project on Unfair Terms in Leasehold. The Law Commission has made an announcement on its work with the Department at: <https://www.lawcom.gov.uk/project/residential-leasehold-and-commonhold/>.

For existing leaseholders, some developers are now offering the option to vary leases so that ground rents increase in line with inflation rather than doubling. This action is welcome, but we believe these measures must go further and faster. The Government want to see this support extended to all those with onerous ground rents, including second hand buyers, and for customers to be proactively contacted.

INTERNATIONAL DEVELOPMENT

Gap in Educational Attainment

The petition of pupils and staff of Deanburn Primary School,

Declares that the petitioners believe that the gap in educational attainment across the globe is deplorable; further that schools need to be a safe and peaceful haven where children are free to learn and flourish; yet 264 million young people are denied this right worldwide.

The petitioners therefore request that the House of Commons urges the Government to ensure that the “Send my Friend to School” campaign forms a key aspect of the UK Government’s international development programme and ensure that every child in the world receives a quality education to reach their full potential.

And the petitioners remain, etc.—[Presented by Martyn Day, *Official Report*, 26 June 2018; Vol. 643, c. 861.]

[P002160]

Observations from the Minister of State, Department for International Development (Alistair Burt):

Education is a top priority for the UK Government and UK aid: we know it is a critical ingredient for reducing poverty, a key driver for development and significantly improves the lives of children globally.

Like the Petitioners, we champion the importance of ensuring all children, including marginalised groups, receive a safe, good quality education.

Education systems in developing and conflict-affected countries face a learning crisis—more than half of the world's children (387 million) will leave primary school without basic foundational skills of reading, writing and basic maths. This is truly alarming, and demands that national Governments, civil society and development partners all step up and take action.

Between 2015 and 2018, the Department for International Development (DFID) supported 11.4 million children to gain a decent education, half of them girls. We are also working to close the learning gap by driving improvements in teaching, supporting education reforms, and providing targeted support to disadvantaged girls, children with disabilities and those affected by conflict and crises.

Girls are 2.5 times more likely than boys to not attend school in conflict zones, placing them at greater risk of exploitation, violence, trafficking, early marriage and child labour. This is why the UK is proud to be a global leader and major investor in girls' education. Through the UK's flagship Girls' Education Challenge—the largest global fund dedicated to girls' education—we will support over one million girls to stay safe and access quality education, including approximately 75% who live in conflict zones and fragile states. This will help girls to reach their full potential and contribute to the prosperity of their families, communities and economies.

In most developing and conflict-affected countries, there is an enormous gap in education provision for children with disabilities. At the recent Global Disability Summit hosted by the UK Government, we called for global action to get more children with disabilities into school and learning. The Government are stepping up their own effort to achieve this objective.

With regards to the safety of schools, the UK Government agree that it is deplorable that so many girls and boys experience violence at school. Education should provide children with a sense of normalcy, stability, structure and hope for the future, and schools should also save lives through providing physical protection from the dangers and exploitation of a crisis environment. We have long addressed violence at schools through our education programmes around the world, and this is an issue which we have committed to tackle further in our education policy "Get Children Learning", published in February 2018. In April, the UK announced our endorsement of the Safe Schools Declaration, underlining our political support for the protection of schools during military operations and armed conflict. However, keeping girls and boys safe at school is not something the UK can do alone. We are working closely with partners such as UNICEF and the Global Partnership to End Violence Against Children to raise the profile of this issue and push the international community to better protect children at school. We look forward to also working with the Send My Friend to School campaign to make safe schools a reality for children the world over.

Ministerial Corrections

Tuesday 4 September 2018

CABINET OFFICE

Infected Blood Inquiry

The following is an extract from questions on a statement by the Chancellor of the Duchy of Lancaster and Minister for the Cabinet Office on 2 July 2018.

Stephen Kerr (Stirling) (Con): I welcome the statement from my right hon. Friend. May I also say how important it is for my constituents and the families of those who have been impacted by this that the inquiry is conducted in a speedy fashion, with answers and conclusions available as soon as possible? Can he confirm that the lessons learned from the experience of the Scottish inquiry will be fully taken on board by Sir Brian?

Mr Lidington: Yes, I can give that assurance. Indeed, when Sir Brian was consulting survivors' groups and campaigners prior to sending me his proposed terms of reference, he took note from what was said by, among other groups, the Scottish Haemophilia Society and the Scottish Infected Blood Forum about what had gone wrong in respect of the Penrose model. Sir Brian is very keen to avoid those problems occurring in this new inquiry now. [*Official Report*, 2 July 2018, Vol. 644, c. 72.]

Letter of correction from Mr Lidington:

An error has been identified in the response I gave to my hon. Friend the Member for Stirling (Stephen Kerr).

The correct response should have been:

Mr Lidington: Yes, I can give that assurance. Indeed, when Sir Brian was consulting survivors' groups and campaigners prior to sending me his proposed terms of reference, he took note from what was said by, among other groups, **Haemophilia Scotland** and the Scottish Infected Blood Forum about what had gone wrong in respect of the Penrose model. Sir Brian is very keen to avoid those problems occurring in this new inquiry now.

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Domestic Gas and Electricity (Tariff Cap) Bill

The following is an extract from the consideration of Lords amendments to the Domestic Gas and Electricity (Tariff Cap) Bill on Wednesday 18 July 2018.

Claire Perry: It is important that we have a level playing field for companies in the market. I have received representations stating that the customer accounts threshold for offering warm home discounts and ECO should be dropped to ensure that more companies can offer them to customers. We introduced legislation recently to reduce that threshold from **200,000** to 150,000, in increments of 50,000. Customers in receipt of warm home discounts will have a lower chance of losing them if they switch.

[*Official Report*, 18 July 2018, Vol. 645, c. 461]

Letter of correction from Claire Perry.

An error has been identified in my opening speech during the debate on Lords amendment 1.

The correct figure should have been:

Claire Perry: It is important that we have a level playing field for companies in the market. I have received representations stating that the customer accounts threshold for offering warm home discounts and ECO should be dropped to ensure that more companies can offer them to customers. We introduced legislation recently to reduce that threshold from **250,000** to 150,000, in increments of 50,000. Customers in receipt of warm home discounts will have a lower chance of losing them if they switch.

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Draft Warm Home Discount (Miscellaneous Amendments) Regulations 2018

The following is an extract from First Delegated Legislation Committee on Draft Warm Home Discount (Miscellaneous Amendments) Regulations 2018 on 9 July 2018.

Claire Perry: The regulations we are debating today introduce a key change to the scheme. I have decided that more energy suppliers should be required to offer the warm home discount to customers so that from winter **2019** about 99% of the domestic market will be covered by obligated suppliers. [*Official Report*, First Delegated Legislation Committee, 9 July 2018, c. 4.]

Letter of correction from Claire Perry:

An error has been identified in my speech in the First Delegated Legislation Committee on 9 July 2018.

The correct response should have been:

Claire Perry: The regulations we are debating today introduce a key change to the scheme. I have decided that more energy suppliers should be required to offer the warm home discount to customers so that from winter **2020** about 99% of the domestic market will be covered by obligated suppliers.

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