

**Tuesday
18 December 2018**

**Volume 651
No. 225**



**HOUSE OF COMMONS
OFFICIAL REPORT**

**PARLIAMENTARY
DEBATES
(HANSARD)**

Tuesday 18 December 2018

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The House met at half-past Eleven o'clock

PRAYERS

[MR SPEAKER *in the Chair*]

Oral Answers to Questions

JUSTICE

The Secretary of State was asked—

Legal Advice: Workplace Injuries

1. **Gerald Jones** (Merthyr Tydfil and Rhymney) (Lab): What steps the Government are taking to ensure that workers can access legal advice on workplace injuries. [908244]

4. **Jo Stevens** (Cardiff Central) (Lab): What steps the Government are taking to ensure that workers can access legal advice on workplace injuries. [R] [908248]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): I believe that the hon. Gentleman is referring to our proposal to raise the small claims limit for employees' personal injury claims to £2,000. That change is not only in line with inflation, but will give those affected the opportunity to be heard in an uncomplicated, accessible court, without the need for a lawyer if they so choose.

Gerald Jones: I thank the Minister for that answer. Could she inform the House why the Government are avoiding full parliamentary scrutiny by putting the most damaging part of the Civil Liability Bill, which raises the small claims limit, in a statutory instrument, rather than on the face of the Bill, where it could be properly scrutinised by the House?

Lucy Frazer: The Ministry of Justice always ensures that it brings measures to the House in a way that is appropriate for them. Of course this measure will have scrutiny; statutory instrument procedure involves the scrutiny of the House. This measure will ensure that people can access the courts in an accessible way, without the need to spend excessive amounts of money.

Jo Stevens: I refer the House to my entry in the Register of Members' Financial Interests. I listened carefully to what the Minister just said, but what guarantee can she give us that the civil procedure rule committee will be able to consider the proposed small claims increase, which covers workplace injuries, independent of Government? Why can we not debate the measure on the Floor of the House?

Lucy Frazer: As we see from the questions raised today, there is an opportunity for Members to make points they wish to make. Our Department is always listening, and there will be scrutiny through the statutory instrument procedure in due course.

Sir Desmond Swayne (New Forest West) (Con): Every time I am foolish enough to turn on the television, there are adverts from lawyers offering free advice on workplace injuries. Surely we cannot be in want of any more such advice.

Lucy Frazer: My right hon. Friend makes an important point. We are here to serve the people, and we are here to serve people who have claims. People can still bring their claims through a very simple process in our courts. I should also mention that the Ministry of Justice has brought forward and is progressing an online system for money claims, which is achieving a great deal of satisfaction among users.

Gloria De Piero (Ashfield) (Lab): The Government have rightly exempted vulnerable road users from the proposed changes. However, two colleagues—say, two paramedics or two police officers—who are both injured at work on the roads could be treated quite differently, with one able to get legal advice and pay no cost to get compensation, and one having to fight insurers on their own, simply because one was injured on a motorbike and the other in an ambulance or squad car. Rather than hold working people to different standards, can the Government exempt all people injured in the course of their work?

Lucy Frazer: We are concerned about the injury that is suffered, not the person's profession. As I said, this measure will help people to access courts. The small claims limit for other money claims is £10,000, not £2,000, and people will still be able to get justice.

Short Prison Sentences: Homelessness

2. **Matt Western** (Warwick and Leamington) (Lab): What estimate he has made of the number of people who become homeless immediately after being released from short prison sentences. [908246]

11. **Kerry McCarthy** (Bristol East) (Lab): What estimate he has made of the number of people who become homeless immediately after being released from short prison sentences. [908255]

The Minister of State, Ministry of Justice (Rory Stewart): Far too many people on short sentences—almost 35%—struggle to find suitable accommodation. That is why we are now focusing on a pilot in Bristol, Pentonville and Leeds. We not only want to get ex-offenders into accommodation, but are putting £6.4 million into ensuring that they have right kind of support, with up to five hours a week on life skills and financial management skills, and access the right services.

Matt Western: I thank the Minister for his response. A study done by the charity Revolving Doors estimates that there was a 25-fold increase between October 2016 and June 2018 in the number of prisoners sleeping rough who have served less than six months. Does that information embarrass the Government and the Minister?

Rory Stewart: First, I pay tribute to Revolving Doors, which is a very impressive charity. I am afraid those are not the figures we have in the MOJ, but I am very happy to sit down with Revolving Doors and understand how it is arriving at such figures. Broadly speaking, sadly, the level of homelessness among people on short sentences has remained, in our terms, relatively static over the past decade, but I respect Revolving Doors, and I am very happy to look at that evidence with it.

Kerry McCarthy: When prisoners fall on that fine line between being criminals and actually being victims of crime themselves—I am particularly thinking of young people who are caught up in gangs and county lines-type drug dealing—what support is being given to them to make sure that if they are rehoused, they are rehoused away from the scene from their offending, so they are in a safe place and do not get dragged back into gang activity?

Rory Stewart: This is a very good challenge. We can use licence conditions to try to ensure that somebody does not return to the scene of their offending. The problem, as the hon. Lady will be aware, is that we of course have to balance that against the importance of family relationships for rehabilitation. We want to try to locate someone in a place where they will not be tempting into further reoffending, but we do not want to locate them in a place where they lose all contact with family and community.

Andrew Selous (South West Bedfordshire) (Con): Does the Minister agree that it is wrong for local authorities to discriminate against ex-offenders by putting them at the bottom of the queue, sometimes saying they have no local connections—through no fault of their own, if they have been in prison—and that ex-offenders should be treated fairly and equally, along with everyone else?

Rory Stewart: I agree 100%. That has now become easier to enforce through recent legislation, but we continue to work very closely with the Ministry of Housing, Communities and Local Government. There are local councils that are doing fantastic work in housing ex-offenders, but it is true that ex-offenders can fall through the gaps. In particular, the pilot in Bristol, Pentonville and Leeds is an opportunity to demonstrate how we can work better with local authorities.

Victoria Prentis (Banbury) (Con): I am proud to have become a trustee of Nacro recently. Will the Minister continue to work with me and Nacro to reduce the number of prisoners who are released at the end of the week, which thereby reduces the number of services available to them?

Rory Stewart: I pay tribute to my hon. Friend for the work she has done with Nacro. Indeed, we had an excellent hour-long session with Nacro on the issue of Friday releases. We are looking at this, but it is worth bearing in mind that we cannot simply solve this by releasing people on Thursday. That would mean dealing with everybody who will otherwise come out on Friday, Saturday and Sunday as well, so we would have four times the workload on a Thursday. We are, however, looking for solutions to this problem.

Kate Green (Stretford and Urmston) (Lab): Further to the question from my hon. Friend the Member for Bristol East (Kerry McCarthy), does the Minister recognise that housing allocation policies often mean it is difficult to remove an offender from an area where they have criminal connections, because they do not have local connections in the area to which it would be sensible to move them? What discussions is his Department having with the MHCLG about housing allocation policies supporting the relocation of those offenders?

Rory Stewart: The answer is that we have two formal mechanisms: we have a taskforce focused on housing and we have a taskforce focused particularly on rough sleeping. In both those scenarios, we are pushing very hard with the MHCLG to resolve many issues, of which that is an important one.

Tom Pursglove (Corby) (Con): Care after Combat's mentoring scheme for 360 veterans has achieved a fivefold reduction in reoffending. Quite rightly, we are spending a small amount to save £20 million in the system. What are the Government doing further to support these sorts of mentoring initiatives to tackle both homelessness and reoffending?

Rory Stewart: I pay tribute to Care after Combat, which I have had the opportunity to meet, along with the Under-Secretary of State for Defence, my right hon. Friend the Member for Bournemouth East (Mr Ellwood), who has responsibility for veterans. There is a great deal of support, particularly that provided by military charities, and I would like to pay tribute to SSAFA—the Soldiers, Sailors, Airmen and Families Association—the Royal British Legion and, of course, Help for Heroes, which has done incredible work on the issue of offenders who are also veterans. It is important to understand, however, that the issues faced by veterans are often a subset of the issues faced by many of our offenders, particularly in relation to mental health, addiction, housing and employment. We need to think about them, whether they are veterans or civilians, in a single act.

EU Withdrawal Agreement: Co-operation on Justice

3. **David Linden** (Glasgow East) (SNP): What assessment he has made of the potential effect of the proposed EU withdrawal agreement on UK-EU co-operation on justice matters. [908247]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): The withdrawal agreement will ensure a smooth and orderly departure from the EU on 29 March. It includes an implementation period until the end of 2020, during which existing civil and commercial judicial co-operation will continue. We have also agreed that the cases started before the end of the implementation period will be concluded under existing EU rules, and subsequent judgments in those cases will be enforced.

David Linden: Police Scotland currently benefits from a strong relationship with other EU partners, such as Europol and Eurojust, which is vital for dealing with the cross-border crime that takes place. What assurances can the Minister give me that Police Scotland will continue to have such direct links after Brexit?

Lucy Frazer: The hon. Gentleman makes an important point about Eurojust and Europol, which are under the direct remit of the Home Office, but we of course work closely with them. I was pleased to see references in the political declaration to mechanisms to ensure that the services and intelligence operations under them will continue.

Robert Neill (Bromley and Chislehurst) (Con): The Minister will know that the Justice Committee has published two reports that set out some of the key areas that will be put at risk for British legal services, British companies and British citizens if we do not have legal continuity, should we face the regrettable event of a no deal. Is that why, perhaps, the Secretary of State was entirely right to write as he did in the *Financial Times* the other day?

Lucy Frazer: I know that my hon. Friend, as Chair of the Justice Committee, has done a significant amount of work on this issue, and I have been pleased to respond to a number of debates that raised these important issues. The deal will allow us to continue working closely with the EU, specifically on family matters, which are important to so many citizens. We will continue to press for broader civil jurisdiction arrangements.

Sir Edward Davey (Kingston and Surbiton) (LD): Can the Minister confirm that the Brexit talks on co-operation on justice and security have not yet been concluded, and that the limited text on justice and security in the political declaration is not legally binding? Can she give the House her best estimate of how long, were the House to vote for the withdrawal agreement, it would take to conclude the specific Brexit talks on justice and security? One year? Two years?

Lucy Frazer: As the right hon. Gentleman will know, the political declaration sets out the framework for the negotiations that will go forward. I would encourage him to read the assessment the Government produced on 28 November on the security partnership, which compares the impact of the criminal justice and law enforcement proposals set out in the political declaration with a no deal scenario.

Mr Philip Hollobone (Kettering) (Con): At any one time, there are about 5,000 EU nationals in our prisons, yet in the last six years, under the ineffective EU compulsory prisoner transfer agreement, only 217 have been sent back to prison in their own country. Will the Minister ensure that we can deport more EU nationals from our prisons once we leave the European Union?

Lucy Frazer: My hon. Friend makes an important point about prisoner transfer. Since 2010, we have removed more than 44,000 foreign national offenders from our prisons, our immigration removal centres and the community. Of course, the EU prisoner transfer provisions facilitate those arrangements, but we have other measures in place with over 100 other countries to ensure that we can continue prisoner transfers.

Joanna Cherry (Edinburgh South West) (SNP): The political declaration makes no reference to the Schengen information system database or the European criminal records information system. Both Police Scotland and

the Crown Office and Procurator Fiscal Service in Scotland are concerned about that, because both tools are fundamental to fighting and investigating crime. Can the Minister confirm that Scotland will lose access to these measures after Brexit?

Lucy Frazer: As I mentioned, the Prime Minister has made it clear that she is seeking to ensure that the measures that underlay them, and the co-operation within them, will continue as far as possible post Brexit.

I should mention, because the hon. and learned Lady often asks about liaison with the Scottish Government, that I spoke to my counterpart, the Cabinet Secretary for Justice on 29 November, and he reiterated to me how pleased he was with our engagement at official level on the negotiations with the EU.

Richard Burgon (Leeds East) (Lab): The Government have created a Brexit crisis through their rotten deal, which is abhorred by both sides of the House. While the Prime Minister runs scared of democracy and delays the meaningful vote, Cabinet responsibility has broken down, with Ministers pitching their own plan B or even plotting leadership bids. Planning for future judicial collaboration with Europe is suffering as a result. The Justice Committee says the Government are providing “little detail or certainty” about future judicial co-operation. The Lords EU Justice Sub-Committee warns of a “worrying level of complacency”. When will the Secretary of State pay as much attention to dealing with this problem as he does to problems in his own party?

Lucy Frazer: My Department is making a lot of efforts to ensure we have the right deal. We have received £17 million for EU Brexit preparations. We have over 110 full-time employees, including newly recruited employees, working across deal and no deal. I would say, as the Lord Chancellor said in his *FT* article at the weekend, that the Conservative party is ensuring the future of our country, whereas the leader of the Labour party is just trying to make political points to ensure a general election.

Ease of Initiating Legal Proceedings

5. **Nigel Mills** (Amber Valley) (Con): What steps the Government are taking to make it easier for people to initiate legal proceedings. [908249]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): The Government are simplifying many application processes, making it much easier to initiate proceedings. Once a decision to get divorced has been made, one can now petition for a divorce online. Probate can be applied for online and a money claim can be issued, for up to £10,000, using our online courts process.

Nigel Mills: Will the Minister go a little further and say how she can make it easier for people to participate in proceedings once they have initiated them?

Lucy Frazer: My hon. Friend makes an incredibly important point. It is important not only to be able to initiate proceedings easily, but participate in them. Recently, we had early testing of full video hearings held in a tax tribunal, enabling the applicant and the respondent to not have to travel to court or take any time off work. In

fact, Her Majesty's Revenue and Customs was based in Belfast in those cases and the applicants were elsewhere in the country—and, in one case, in Greece. That small scale evaluation shows that participants found them convenient and easy to understand. They will not be appropriate for every case, but this is technology we need to consider.

Catherine West (Hornsey and Wood Green) (Lab): The number of litigants in person has shot up. What urgent action is the Ministry of Justice taking to ensure proper representation for people across the board?

Lucy Frazer: Litigants in person do need support through our justice system, which is why, over the past few years, we have spent £6.5 million investing in helping them through the court process. Many of our reforms which form part of our £1 billion programme will make sure that forms are easier, applying to court is easier, getting to court and the whole process is easier for people whether they have a lawyer or not.

Jim Shannon (Strangford) (DUP): Will the Minister outline any intentions to review the legal aid process, which currently does not allow middle class families to access legal redress due to a lack of ability to pay bills and thereby pay for legal help and assistance?

Lucy Frazer: As the hon. Gentleman will know, we are in the process of an extensive legal aid review, which will look at many aspects and report early in the new year. *[Interruption.]*

Mr Speaker: I hear the hon. Member for Huddersfield (Mr Sheerman) burbling from a sedentary position about the spirit of Christmas. I call Mr Barry Sheerman.

Mr Barry Sheerman (Huddersfield) (Lab/Co-op): Mr Speaker, are we really going back to the old days when people used to say that the courts of England were open to everyone, just like the Ritz hotel? The truth is that access to justice in this country is being diminished. The Department's budget has been cut badly. Indeed, in the area I am very interested in, miscarriages of justice, there is not the money to keep the commission going properly.

Mr Speaker: In my experience the hon. Gentleman is interested in every area of every policy in our public life.

Lucy Frazer: I have now heard that phrase three times in debates I have taken part in. The reason various cuts were made in 2010 was the perilous financial situation that our Parliament found itself in. We in the Department are looking extremely carefully at how we deliver justice for people. We are investing £1 billion in our core reform programme, while ensuring we use taxpayers' money efficiently and well.

Mr Speaker: Plenty of time left. I call Christian Matheson.

Prison Officers: Retention

6. **Christian Matheson** (City of Chester) (Lab): What steps the Government are taking to retain experienced prison officers. [908250]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): Recruiting and retaining engaged and motivated staff is critical to making our prisons safer and stopping reoffending. We have spent an additional £100 million to ensure we have thousands of extra prison officers at the frontline, allowing us to run better regimes and improve staff-prisoner relationships. From October 2016 to September 2018, there was a net increase of 4,364 full-time equivalent prison officers. We know that the retention of staff will take more than a one-size-fits-all approach. Specific action is being taken where attrition is most acute.

Christian Matheson: Morale among prison officers is at an all-time low because of low pay, understaffing and soaring violence, and now a retirement age that could go as late as 68. Police officers get the same protection as prison officers, and they are allowed to retire at 60. Why can prison officers not?

Mr Gauke: Of course, a deal was offered to prison officers and rejected a couple of years or so ago, but to come back to the point about morale, it is important that we address violence in prisons. That is why we have increased the number of staff, why we are giving prison officers the tools that they need—for example, PAVA—and why we are determined to ensure that we can turn this increase in violence around.

Andrew Bridgen (North West Leicestershire) (Con): It is clear that we have an issue with experienced prison officers leaving the service. Can my right hon. Friend reassure the House that, in line with best human resources practices, exit interviews are being conducted with staff before they leave so that we can address the issues that are causing them to leave the service?

Mr Gauke: My hon. Friend is right to say that that is best practice, and it does happen within the prison service. We are looking at the evidence of the effectiveness of that to ensure that we make best use of it. It is important that we learn from the experiences of prison officers and get their feedback, so that when prison officers do leave, we understand the reasons why.

Ellie Reeves (Lewisham West and Penge) (Lab): The independent monitoring board at HMP Birmingham has said that standards have improved as a direct result of the reduction in the prison population and the addition of much needed staff. Already this year, urgent notifications have been issued at Nottingham, Birmingham, Bedford and Exeter prisons. How bad do things have to get before the Government launch a specific plan to re-recruit experienced prison officers who have left the prison system due to the Government's austerity?

Mr Gauke: I am glad that the hon. Lady acknowledges that progress is being made at Birmingham, and it was right that we stepped in in August last year to turn that prison around. I reiterate that we have increased prison officer numbers very significantly, by 4,364, when our target was to recruit an additional 2,500 prison officers. We achieved that well ahead of schedule, and we have got the numbers increasing. We are seeing some signs of improvements in our prisons—not just at HMP Birmingham—but we need to build on that. It is still the early stages, but we are making progress.

Maria Caulfield (Lewes) (Con): Prison officers in HMP Lewes tell me that the scourge of mobile phones in the prison, which are used to co-ordinate violence and drugs, makes their job much more difficult. Does the Secretary of State therefore welcome the news that the Prisons (Interference with Wireless Telegraphy) Bill, which will block mobile phone signals in prisons, is likely to get Royal Assent this week?

Mr Gauke: I am delighted to do that and to pay tribute to my hon. Friend for the work that she put in on that Bill. It is an important step forward. She is right to highlight the problems with mobile phones. As a Government, we are determined to take action to address that, and her work helps us.

Offenders: Access to Education and Employment

7. **Stephen Metcalfe** (South Basildon and East Thurrock) (Con): What steps the Government are taking to improve offenders' access to education and employment. [908251]

8. **Mark Pawsey** (Rugby) (Con): What steps the Government are taking to improve offenders' access to education and employment. [908252]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): In May, we published the education and employment strategy to create a system where each prisoner is set on a path to employment, with prison education work geared from the outset towards employment on release. We have launched the New Futures Network and appointed a CEO to drive its roll-out. The NFN identifies where skill gaps exist and works with employers to fill them. We are also empowering governors to commission education provision that leads to work. Activity to appoint the new education suppliers who will deliver the curricula that governors have designed is almost complete.

Stephen Metcalfe: My right hon. Friend mentioned the New Futures Network. Will he expand a bit more on how that is achieving employment for offenders upon release?

Mr Gauke: The New Futures Network brokers partnerships between prisons and employers in England and Wales, which help businesses to fill skills gaps and prisoners to find employment on release. The NFN has a central team based in London that works with large national employers. We are also placing employment brokers across England and Wales to work with small and medium-sized enterprises and regional businesses. I am pleased to say that since the publication of the strategy in May, more than 100 new organisations have registered an interest in working with offenders.

Mark Pawsey: I have been working with a constituent who has recently completed a nine-and-a-half-year prison sentence. He has reminded me that in that time, a great deal has moved online—the Under-Secretary of State for Justice, the hon. and learned Member for South East Cambridgeshire (Lucy Frazer), referred to initiating legal proceedings online. My constituent says that that places him at a disadvantage when it comes to accessing

services and applying for jobs, so what steps are the Department taking to ensure that offenders gain digital skills and retain them?

Mr Gauke: My hon. Friend makes a good point. Digital skills are already taught in many prisons. We are empowering governors to have more control over the curriculum, but we are also determined to ensure that there is some consistency, so from next April our core common curriculum will include ICT, which must be taught in every prison.

Jenny Chapman (Darlington) (Lab): It is a good idea to empower governors to make the right choices for their establishments, either as individuals or in clusters, but does the Department intend to give them a sufficient budget to enable them to do that in a way that will actually make a difference?

Mr Gauke: We want to ensure that the path to employment is set out for every prisoner, that all prisoners have that opportunity to receive the education that they need, and that there is a focus on work. That is a priority for our Department, and I am confident that we can deliver on it.

Mr Gregory Campbell (East Londonderry) (DUP): Reoffending rates remain stubbornly high, but in Magilligan prison in my constituency, prisoners reaching the end of their sentence are allowed out under close supervision to work in the community. Does the Secretary of State agree that such action leads to a reduction in reoffending and should be replicated throughout the United Kingdom?

Mr Gauke: That is an excellent point. Workplace release on temporary licence has a key role to play in giving prisoners employment opportunities and easing the transition from prison life to post-prison existence. I am keen to ensure that we do what we can with workplace ROTL, and I should like it to be used more.

Fiona Bruce (Congleton) (Con): What further action can be taken to encourage more employers to offer such opportunities during the final period of a sentence? That is being done very effectively at Thorn Cross prison in Appleton Thorn, near Warrington.

Mr Gauke: Encouraging employers is very much what the New Futures Network is about. I sense a change of attitude among employers: more and more of them want to do this, because they recognise that there are benefits for them as well as for society as a whole. As I have said, more than 100 employers have signed up to the network, and I encourage those who are following our proceedings closely to do as much as possible on this front.

Mrs Sharon Hodgson (Washington and Sunderland West) (Lab): The Secretary of State will be aware of the disproportionate levels of often undiagnosed special educational needs and disability—especially difficulties with speech and language, dyslexia and attention deficit hyperactivity disorder—in the prison population. What measures has he introduced to ensure that all those prisoners are assessed and then appropriately supported in their education?

Mr Gauke: We are keen to develop specialist education plans when people come into prisons, because that is when we need to identify issues such as those that the hon. Lady has mentioned. However, the really important point that she has raised is the need for us to work across Government. It is not just about what happens in the Prison Service or the Ministry of Justice; we need to co-ordinate with, for instance, the national health service, the Department for Work and Pensions and local authorities. If we are to turn people's lives around, we need a cross-Government approach. I am pleased that the Reducing Reoffending Board has been established, and that there is a real willingness across Government to make progress.

Prisons: Drones

9. **Vicky Ford** (Chelmsford) (Con): What recent steps the Government has taken to tackle the use of drones over prisons. [908253]

The Minister of State, Ministry of Justice (Rory Stewart): Preventing drones from going into prisons is, of course, a huge priority. First, that means working to identify and catch the criminal gangs who are flying them in; secondly, it means electronic measures to interrupt the drones and make it possible to interrogate those people; and, thirdly and most fundamentally, it means protective security. For example, Mr Speaker, if there is a good grille on the window, you cannot stick your hand out of the window and take the drugs from the drone.

Mr Speaker: That is a useful piece of practical advice from the Minister. I am deeply indebted to him.

Vicky Ford: Drug use in prisons frequently fuels serious violence, but those who fly the drones or throw the drugs over the walls often receive little more than a ticking off. What more can be done to dissuade people—especially young people—from such behaviour?

Rory Stewart: I know that my hon. Friend does wonderful work with the prison in her constituency. As she says, we need to take action, and we are taking action. There have been 40 convictions of people using drones, and we have imposed 140 years'-worth of prison sentences. No one should be in any doubt that importing drugs into prisons with a drone is a very serious crime, and I am pleased to say that, thanks to the Department's work since 2015, we are getting on top of the problem.

David Hanson (Delyn) (Lab): The Minister mentioned in July and re-emphasised today the importance of jamming equipment in prisons; how many prisons have that equipment?

Rory Stewart: First, that is classified information, but, secondly, the answer is not that many prisons. It is very expensive equipment to use, but we are looking at an electronic fencing technique which has been deployed in Guernsey. We can learn a lot from Guernsey prison: if that electronic fence in Guernsey works, it is a good cheap solution. We would need to check its technical specifications and then we could look at rolling it out.

Prisons: Prevention of Violence

10. **Colin Clark** (Gordon) (Con): What steps the Government are taking to prevent violence in prisons. [908254]

The Minister of State, Ministry of Justice (Rory Stewart): Violence in prisons is fundamentally driven by three things: drugs, the conditions in the prison, and relationships between prison officers and prisoners. We are addressing all three. To cut down on drugs, we are putting much more perimeter security in place to make it more difficult to get drugs in. Secondly, we are investing a great deal in decency and cleanliness in prisons. But the most important thing is the training and support for our hard-working prison officers so they can develop the right relationships with prisoners—ones that are strict but also humane—in order to bring proper behaviour management into place.

Colin Clark: Clearly reducing violence in prisons does depend on effective training of prison officers, but what assessment has my hon. Friend made of improvements in the way violent offenders are handled?

Rory Stewart: We repeatedly survey this; we have a specialist team looking at it. We have a long study under the violence reduction strategy, and the real conclusion is that it is about training. It is about what happens at the cell door—about how we develop respectful relationships in the same way that a good teacher would. There are high expectations on prison officers and on prisoners, so that we can have a safe, humane relationship that also has boundaries in place to control behaviour.

23. [908267] **Thangam Debbonaire** (Bristol West) (Lab): The Minister has made much of the 10 pilot areas, and I am glad that Bristol is one of them. However, what comfort does he have for the prison officers and prisoners of the other 110?

Rory Stewart: This challenge is absolutely right; we are focusing initially on 10 prisons, as it is difficult to achieve cultural change in 120 prisons simultaneously. The idea is to develop in those 10 prisons the right standard model on drugs, violence and decency, and if we are successful, as I believe we will be by August, to then roll that out across the rest of the estate.

Imran Hussain (Bradford East) (Lab): The Minister yet again comes to the House all gung-ho, even though he has absolutely no reason to be since safety in our prisons continues to be compromised and they remain in a state of emergency. One such example is HMP Birmingham, one of the most dangerous prisons in the country with conditions there found to be so bad by the prisons inspector that control was taken away from G4S. At the very minimum will the Minister give me assurances, or a guarantee, that this prison will not be returned to the private sector?

Rory Stewart: As I have said on a number of occasions, this is not fundamentally about private and public: there are good private prisons and good public prisons, and there are bad private prisons and bad public prisons. But I will give this assurance: unless G4S can demonstrate

that it can take back that prison and run it both well and sustainably, we will not be returning the prison to G4S.

Legal Advice Deserts

12. **Ms Karen Buck** (Westminster North) (Lab): What assessment he has made of the prevalence of legal advice deserts. [908256]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): I am grateful to the hon. Lady, who chairs the all-party group on legal aid and has done a lot of work in this area. We recognise that in some sparsely populated areas it is more difficult to find service providers, but the Legal Aid Agency regularly reviews market capacity to make sure there is adequate provision across the country and moves quickly to fill any gaps that it identifies. At the latest civil legal aid tender, the number of offices providing access to advice increased by 39% for immigration and asylum, by 188% for welfare benefits and by 7% for debt and housing.

Ms Buck: With homelessness up by 70%, with universal credit wreaking absolute havoc on housing costs and with 1 million properties unfit for occupation, why do the new figures reveal that there are 1 million people with no access to a legal aid-provided housing lawyer at all and 15 million people in areas where there is only one provider, raising huge issues of capacity and potentially conflicts of interest? Will the review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012, when we finally get to see it, address that issue so that people everywhere in the country can have access to the legal aid services they need?

Lucy Frazer: The hon. Lady is right to identify the fact that dealing with housing issues is important. As at today's date, there is at least one provider offering housing and debt services in all the 134 procurement areas except for seven, and the Legal Aid Agency is doing what it can to ensure that appropriate services are available in those seven areas. It is due to launch a further tender in areas where there is currently low access to services, and that tender will begin on 17 December.

Derek Thomas (St Ives) (Con): Across Cornwall, access to a legal aid lawyer for housing and families is particularly difficult. I have raised that matter before. What can the Minister do to create a greater incentive for lawyers to take up that work?

Lucy Frazer: Cornwall is a sparsely populated area and there are difficulties there, but there is always access to the telephone service. It is right that we should look not only at face-to-face advice but at where technology can help to deliver legal advice to people.

24. [908268] **Catherine McKinnell** (Newcastle upon Tyne North) (Lab): The United Nations special rapporteur's recent findings were shameful and damning. They highlighted the fact that the "dramatic reductions" in the availability of legal aid since 2012 have

"overwhelmingly affected the poor and people with disabilities, many of whom cannot otherwise afford to challenge benefit denials or reductions and are thus effectively deprived of their human right to a remedy."

When will the Government accept responsibility for the most vulnerable in our community, and will the Minister commit to ensuring that the overdue review of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 will reinstate legal aid for early legal advice?

Lucy Frazer: The hon. Lady makes an important point about ensuring that we have support for those who are most vulnerable, but I would like to make two points on welfare benefits, which she has highlighted. First, the most important outcome for benefit claimants is that the decisions on their claims should be right first time. This avoids the need to go to court at all, and my Department is working closely with the Department for Work and Pensions to ensure efficient decision making. I have met the Minister twice to ensure that we get those decisions right first time. Secondly, while decisions on welfare claims significantly impact the lives of often vulnerable people, the claims are often not complicated. We are making changes to the tribunal system to ensure that those cases are handled simply, effectively and more quickly.

20. [908264] **Wera Hobhouse** (Bath) (LD): My constituency has been rated by the Law Society as a legal aid desert. In all of Somerset, there is only one firm that is authorised to provide legal aid on housing. What specific advice can the Minister give to my constituents on that?

Lucy Frazer: As I have recognised, there are areas of the country that suffer. The Legal Aid Agency looks at those areas, and re-procurement tender exercises are going out in seven of them.

Several hon. Members rose—

Mr Speaker: Order. I am not sure whether the hon. Member for Hendon (Dr Offord) is seeking to take part in Question 12 or anticipating Question 13.

Dr Matthew Offord (Hendon) (Con): I am anticipating Question 13.

Mr Speaker: It is the latter. We will get there when we are ready, and we are grateful for the hon. Gentleman's enthusiasm.

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): The Law Commission of England and Wales says that working people on low incomes are being systematically denied the right to a fair trial because of restrictive legal aid rules. When will the Government act in this shocking and shameful situation?

Lucy Frazer: The hon. Gentleman will have heard that we are doing a review of legal aid, which will be published early in the new year. I was interested to read the recent Scottish Government report on legal aid, which implements a number of the things that we are already doing, including using technology to help our court processes.

Richard Burgon (Leeds East) (Lab): The current Prime Minister unleashed the Home Office's hostile environment against migrants, and the Windrush scandal shows just

how easily people can fall foul of this Government's complex and cruel immigration rules. It is even tougher for those who have to navigate this hostile environment without legal advice, yet access to legal aid-funded immigration advice has fallen by 68% under the Tories, from 120,000 cases in 2010 to 39,000 cases this year. So do the Government regret scrapping such publicly funded legal advice that can save people from unfair decisions and deportations, and if so, will they reinstate it?

Lucy Frazer: The hon. Gentleman has not made that offer. The Opposition have made an offer in relation to welfare, but not, I note, in relation to immigration. Let me remind him that people can already get legal advice for asylum and non-asylum cases, and for cases involving detention, the Special Immigration Appeals Commission, domestic violence and trafficking. I want to make it clear to the House and to everyone who is listening that people are often not claiming legal aid because they do not believe they are entitled to it, because the Opposition and some others suggest that it is not available.

Prisons: Mobile Phones

13. **Dr Matthew Offord** (Hendon) (Con): What steps the Government are taking to prevent the use of mobile phones in prisons. [908257]

The Minister of State, Ministry of Justice (Rory Stewart): Fundamentally, a mobile phone needs to be moved by a person, it is a metal object and it transmits, which means that the three ways of dealing with a mobile telephone are to get intelligence on the organised criminal gangs that are moving them around, to use metal detectors to discover the devices, and to use electronic measures to identify where the devices are located within prisons, to jam the signals and to interrogate the calls.

Dr Offord: It has been reported that Anthony Russell, a contestant on "The X Factor", used a mobile phone to communicate with a convicted prisoner by FaceTime from the ITV studios, of all places. Will the Minister consider making it a specific criminal offence for anyone knowingly to communicate with someone in the criminal justice system?

Rory Stewart: I am happy to sit down with my hon. Friend. It is absolutely a criminal offence to have a mobile telephone in prison, but the complexities of what my hon. Friend suggests go a long way beyond that. It is certainly not an offence to communicate with a prisoner. In fact, we encourage prisoners to continue family relations, which is important to prevent reoffending and protect the public.

Helen Goodman (Bishop Auckland) (Lab): While we of course do not want prisoners using mobile phones, we are happy for prisoners to watch television. The Minister knows that I am unhappy about his decision to buy televisions from China instead of from Cello in my constituency. Will he look again at the criteria for such public contracts?

Mr Speaker: This is a kind of debate between mobile televisions from another part of the world or mobile televisions from Bishop Auckland.

Rory Stewart: The hon. Lady powerfully represents her constituency's interests. The issues around procurement are complex, but I will look carefully at the case. However, it is important to bear in mind that we also have a duty to get value for money for the taxpayer and ensure that we are purchasing affordable goods.

Rogue Bailiffs

14. **Neil O'Brien** (Harborough) (Con): What recent estimate he has made of the number of rogue bailiffs. [908258]

16. **Rachel Reeves** (Leeds West) (Lab): What steps he is taking to tackle rogue bailiffs. [908260]

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): We are determined to protect debtors from aggressive behaviour by enforcement agents while balancing that against the need for effective enforcement of debts. We launched a public call for evidence on 25 November to help us to understand the extent of the problem, and it is open until 17 January.

Neil O'Brien: A constituent of mine, John Stevens, lost thousands after he was threatened by bailiffs in connection with his son's debt, which arose through no fault of his own. My constituent was never told his rights, and there was no independent regulator to which he could appeal. Given that 40% of people contacted by bailiffs are threatened or intimidated, will the Minister take action following the call for evidence to right those wrongs?

Lucy Frazer: I am sorry to hear about the experience of my hon. Friend's constituent and I am happy to discuss the matter further with him. The 2014 reforms require bailiffs to send a letter before they visit to set out where a debtor can go for advice, but we want to ensure that that mechanism and others are working. We are asking that question in our consultation, so I encourage his constituent to tell us more about his experience in our call for evidence.

Rachel Reeves: I welcome the Government's call for evidence. Since it was launched, the Minister has said that a small number of bailiffs are breaking the law. The truth is that a YouGov poll shows that a third of people contacted by bailiffs in the past year have experienced law breaking, so this is much more than a small problem. Will the Government therefore change the language and see where the evidence takes them, rather than concluding that a minority of bailiffs are behaving in this way?

Lucy Frazer: It is important to gather the evidence, which is what this consultation will do. As the hon. Lady will know, because she asked a question at the previous Justice questions when the Citizens Advice report had just come out, we want to examine the evidence fully, and we are asking for evidence not just from individuals, but from the enforcement agencies themselves. My officials have asked Citizens Advice for a meeting to discuss the content of the report, which identifies a large amount of inappropriate behaviour.

Prison Officers: Safety

15. **Andrew Rosindell** (Romford) (Con): What steps he is taking to ensure the safety of prison officers. [908259]

22. **Nigel Huddleston** (Mid Worcestershire) (Con): What steps he is taking to ensure the safety of prison officers. [908266]

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): We do not tolerate violence against our dedicated and hard-working prison officers. We are strengthening frontline officer numbers and rolling out a key worker scheme to improve prisoner-staff relationships and to tackle the causes of violence. We are giving officers the tools they need, such as body-worn cameras and PAVA spray, to respond where incidents do occur.

Andrew Rosindell: The Secretary of State will know that, in the past year, there has been a 20% increase in violent crime against prison officers. Does he agree there is a disparity between prosecutions when members of the public are assaulted and prosecutions when people in the public service are assaulted? Also, is it not correct that an assault against a prison officer is just as bad as an assault against a policeman?

Mr Gauke: My hon. Friend makes an important point. We have to take assaults against prison officers very seriously. They are putting their lives on the frontline, and we are working closely with the police and the Crown Prosecution Service to make sure that crimes committed in prison are dealt with effectively. There are good examples of work with the police and the CPS, such as at HMP Isis. The Assaults on Emergency Workers (Offences) Act 2018 came into force in November, and it increases the maximum custodial sentence from six months to 12 months for those who assault emergency workers, including prison officers.

Nigel Huddleston: Recent incidents at Long Lartin Prison in my constituency show that more work is still needed on prison officer safety. Can the Secretary of State assure my constituents who work at Long Lartin that the Government do not consider it job done on prison safety and that they will continue to explore further ways to improve prison safety?

Mr Gauke: Indeed, we will continue to find ways of making improvements. I visited Long Lartin in the summer and met a number of my hon. Friend's constituents who work as prison officers to discuss this issue. The high assault figures are something that we have to address, which is why we have taken the measures I have already outlined. We will continue to focus on bringing down those numbers.

Ruth George (High Peak) (Lab): Does the Secretary of State agree that the high number of prisoners with mental health conditions is also a serious problem for prison officers? Will he look into the two separate incidents at Nottingham Prison where, even though my constituents had been independently assessed by psychiatrists as needing to be transferred to secure mental health beds, it took five months for them to be transferred?

Mr Gauke: I am grateful to the hon. Lady for raising those cases and I will certainly look at the incidents she mentions. She is right to highlight the importance of addressing mental health issues within prisons. A very large proportion of prisoners have mental health issues and, in answer to an earlier question, I addressed the need to work closely with the NHS and the Department of Health and Social Care to ensure that we address such points.

Topical Questions

T1. [908269] **Chris Williamson** (Derby North) (Lab): If he will make a statement on his departmental responsibilities.

The Lord Chancellor and Secretary of State for Justice (Mr David Gauke): Today the terms of reference for the review of the criminal injuries compensation scheme have been announced. Compensation has long been an important part of the Government's support for victims of violent crime, and we are determined to ensure that every victim gets the compensation to which they are entitled. The review will look at the scope of the scheme, its eligibility rules, the value and composition of awards and how to provide easier access to compensation. The review will give particular consideration to victims of child sexual abuse and terrorism and look to ensure continued financial sustainability. We have separately announced our intention to remove the pre-1979 same roof rule from the scheme and we will table an amended scheme before Parliament as soon as possible.

Chris Williamson: We know the Government see public services as a cash cow for the private sector, but the privatisation of the probation service has been an abject failure. The contract had to be terminated two years early, despite a £0.5 billion bailout. The privatised service failed to reduce reoffending, so why is the Secretary of State proposing to privatise the service again in 2020? Is this not an example of ideology over plain common sense?

Mr Gauke: I do not know whether the hon. Gentleman is best placed to lecture on common sense versus ideology.

The reoffending rate has fallen in the time since "Transforming Rehabilitation" and we would like it to fall further. There are issues with how the system is working, which is why we took the entirely pragmatic approach of bringing the contracts to an end and making some important and necessary changes to ensure that we can do more to reduce reoffending.

T3. [908271] **Colin Clark** (Gordon) (Con): Will the Minister update the House on progress towards the abolition of the same roof rule?

The Parliamentary Under-Secretary of State for Justice (Edward Argar): I am grateful to my hon. Friend for that question. Further to the Secretary of State's answer a few moments ago and the tabling today of the written ministerial statement on the review of the overall scheme, let me say that earlier this year we committed to remove the pre-1979 same roof rule more swiftly. In that context, I pay tribute to the work of the hon. Member for Rotherham (Sarah Champion) in her campaign on this issue. As the Secretary of State has said, we anticipate, subject to the parliamentary timetable, to be able to lay an order as swiftly as possible.

Joanna Cherry (Edinburgh South West) (SNP): Can the Lord Chancellor assist me in finding out the answer to a question that the Attorney General and the Brexit Secretary have been unable to answer: how much taxpayers' money did the UK Government spend fighting the litigation that established that the article 50 notice can be unilaterally revoked?

Mr Gauke: I certainly cannot give that answer this morning, but of course there is no intention to revoke article 50.

T5. [908273] **Vicky Ford** (Chelmsford) (Con): In Chelmsford, the police, the Crown Prosecution Service and the youth offender programme have occasionally recommended that a young offender be placed on a curfew in order to safeguard that young person from being further targeted by criminal gangs, but sometimes the magistrates are not fully aware of the circumstances and overturn the curfew. May I encourage Ministers to encourage the magistrates to work more closely on sharing information between services, so that the full information can be taken into account?

Edward Argar: It is of course for magistrates to make decisions and they do have the right to overturn recommendations. However, as my hon. Friend says, when making those decisions, they should be in possession of the full facts from the youth offending teams, the police and the CPS. She is right to highlight the importance of information sharing and sharing that information in good time. The Under-Secretary of State for the Home Department, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), and I continue to work on that.

Richard Burgon (Leeds East) (Lab): The Government's ideological experiment of privatising probation has been a calamitous failure. It was such a flawed idea that even this Government have had to cancel the current private contracts, which were costing the public more and more money while leaving them less and less safe. Yet the Government are set to re-tender those contracts back to the private sector. Interserve is currently the largest probation provider, supervising 40,000 offenders, yet it is now in rescue talks, trying not to become the next Carillion. So will the Justice Secretary commit today to ensuring that Interserve is not awarded any of the new private probation contracts?

Mr Gauke: We will award the contracts to those best placed to carry them out. I have to say that the hon. Gentleman's hostility to the private sector, in all its forms, in all contexts, is not a sensible or pragmatic approach to trying to ensure that we get best value for money for the taxpayer while making improvements to reducing reoffending.

Kevin Hollinrake (Thirsk and Malton) (Con): Senior managers at Lloyds-HBOS were found guilty of a scandalous fraud against their own business customers but, thus far, the bank itself has avoided or evaded any corporate sanction. Would my right hon. Friend support the Solicitor General's efforts to make failure to prevent an economic crime a corporate offence?

Mr Gauke: My hon. Friend, who campaigns tirelessly on these issues, will be aware that we ran a call for evidence on corporate criminal liability to determine

whether the current law is adequate. This is a complex part of the law and consultation responses offered a broad range of views. We are currently analysing those with Departments across Government and we will publish our response in 2019.

T2. [908270] **Alex Norris** (Nottingham North) (Lab/Co-op): On Friday, I visited Nottingham Prison; I am grateful for the support of the prisons Minister in securing that meeting. Drugs continue to be a significant problem in our prison, as in many others, and body scanners are a really important way of tackling that. What is the Government's current position on the use of body scanners and when will we get them in Nottingham?

The Minister of State, Ministry of Justice (Rory Stewart): First, I pay tribute to the hon. Gentleman for the work he does in supporting the work of Nottingham Prison, which is one of the 10 priority prisons. We are therefore bringing scanners into those prisons. We are currently shipping those scanners over, but a range of different types of scanning will be taking place: X-ray scanners used on an intelligence-led basis, which can penetrate through the skin; metal detectors on a more regular basis as people go through; and additional dogs.

Kevin Foster (Torbay) (Con): The Minister responsible for rehabilitation will be aware of the great work that groups such as St Mary Magdalene church in Torquay do with ex-offenders. That work could be enhanced if such groups could use the old Torquay magistrates court, which is still empty. Will he agree to meet me and representatives of the church to discuss how, if they acquired the building, they could make a real difference?

The Parliamentary Under-Secretary of State for Justice (Lucy Frazer): I am happy to meet my hon. Friend to discuss that matter, and if any other colleagues wish to meet as well, I am sure they will do so.

T4. [908272] **Toby Perkins** (Chesterfield) (Lab): I am grateful to my hon. Friend the Member for Nottingham North (Alex Norris) for asking almost exactly the question that I was about to ask, because that gives me the opportunity to expand on the answer he was given. Will the Minister tell us a little more about whether the Government are minded to make Spice and Mamba—drugs that are causing huge problems in Nottingham Prison and many others—class A drugs? What other strategies do we have to reduce the amount of drugs in prisons?

Rory Stewart: The big legislative change that we are trying to introduce, and for which we would very much like to get cross-party support, is a provision to allow us to do proper testing on Spice—an endeavour that is in a private Member's Bill that is currently trying to make its way through the House. As the hon. Gentleman has pointed out, Spice is a real problem. It is provoking unbelievably aggressive behaviour and it is extremely bad for people's health. We can search along the perimeter but yes, we also need to do more in the law.

Huw Merriman (Bexhill and Battle) (Con): Citing reputational reasons, one of my local authority employers failed to keep on a member of staff after a probation period because of a spent conviction that was known

about. Would public sector employers not get a better reputation if they helped to turn people's lives around when they want to put something back into society?

Rory Stewart: I could not agree more. One of the best ways to prevent reoffending and therefore protect the public is to help people into employment. Ex-prisoners can be some of the most loyal and hard-working employees one can find. We encourage all employers to take a realistic, pragmatic approach. Many convictions are absolutely irrelevant to the work that the person is doing or to public protection. The best way to protect the public is to provide a job.

T6. [908274] **Gerald Jones** (Merthyr Tydfil and Rhymney) (Lab): My constituents Gemma and Paul Black were devastated last year when their 22-month-old daughter, Pearl Melody Black, was killed by a runaway car. I understand that the police and Crown Prosecution Service have been unable to bring charges because of a loophole in the law. Will the Secretary of State or a Minister meet me, possibly with Department for Transport colleagues, to discuss how we can avoid having other parents facing this suffering?

Rory Stewart: First, let me share our very sincere condolences. It is the most horrifying thing to lose a 22-month-old in that way. Secondly, we are currently consulting on changing the law to have a life sentence for causing death by dangerous driving or by careless driving under the influence. We can do an enormous amount more, both legally and in terms of road safety and driving tests. We must bring down the number of people who are killed. The hon. Gentleman raises a particularly tragic incident, and I would be delighted to meet him to discuss it.

Robert Neill (Bromley and Chislehurst) (Con): Last week, the House passed the Courts and Tribunals (Judiciary and Functions of Staff) Bill, which is an important part of court modernisation. Does the Lord Chancellor accept that there remains a pressing need to introduce the remaining primary legislation necessary to underpin the rest of Sir Michael Briggs' reforms?

Mr Gauke: I share the desire of my hon. Friend the Chair of the Justice Committee to do that when parliamentary time allows. Of course, there are currently some pressures on parliamentary time.

T7. [908275] **Catherine West** (Hornsey and Wood Green) (Lab): Too many prisoners are in desperate need of drug rehabilitation services. How many inmates are currently using drug rehabilitation services and what is the MOJ's target for 2019?

Rory Stewart: We do an assessment whenever a prisoner comes in. In a prison such as Humber, for example, almost a quarter of the prisoners are currently on some form of drug rehabilitation treatment. Those are very high numbers. Drugs in prison are a big issue: nearly 50% of prisoners have alcohol or drug-related addiction issues. The NHS takes the lead on that; I would be happy to get back to the hon. Lady with the figures.

Eddie Hughes (Walsall North) (Con): Will the Minister endorse the excellent work of Youth of Walsall and its campaign "Real Knives, Real Lives", which seeks to educate young people on the dangers of carrying a knife?

Edward Argar: I welcome any initiative that aims to combat knife crime by educating young people about the potentially devastating impact it can have, not only on victims and their families but on the perpetrators themselves. I pay tribute to the work that my hon. Friend has highlighted and would be happy to learn more about it. We must all do more to tackle serious violence, which is exactly what the Government are doing.

Mr Speaker: In the name of fairness to colleagues, those asking a question should confine themselves to a single short sentence.

T8. [908276] **Wera Hobhouse** (Bath) (LD): What discussions has the Minister had with the Home Secretary on the use of Clare's law in cases where a restraining order has been granted through a civil process, which puts the onus on the victim?

Edward Argar: I am grateful to the hon. Lady for that question. She rightly highlights a very important issue. I work closely with my opposite number in the Home Office, my hon. Friend the Member for Louth and Horncastle (Victoria Atkins), on tackling domestic abuse. We will be publishing a draft domestic abuse Bill and consultation response shortly. In respect of the hon. Lady's specific point, I am very happy to meet her and discuss it further.

Mr Philip Hollobone (Kettering) (Con): With which specific countries are the Government negotiating new compulsory prisoner transfer agreements?

Lucy Frazer: The Government already have agreements with around 100 countries in relation to prisoner transfers.

T9. [908277] **Dr Philippa Whitford** (Central Ayrshire) (SNP): The Scottish Government have raised concerns about the effectiveness of the European arrest warrant as European member states will be permitted to operate constitutional bans on extraditing their citizens during transition. Can the Minister clarify this situation?

Lucy Frazer: I think the hon. Lady will have been pleased to see a paragraph in relation to extradition in the future framework.

Sir Oliver Heald (North East Hertfordshire) (Con): Ministers will be aware of the very low attainment in reading among prisoners. Is anything being done to try to improve the situation? I understand that the average reading age in a prison is 11.

Rory Stewart: It is a very serious problem. As my right hon. and learned Friend has pointed out, almost half the prisoners have a reading age of under 11. Perhaps 25% of prisoners have a reading age of six. There is an enormous amount that we can do and that is where the education and employment strategy comes in, which is about making sure that the education is relevant and leads to a job.

T10. [908278] **Mr Stephen Hepburn** (Jarrow) (Lab): The Tories have cut £1 billion off the legal aid budget to the poor. This has meant a cut of 99.5% in the number of

people receiving legal aid for benefit cases. Will the Tories sleep well at Christmas knowing that they are starving the poor?

Lucy Frazer: Various changes were made as a result of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. As the hon. Gentleman will know, we are undertaking a significant review. My Department has met with more than 100 organisations or individuals to discuss the changes that were brought in and my Department will be reporting in the new year.

Ruth Cadbury (Brentford and Isleworth) (Lab): Will the Secretary of State commit to implementing the recommendations of the independent Mental Health Act review to reform mental health tribunals and will the Government commit adequate resourcing to the recommendations?

Edward Argar: As the hon. Lady will be aware, the Government have welcomed the independent review of the Mental Health Act and have rightly committed to reform mental health legislation. Some of the review's recommendations, as she alludes to, have particular implications for civil justice and particular reforms to the Mental Health Tribunal. My Department is working closely with the Department of Health and Social Care to consider the review, its recommendations and implications in detail and we will respond shortly.

Chris Elmore (Ogmore) (Lab): Today, it has been confirmed that three quarters of all Welsh female prisoners are serving a custodial sentence of less than six months. There is no women's centre in Wales, so may I ask the Minister to introduce new funding for a women's centre in Wales, so that we are able to have different ways of putting women forward, other than custodial sentences, because it is not working?

Edward Argar: The hon. Gentleman makes an important point. Something that runs through our female offender strategy is moving away from short sentences to alternative provisions. He highlights a particular issue in the context of Wales. It is something on which I have had discussions with the previous Cabinet Secretary, Alun Davies, and I look forward to meeting his successor in that role to have further discussions.

Lucy Powell (Manchester Central) (Lab/Co-op): Many of those convicted of murder under joint enterprise thought that they would be able to seek appeals of their convictions after the Supreme Court ruling that the law

had taken a wrong turn. However, the recent loss of the Laura Mitchell case, the first brought by the Criminal Cases Review Commission, has shown that the appeal bar is impossibly high. What will the Government do about that?

Lucy Frazer: I know that the hon. Lady has campaigned very hard on this. I was very pleased to answer her debate shortly after my appointment. As she knows, the appeal bar is set in relation to all cases, not just in relation to this case, but I am very happy to discuss this issue in a meeting with her.

Peter Kyle (Hove) (Lab): It was two years ago that the then Secretary of State for Justice agreed to outlaw the cross-examination of survivors of domestic abuse by the perpetrators of their crime, yet the misery goes on. When will the Government outlaw that?

Mr Gauke: We intend to bring forward legislation on this very shortly.

Mrs Emma Lewell-Buck (South Shields) (Lab): Ofsted's recent annual report yet again raised its concerns about high levels of violence in children's secure training centres. The use of pain-inducing restraint techniques in youth prisons and right across the secure estate has been found to carry up to a 60% chance of causing serious injury to children. This is Government-sanctioned abuse of children. When is it going to end?

Edward Argar: As the hon. Lady will be aware, we have commissioned an independent review, which is being led by Charlie Taylor. I look forward to receiving his report in due course.

Andy Slaughter (Hammersmith) (Lab): When we debated legal aid last month, the Minister was expecting to publish the LASPO review before Christmas. It is already eight months late, so will she tell us the date on which it will now be published? Why are we not getting it until next year? What is the reason for the delay?

Lucy Frazer: I am happy to take the hon. Gentleman's question. I remind him what he said to the Law Society several months ago—that it is important to take time to review this important subject. It is important and, as I have said, we have met over 100 organisations and individuals. We finished our final engagement with organisations at the end of last month and we will publish the review early in the new year.

ONS Decisions: Student Loans

12.41 pm

Wes Streeting (Ilford North) (Lab) (*Urgent Question*): To ask the Chief Secretary to the Treasury to make a statement on the ONS decision on the treatment of student fees and maintenance loans in the Government's accounts, and its implications for the public finances.

The Chief Secretary to the Treasury (Elizabeth Truss): After its review of the treatment of student loans and Government finances, the Office for National Statistics has decided that some of the spending on student loans will be included in the deficit when the money is first lent to students. This is a technical accounting decision by the ONS, whose independence we support and whose diligence we commend. It is for the independent Office for Budget Responsibility to decide how to reflect this decision in future forecasts, but the ONS has made it clear that there is a lot to decide before the numbers are finalised.

This decision does not affect students' ability to receive or repay loans. They can still get access to money to help with fees and the cost of living, and they will only start repayments when they are earning £25,000. Moreover, this decision does not have any implications for public debt, as the data and forecasts already include the impact of student loans, including repayments.

The Government make decisions on taxes and spending at Budgets, and the OBR judges whether the Government have met their targets. At the recent Budget, the OBR forecast for headroom was higher than the estimate of the impact of the student loans accounting change. The recent Budget also showed that the Government are meeting their fiscal rules with room to spare, and that debt is beginning its first sustained fall in a generation. This Government are committed to keeping taxes low and investing in Britain's future.

Wes Streeting: I thank the Chief Secretary for that reply.

The Treasury Committee welcomes the ONS decision, which is in line with our recommendations, but this is more than a little embarrassing for the Government. The OBR estimates that yesterday's decision adds £12 billion to the deficit, but even the OBR's method of calculating the sum does not appear entirely consistent with the ONS decision. Can the Chief Secretary therefore tell us what the right figure is, or has the Government's creative accounting become so creative that it has left even the Chief Secretary bamboozled?

Can the Chief Secretary at least tell us what the fiscal impact will be? Will there be any impact on departmental budgets or on the devolved nations? What does it mean for the Government's predisposition for selling the student loan book for a song? Does that policy still make sense? Indeed, did it ever make any sense? Vice-Chancellors are understandably worried that yesterday's decision will lead to a reduction in funding available to our universities.

Given that the Chief Secretary says this is effectively a matter of accounting, rather than cash flows, does she agree with Paul Johnson at the Institute for Fiscal Studies that

"IF it was right to aim for zero deficit on old definition THEN it is right to aim for £17bn deficit on new definition"?

Will she confirm that the Government will now revise their fiscal targets in the spring statement, or does she expect students and universities to pay the price for the Government's accounting trickery and meaningless fiscal targets? Only a matter of weeks ago at the autumn Budget, the Chancellor boasted,

"Fiscal Phil says, 'Fiscal Rules OK'"—[*Official Report*, 29 October 2018; Vol. 648, c. 655.]

He looks a bit silly now, doesn't he?

Where does this leave the Augar review on post-18 education? Can the Chief Secretary assure the House today that the Augar review will focus on further and higher education policy aims first and foremost, and not on how to design a student loans system that is attractive due to its accounting features?

The ONS decision yesterday makes the case for real reform of our higher education system more compelling. Instead of tinkering around the edges, flirting with cuts in fees that would benefit the richest graduates and cuts in places that would only hurt the poorest students, is it not time for real reform: a system that is publicly funded and genuinely free at the point of use?

Elizabeth Truss: I have been very clear in my response that this is fundamentally an accounting decision. It does not affect our decisions on higher education policies. The bodies that we are talking about—the ONS and the OBR—are independent bodies. It is right that the Government do not make decisions on how to treat these figures in our national statistics—they are made by independent bodies, and we fully respect that. The ONS is going to be working out more details. It would therefore be completely wrong for me, outside a fiscal event, to comment on the precise implications for the public finances.

I can reassure Members across the House that we will do the right thing by students, and we have done the right thing by students. We have a record number of students in our universities. We rightly have a system where students contribute to their degrees, which deliver them higher future earnings and greater prospects in later life.

It is a bit of a cheek hearing all this from Labour Members, whose party promised in the 2017 general election that it would write off all the student loan book and then—surprise, surprise—said after the election that it would not any more. I think it is a bit of a joke that Labour Members are coming to this House and trying to give us lectures about student finance.

Nicky Morgan (Loughborough) (Con): The hon. Member for Ilford North (Wes Streeting) is right to say that the Treasury Committee covered this in our report to the House published earlier this year, but the Chief Secretary is right to say that the decision does not affect any financial help that students now, or students starting in September or beyond, will get. Does she agree that this is actually a debate about political scrutiny of the deficit, which is an important figure at every fiscal event, and that the change will give a truer picture of what is happening with the deficit?

Elizabeth Truss: My right hon. Friend, the Chair of the Treasury Committee, is correct. Ultimately, this is about making sure that our independent bodies are giving us advice about how our public finances should

[Elizabeth Truss]

be presented in order to give the best possible picture. That is completely independent from our decisions about what is best for students. The fact is that this decision does not affect cash flows; it affects the presentation of accounts. We should not conflate that with the very right and proper debates we are having about making sure that our students have a finance system that supports them.

Peter Dowd (Bootle) (Lab): This is not creative accountancy; this is fantasy accounting from the Government. The shadow Chief Secretary talks about Labour's policy—[HON. MEMBERS: "You're the shadow Chief Secretary."] Well, that is not very far away. The Chief Secretary can try to make up Labour's policies on the hoof. She might make her own up on the hoof, but she should not make up ours on the hoof.

The ONS announcement ends the fiscal illusion that kept student debt off the Government's books. This is not technical, and it blows a potential £12 billion hole in the Chancellor's spending plans. At the last Budget, the Institute for Fiscal Studies warned the Chancellor that he was gambling with the public finances, and it seems that he has lost the bet: a reckless Chancellor bluffing his way through Budgets in a desperate attempt to keep his party together while the country is led to ruin and uncertainty.

This change raises a number of serious questions that the Minister must now answer, and has not answered. First, what impact will the additional £12 billion have on the Treasury's ability to meet the fiscal targets that the Government set out most recently? Or will it mean that the Government have to abandon their fiscal rules yet again, for the umpteenth time? Secondly, will the Chief Secretary guarantee—she has not yet—that students and universities will not be adversely affected by this change? Thirdly, can the Government guarantee that no cap on student numbers will be introduced?

Finally, does this not pose a major challenge to the entire system of student finance which the Government have not only maintained but exacerbated with a trebling of fees—a system that creates a mountain of debt, placed first on the backs of students and now on the Government's books when students are unable to pay? Would it not be better to adopt Labour's policy of free university education, as set out in our manifesto—a very popular manifesto—and grey book, which invests in the future of our country by investing in the future of our young people, rather than giving billions of pounds of tax cuts to large corporations?

Elizabeth Truss: I find it extraordinary that we are being lectured on debt by a party that wants to add half a trillion pounds to our national debt. As I said in my earlier answer, we would still meet our fiscal targets on both the debt and the deficit with the numbers that the ONS currently estimates, but it is very premature to have this discussion when the ONS has not given the detailed figures.

I am willing to respond to the hon. Gentleman's question about whether we will give a guarantee that this will not affect students—absolutely we will. The Augar review is being conducted on the basis of what is best for students. The fact is that we have one of the best

higher education systems in the world, of which we should be rightly proud. We have a record number of students attending university and a record number of students from low-income backgrounds attending university, thanks to our policy.

The hon. Gentleman has to answer this question: is it really right that people who do not go to university and generally earn lower sums of money should subsidise those who do go to university and go on to earn more in later life? We can see the result when that happens—it is what has happened in Scotland. Places end up getting rationed, and higher education ends up not getting enough income.

Justine Greening (Putney) (Con): The House might be gridlocked on Brexit, but it does not need to be gridlocked on more ambitious reform of the higher education finance system. That is what young people want to see. I urge my right hon. Friend to look at the changes that young people want, which are the introduction of maintenance grants and reform of the student finance system away from student debt and towards a graduate contribution, making it better value for money and more progressive—not less progressive, as Labour suggests—so that young people who get the most financially out of going to university pay the most for the chance to go there.

Elizabeth Truss: My right hon. Friend clearly spent a lot of time working on that when she was Education Secretary, and I commend her on her contribution to that debate. I am pleased to welcome to the Front Bench the new Universities Minister, my hon. Friend the Member for Kingswood (Chris Skidmore), who is leading the work on the Augar review. As Chief Secretary to the Treasury, I am concerned to ensure that we get good value for money and that our universities are properly funded. I am closely involved in supporting the Augar review, as are my colleagues at the Department for Education.

Carol Monaghan (Glasgow North West) (SNP): The Chief Secretary clearly has not read the UCAS figures, which show that more Scottish young people than ever before are accessing a place in higher education, including more from a deprived background than ever before.

This ruling does not come as any surprise. We already know that England has the highest tuition fees in the industrialised world. It confirms what we have been saying for a long time—this is not saving public money in the long run. This Government remind us regularly of how economically brilliant they are, but we can clearly see that they have been shifting their fiscal responsibilities on to a Government 30 years in the future. The real issue is that these short-term accountancy gains are won off the back of our young people. Average student debt in England is more than £50,000, and continuing to charge fees of more than £9,000 per annum is morally wrong. Since we know that three quarters of student loans will be written off eventually, will the Government follow Scotland's lead and slash student fees or, better still, abolish them completely?

What assurances can the Chief Secretary give to students trying to pay off debt with spiralling interest rates that the interest on student loans will be capped at a far lower level? For those young people who currently

have debts with no possibility of repayment, will this Government do the right thing and write off the portion of debt that will never be repaid, and write it off now?

Elizabeth Truss: The reality is that fewer students from disadvantaged backgrounds as a proportion are going to university in Scotland. The SNP Government have not only failed with the higher education system; they are also getting worse results for literacy and numeracy in primary schools. I suggest that the hon. Lady goes back to her colleagues in Scotland and starts looking at some of the reforms that have taken place across the rest of the UK, to see what could be learned.

Sir Patrick McLoughlin (Derbyshire Dales) (Con): Instead of listening to the braying of Labour Members, will my right hon. Friend remind them who first put this money off the books and into this category of spending? This is no different from what happened with Network Rail, when money was spirited into a different account so that it did not appear in the public finances. Will she take this opportunity to say that it is high time we renamed this money and turned to a graduate tax?

Elizabeth Truss: My right hon. Friend is correct; that was done under a previous Labour Government. In fact, that Government also introduced tuition fees, which I supported at the time and continue to support. I probably have more in common with some of the last Labour Government than many Members on the Labour Front Bench today. In those days, the Treasury marked its own homework. We have moved on. We now have the independent OBR, which makes decisions about forecasts, and that is the right approach. We are listening to this accounting advice and will take it on board. It will not affect decisions about how we conduct the Augar review or about student finance.

Mr David Lammy (Tottenham) (Lab): I am grateful to the Chief Secretary for indicating that this will have no impact on students, but she has conceded that it will have a fiscal impact. Our young people at the moment are worried about the cost of living, the broader economy and the prospect of getting jobs. They would like to see maintenance grants. Can she put in the Library, when she is aware of it, what the fiscal impact will be on young people and their parents?

Elizabeth Truss: The fiscal impact of the accounting decision—that is what this is; it does not alter the amount of cash going out the door—will come to light at future Budgets, and all these decisions will be taken in the round. As I have said, the Augar review is being conducted independently of that. It is about what is right for students. Of course we look at issues such as cost of living. Other aspects affect cost of living, including housing, and we are building more new homes to make housing more affordable across the board.

Robert Halfon (Harlow) (Con): It is fair that students contribute to their higher education—it is fair to the taxpayer and fair to the student—but what is unfair are the high interest rates. Will the Secretary of State for Education and the Chief Secretary to the Treasury look at the huge interest rates on student loans and see whether something can be done?

Elizabeth Truss: That issue is being considered by the Augar review, which is properly being led by the Secretary of State for Education, who is sitting beside me. From a Treasury perspective, my role is to ensure that we get good value for money from our public finances and that we are fair and transparent in the way we present things. That is what the OBR and the ONS look at.

Mr Speaker: Ah, the key there was a reference to the ONS. It would be helpful if colleagues would frame their questions with reference to the Office for National Statistics, because that is the gravamen of the matter.

Dr Roberta Blackman-Woods (City of Durham) (Lab): The fact that the ONS has said that student loans will push up the UK's deficit undoubtedly provides an incentive to reduce fees, but that could create a huge problem for university funding. I hope the Government will take stock and introduce a new system of student finance that does not rely on loans, massive student debt or punitive interest rates, but gives our universities the stable funding they need to thrive.

Elizabeth Truss: The hon. Lady is right that we have well-funded, world-leading universities, and we need to make sure that continues.

Several hon. Members *rose*—

Mr Speaker: Order. Perhaps the right hon. Member for New Forest West (Sir Desmond Swayne) can offer us a reprise of his masterclass on brevity.

Sir Desmond Swayne (New Forest West) (Con): Given the provenance of this accounting rule, why did the ONS not get on to it earlier?

Elizabeth Truss: That is a matter for the ONS.

Catherine West (Hornsey and Wood Green) (Lab): In the short term, will the Treasury review the inflation-busting 6.3% rate, and in the longer term will the Government admit that feeble wage growth is at the bottom of this problem?

Elizabeth Truss: That is a slightly strange question from the hon. Lady, given we have just seen the highest real wage growth for 10 years coming through our economy.¹

Sir Oliver Heald (North East Hertfordshire) (Con): Does my right hon. Friend agree with me that part of the ONS thinking is based on the fact that the amount someone has to earn before they start to repay has been increased very substantially under this Government, saving hundreds of thousands of students £300 or £400 a year? The effect of that, however, is that less of the money is repaid quickly or, indeed, at all.

Elizabeth Truss: My right hon. and learned Friend is right to point out that people do not pay back on their student loan until they are earning £25,000.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): When I went to university 10 years ago, I was the first member of my family to do so, but because I was from a low-income background, I benefited from bursaries,

1. [Official Report, 20 December 2018, Vol. 651, c. 6MC.]

[Mr Paul Sweeney]

which supported me through education. Unfortunately, Governments in both Edinburgh and London have cut back bursaries over the past decade, meaning that student loan debt in Scotland is £5 billion this year—up from £1.8 billion 10 years ago, which is a 169% increase—and that the individual debt of a student in Scotland has gone from £5,900 a year to £13,000 a year on average. Do the Government not recognise that such an increase is unsustainable and, reflecting the ONS results, that we have to restore a grant system?

Elizabeth Truss: I suggest that the hon. Gentleman look at the results. The fact is that, since 2009, there has been a 68% increase in the number of low-income students going to university.

Mr Speaker: What the hon. Member for Glasgow North East (Mr Sweeney) conveyed to the House was quite extraordinarily interesting, but most of it did suffer from the notable disadvantage that it did not constitute a question. We got to a question mark very belatedly.

Derek Thomas (St Ives) (Con): The ONS decision actually reminds us that the education of a large number of university students is funded by the taxpayer. That is welcome for those who come from deprived areas and may not earn the £25,000-plus that we would like. Will the Chief Secretary look at fairness across the system, so that people who do not go to university but want to study and train locally can get the skills and opportunities they need?

Elizabeth Truss: Yes, we are looking at that. We are looking across the board at the value for money of Government investment, which is significant in the education system, but also at the impact on individual students.

Tom Brake (Carshalton and Wallington) (LD): The Chief Secretary to the Treasury has confirmed that this makes no change to the national debt, so can she confirm that the ONS decision will not lead to a new round of spending cuts?

Elizabeth Truss: I have been extremely clear that this is fundamentally an accounting decision. It is not about the reality of the fact that Government debt is being brought back over time, one of our key fiscal targets. The amount the ONS is estimating is, in fact, under our other fiscal target for the deficit. We will do the right thing by students in the Augar review.

Kevin Foster (Torbay) (Con): Will the Chief Secretary confirm that the ONS decision is based on the fact that these are not loans in the normal sense—an amount people must pay back—but a contribution towards the cost of their education, with the maximum they are required to pay back being based on their income?

Elizabeth Truss: My hon. Friend is correct. It is a generous system that does support students, particularly those on a low income, but we have instituted the Augar review to look at how the system could be made even better.

Jo Stevens (Cardiff Central) (Lab): In the light of the ONS decision, can the Chief Secretary tell the House who benefits from the current debt-driven student finance system, because it clearly is not students, taxpayers or the Government?

Elizabeth Truss: There is extremely strong evidence that going to university increases people's earning power, and there is some very helpful new data—the longitudinal education outcomes data—that shows people how much they can expect to earn by studying particular courses.

Mr Philip Hollobone (Kettering) (Con): What proportion of students are not liable for student loan repayments because they do not meet the income threshold?

Elizabeth Truss: I think that is probably something my hon. Friend should take up with the Department for Education.

Ben Lake (Ceredigion) (PC): The ONS accounting changes will apply to loans issued by the devolved Governments as well as by the UK Government, so will the Chief Secretary clarify whether these changes will in any way constrain the Welsh Government in the implementation of their higher education policy?

Elizabeth Truss: The Welsh Government have the autonomy to pursue their own higher education policy.

Angela Smith (Penistone and Stocksbridge) (Lab): The ONS decision will of course play into the Augar review and the future funding of students in higher education, but I do get sick and tired, every time we discuss this, of hearing the words “young people”. Students are not just young people who are studying full-time and aged 18 to 21. Part-time students have always paid their way and they have very little access to support, while the Open University is suffering really badly because of the current system. May we please have a commitment to ensure that the Augar review and the future funding of students takes care of part-time students and puts them on a level playing field?

Elizabeth Truss: That is certainly one of the aspects the review is looking at.

Kirsty Blackman (Aberdeen North) (SNP): When will we have the full details of how this fits in with the Government's fiscal plans—in the spring statement, the spending review or the autumn Budget next year?

Elizabeth Truss: In the spring statement, we would expect to see the revised forecasts. Of course, Government spending plans, which incorporate a huge number of areas and a huge number of Departments, will be announced at the spending review in the Budget.

Bill Esterson (Sefton Central) (Lab): The ONS has confirmed that this is an accounting trick, which this Government have been happy to use to cover up the true extent of the deficit and the mismanagement of the public finances. If this was in the private sector, the finance director would now be being hauled over the coals. When is the Government's finance director going to admit that they were wrong, and apologise to both students and the public?

Elizabeth Truss: As I have said, the Government no longer mark their own homework on these issues. It is down to the independent OBR to produce that forecast.

Daniel Zeichner (Cambridge) (Lab): The terms of reference for the Augar review say that

“its recommendations must be consistent with the Government’s fiscal policies to reduce the deficit and have debt falling as a percentage of GDP.”

Is it not absolutely clear that this ONS reclassification reduces the resources available to further and higher education?

Elizabeth Truss: I have been very clear that this decision, which is fundamentally an accounting decision, will not affect the outcome of the review.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): This may be an accounting decision, but it clearly does increase the deficit for the Government. With students paying 6.3% interest, 70% of students never paying the full loan back and almost 50% of the loans never paid back at all, who is the current student finance system working for?

Elizabeth Truss: Students.

Helen Goodman (Bishop Auckland) (Lab): The ONS decision gives the Chief Secretary an opportunity to tell the House and students who may be watching how she can justify the current Government’s policy of charging a lower interest rate for people promoting tax avoidance schemes when they pay their tax late to the Inland Revenue than the whopping 6.3% charged to students.

Elizabeth Truss: I cannot pre-empt the Augar review, which is currently taking place, of student finance—it will look at some of the issues the hon. Lady has raised—nor can I pre-empt a future fiscal event. This question is somewhat premature, because the ONS has not yet produced its detailed figures on the issue.

Matt Western (Warwick and Leamington) (Lab): It would seem from the ONS decision that the same sort of mathematical genius has been applied that was applied

with Tesconomics a few years ago. Given that 45% of the debt will not be repaid and that a large proportion of the debt is interest, does the Chief Secretary think it is astute and prudent to apply such an extortionate rate of interest—6.3%?

Elizabeth Truss: All aspects of student finance are under consideration in the Augar review, but that is a very different issue from how the ONS classifies various accounting decisions within Government. As I have said, the DFE is leading on the Augar review, and it is addressing those issues.

Diana Johnson (Kingston upon Hull North) (Lab): Can the Chief Secretary now answer the question that has been put by my hon. Friend the Member for Ilford North (Wes Streeting), and by my hon. Friend the Member for Bootle (Peter Dowd) on the Front Bench? Can she guarantee that the change in the accounting treatment and the effect on the public finances will not result in a cap on student numbers?

Elizabeth Truss: We do not want to cap student numbers. We have been clear about that as part of the Augar review.

Paul Blomfield (Sheffield Central) (Lab): The ONS decision has exposed what many of us have argued since 2010: the Government’s funding system is based on an accounting trick that imposes debt on students and the public purse. The truth is that there is no cost-free way of funding higher education, but the danger is that the Government will respond to the ONS decision by reducing their own liability at the expense of students and universities. Does the Chief Secretary agree that Philip Augar should not be deflected and that we need a comprehensive review of the student funding system that takes account of students from low-income households, part-time and mature students, nurses and midwifery students, and further education?

Elizabeth Truss: That is exactly what the Augar review is doing.

Modernising Defence Programme

1.11 pm

The Secretary of State for Defence (Gavin Williamson):

In July, I made a statement setting out headline conclusions from six months of work on the modernising defence programme. Since then, work has continued apace. First, I would like to welcome the extra £1.8 billion of funding for defence, including the additional £1 billion that was in last month's Budget. Today, I want to provide a further update on the MDP and set out the work that will be ongoing. I have placed a report on the MDP in the Library of the House.

First, I should put the MDP in context. The 2015 strategic defence and security review was the right plan for defence at the time. The Government put the defence budget on a firmer footing, increasing throughout the life of this Parliament. Defence is much stronger as a result. NATO is growing in strength, and the UK is a leader. More allies are meeting the 2% spending guideline, or have developed plans to do so. We are the second largest defence spender in NATO, one of only a small number of allies to spend 2% of our GDP on defence and to invest 20% of that in upgrading equipment.

We can be proud of what we have achieved since 2015, but we also have to be vigilant. National security challenges have become more complex, intertwined and dangerous since 2015, and those threats are moving much faster than was anticipated. Persistent, aggressive state competition now characterises the international security context. In response to the growing threats, the MDP was launched in January.

In the last year, our armed forces have demonstrated their growing capability, engaged globally, and supported the prosperity of the UK. The Royal Navy has increased its mass and points of presence around the world. We have taken steps to forward-base the Army, enhancing our global posture. The Royal Air Force has continued to innovate, and it celebrated a proud past in RAF 100, marking 100 years since its creation.

Progress has also been made in cyber and space, as the changing character of warfare makes both domains increasingly important. We have reinforced the UK's position as a leading voice in NATO and on European security. Our armed forces have also led the way for global Britain, tackling our adversaries abroad to protect our security at home, and nurturing enduring relationships with our allies and partners.

Through the work over the past year, the MDP has identified three broad priorities, supported by the additional £1.8 billion invested in defence. First, we will mobilise, making more of what we already have to make our current force more lethal and better able to protect our security. The UK already has a world-leading array of capabilities. We will make the most effective use of them. We will improve the readiness and availability of a range of key defence platforms: major warships, attack submarines, helicopters and a range of intelligence, surveillance, target, acquisition and reconnaissance, or ISTAR, platforms.

We are adjusting our overseas training and deployments to increase our global points of presence, better to support allies and influence adversaries. To improve the combat effectiveness of our force, we will reprioritise

the current defence programme to increase weapon stockpiles. We are also accelerating work to assure the resilience of our defence systems and capabilities.

We can mobilise a full spectrum of military, economic and soft power capabilities. Where necessary and appropriate, we will make sure we are able to act independently. We will also enhance efforts with our allies and partners, aligning our plans more closely with them, acting as part of combined formations, developing combined capabilities, and burden sharing. We continue to invest in, and grow, our global network of defence personnel and the education and training we offer in the UK and overseas.

Secondly, we will modernise, embracing new technologies to assure our competitive edge. Our adversaries and competitors are accelerating the development of new capabilities and strategies. We must keep pace and conceive of our joint force as consisting of the five domains of air, land, sea, cyber and space, rather than the traditional three.

We must modernise, targeting priority areas. A major new step will involve the improved Joint Forces Command, which will be in a better position both to allow defence to play a major role in preventing conflict in the future and to improve our cyber operations and capabilities across the armed forces, but also across Government.

This year, Defence's innovation fund put £20 million towards projects in areas including unmanned air systems, virtual reality training, and enhanced digital communications for the future commando force. The fund will grow to £50 million in the next financial year, increasing the scope, ambition and value of the projects it can support.

We will launch new spearhead innovation programmes that will apply cutting-edge technologies to areas including sub-surface threats to our submarines; our intelligence, surveillance and reconnaissance capability; and command and control in the land environment.

To drive innovation and change through the Department, I am launching a transformation fund. Next year, I will ring-fence £160 million of the MOD's budget to create the fund, which will be available for innovative new military capabilities. I will look to make a further £340 million available as part of the spending review. This fund will be available for new innovative military capabilities that allow us to stay one step ahead of our adversaries. Together, these and other steps will enable the acceleration of our modernisation plans.

Thirdly, we will transform, radically changing the way we do business in defence. We need to improve markedly the way we run defence. To sustain strategic advantage in a fast-changing world, we must be capable of continuous and timely adaptation. We will embrace modern business practices and establish a culture that nurtures transformation and innovation. We also need to create financial headroom for modernisation. Based on our work to date, we expect to achieve over the next decade the very demanding efficiency targets that we set in 2015, including through investment in a programme of digital transformation. We will develop a comprehensive strategy to improve recruitment and retention of talent, better reflecting the expectations of the modern workforce. We will access more effectively the talents of our whole force across all three services, and regulars, reserves, civil service and industry partners.

Looking ahead, dealing effectively with persistent conflict and competition will increasingly hinge on smarter and better informed long-range strategy. To help to achieve those goals we will establish a permanent net assessment unit, as well as a defence policy board of external experts, to bring challenge to defence policy and strategy. Our achievements under the MDP have made defence stronger. The capability investments and policy approaches set out, with the extra £1.8 billion of defence funding, will help us to keep on track to deliver the right UK defence for the challenging decade ahead.

Without a shadow of a doubt, there is a lot more work to be done as we move towards next year's spending review. We must sustain this momentum if we are to realise our long-term goals of increasing the lethality, reach and mass of our armed forces. I will do everything in my power to make sure that the UK remains a tier one military power in the decade ahead, and that we continue to deliver the strong defence and security that has been the hallmark of the Government. I commend this statement to the House.

1.21 pm

Nia Griffith (Llanelli) (Lab): I thank the Secretary of State for his statement and for advance sight of it.

I know that Members will be relieved that the review has finally been published—all 28 pages of it, 10 of which are photos or graphics—some six months after it was originally promised, because we all recognise the growing and diverse threats this country faces. However, given the amount of time it has taken, given the endless reports of the Secretary of State's rows with various Cabinet colleagues, and given his commitment in the summer that this would lead to

“a major programme of top-down transformative reform”—[*Official Report*, 19 July 2018; Vol. 645, c. 28WS.],

it is staggering that the end result is so underwhelming. The review does nothing to solve the affordability crisis facing the Ministry of Defence, a crisis that the Secretary of State has completely failed to get to grips with in his year in office.

The Secretary of State promised that the review would not be fiscally neutral. The Minister for Defence Procurement promised that it would

“put UK defence on to an enduringly affordable footing”—[*Official Report*, 5 November 2018; Vol. 648, c. 44WS.],

but I ask the Secretary of State how can it, when it includes no new money? Despite the £1 billion that was announced in the Budget, the MOD's own figures show that the funding gap in the defence equipment plan alone is somewhere between £7 billion and £15 billion. That leads to a very simple choice: either the Government must come forward with enough additional funds to fill that gap, which the Secretary of State has completely failed to do, or he must be honest about the difficult choices that have to be made.

We know that 84% of the MOD's funding gap occurs in the next four years. According to the National Audit Office, that means that Ministers must make

“immediate savings decisions rather than relying on longer-term cuts or efficiencies”.

Can the Secretary of State tell us what those decisions are? Which programmes has he decided to defer, de-scope or delete? We all agree with the need to make savings wherever possible, but the MOD's over-reliance on projected

efficiencies which do not materialise has been a persistent problem. Will he accept that sorting the mess in his Department's budget cannot simply be done through efficiencies?

Turning to the announcement of a transformation fund to develop new and innovative technologies, something one would assume his Department was doing in any case, can the Secretary of State confirm that the £160 million that has been earmarked comes from existing budgets and there will be no new money? What assurances has he received from the Chancellor that the remaining £340 million that is not currently in his budget will in fact be forthcoming?

Personnel are at the very heart of our country's defences. Last week, the NAO published a damning report on the Army's recruitment contract with Capita, the latest reminder that this company is failing badly and that MOD is failing abysmally to manage that contract properly. Ministers have made endless promises to take action to deal with this problem, but nothing has been done. Does the Secretary of State accept that it is now time to scrap that contract and take the service back in-house?

The news that the UK will not now be able to participate in the secure aspects of the Galileo programme is immensely concerning, as is the Government's failure to answer straightforward questions about where the funds for the proposed UK satellite system will come from. In light of that, and with only two sitting days remaining, can the Secretary of State confirm that it is still his intention to publish a space strategy by the end of the year, or is this yet another decision that the Government will be deferring?

On the Labour Benches, we have always accepted the principle of the review. Threats have evolved since 2015 and our response must adapt as well. We recognise the importance of interoperability and burden-sharing with allies to maximise the UK's defence capability for the future, but at a time when this country faces ever-increasing threats we do not believe that the Department's affordability crisis can simply be ignored. That is just grossly irresponsible.

Gavin Williamson: In one breath the hon. Lady criticises people for fighting for defence and trying to get the very best for their Department, and then she does not even recognise the fact that the Government are investing more and more in defence. Last year, the defence budget was £36 billion. Next year, we will have a budget of £39 billion and the Government have committed to spend an extra £1.8 billion over and above on defence. Those are all incredibly positive steps. If we look at the debate we were having last year it was about capability cuts. That is what the speculation was about. We are not making those capability cuts and we are investing in defence.

The hon. Lady says we put too much emphasis on efficiencies. It is right to expect every Department to look at how it can run things more efficiently. We have achieved 70% of our efficiency target. Over the next 10 years, we hope and believe we can achieve all of our target. We remain positive that that is something we can deliver.

On Galileo, the Department for Business, Energy and Industrial Strategy will be introducing a report in the early part of next year on satellite strategy, but I do not

[Gavin Williamson]

think it makes sense to continue to hand over money to the European Union in terms of a satellite programme that we will not have access to or industrial benefit from. That money can be better spent with other allies in developing our own capabilities.

Several hon. Members *rose*—

Mr Speaker: There is much interest in this statement, but I point out to the House that there is a Standing Order No. 24 debate to follow and then the Second Reading of a Bill. There is, therefore, a premium upon brevity and I am keen to move on at, or extremely close to, two o'clock. Some people might not get in on this statement.

Dr Julian Lewis (New Forest East) (Con): Very briefly in that case, Mr Speaker, does the Secretary of State accept that as we have not seen the actual document it would be useful to have a debate at an early stage? Will he accept the thanks, I think, of the whole House for having saved the amphibious capability of the Royal Marines? Does he feel, in this era of slightly looser Cabinet joint collective responsibility or whatever they care to call it, that he might accept the fact that the Defence Committee's target ultimately of a return to 3% of GDP is what is really needed in terms of defence expenditure?

Gavin Williamson: My right hon. Friend always tries to tempt me with that question. I read his report with interest. He makes a point about an early debate. That would certainly be very welcome. I will make representations to the usual channels to see if that can be granted.

Stewart Malcolm McDonald (Glasgow South) (SNP): I thank the Secretary of State for advance sight of his statement.

When the modernising defence programme was announced over a year ago, it was supposed to be a sustainable and affordable defence settlement. It fails on both of those challenges. It is of course welcome that the Secretary of State managed to announce some pots of funding today, but the £1.8 billion he references is only for this year alone. That hardly shows the mark of a sustainable programme. It is also remarkable that he leaps between what he is going to spend and wanting more money from the Chancellor. That shows that the MDP has spectacularly missed the point of why it was initiated in the first place.

After meeting me in March this year, the Secretary of State knows that my party wanted to see a focus on the High North. He knows that we wanted a focus on Scotland's maritime territory, but both those things are missing from the statement. He has not addressed the £15 billion black hole identified in the equipment plan by the National Audit Office. Of course, he knows that we wanted to see something in the statement about the declining size of the armed forces, but sadly, that was missing as well.

For the longest defence review in the history of his Department, it looks to me as though these conclusions are extremely thin, to be charitable, so will the Secretary of State finally stop storing up problems for the future? Will he make a switch to what we have suggested—multi-year defence agreements, which in fairness, there seems

to be a vague nod to in his statement—or is he going to leave it to one of his successors to give our armed forces the certainty that all of them deserve?

Gavin Williamson: The hon. Gentleman makes an important point about trying to reach a framework that goes multi-year. That would certainly assist with making investment decisions, and that is obviously part of the ongoing discussions that we would have right across Government. It is a valid and thoughtful point, but let us not underestimate the importance of what we have been able to achieve, with the extra £1.8 billion of investment in our armed forces. This means that we are able to make investment to make sure that our nuclear deterrent has the proper security that it needs. We can make the investment in anti-submarine activity and we can continue to make the investment that we need to counter cyber-attacks, both defensively and offensively. However, we recognise that there will be continued challenges. That is why the extra money that has been secured gives us the opportunity to start making the investment that is required for us to have, and continue to have, the world's best armed forces.

Mr Mark Francois (Rayleigh and Wickford) (Con): I welcome the fact that there were no cuts in capability. The Secretary of State has held the line, and he will now go into battle against the Chancellor for more resources in the comprehensive spending review. Given the Chancellor's legendary tact—the other day, he attacked over half of Tory Back Benchers for being extremists—I tell the Secretary of State that if he now goes toe to toe with the Chancellor for more defence spending, he will have 117 allies that he did not know he had.

Gavin Williamson: That is incredibly charming of my right hon. Friend. Over the last year, we have seen a commitment right across the Government from both the Prime Minister and the Chancellor to getting increased funding for defence, and that is to be welcomed. This keeps coming back to the simple fact that last year's defence budget was £36 billion and next year's will be £39 billion with the extra money that has been secured, but it is about investing in the capabilities and making sure that our armed forces have the mass and lethality that they need to keep us safe.

Mr Kevan Jones (North Durham) (Lab): If military strength was based on management-speak and general waffle, the Secretary of State's statement would make us a world-beater, but the reality he asks us to face is that since 2015, we have a smaller Army, with recruitment targets missed, ships in dock because they cannot have crews, efficiency targets met, and a £15 billion black hole in his equipment plan. When is the real money going to come forward, rather than the general waffle that he has put forward today?

Gavin Williamson: As I have pointed out, we are seeing an increasing budget. What we are doing, as we have outlined, is investing in those capabilities to make sure that we have better availability of assets, whether that means ships, armoured vehicles, submarines or aircraft. We are also investing in stockpiles to make sure that we have the depth of stockpiles that we need in order to deal with the increasing threats around the globe.

Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): It is excellent news to hear that the transformation fund will be set up, because that will ensure that the Department can really start to prioritise how that key funding is spent effectively. Will the Secretary of State tell us how he intends to prioritise that funding, and does he have three top priorities that he can share with us?

Gavin Williamson: The first is to make sure that we develop both the technologies and capabilities where we see our adversaries moving so quickly. That may be artificial intelligence or autonomous vehicles. Secondly, it is to make sure that our forces are properly ready and able to have a much better forward presence right around the globe. We want to use our armed forces as a deterrent against our adversaries so they can see that we are willing and able to act if and when it is required. Thirdly, it is to make sure that we look after the service personnel who make up our armed forces and that we put in the right investment to make sure that they are properly supported in doing the amazing job that they do in defending our country.

Ruth Smeeth (Stoke-on-Trent North) (Lab): This has been a supposedly urgent and immediate review, which has taken over 12 months. It has dismissed the strategic defence and security review and we have been waiting for proper decisions to be made, yet we have seen none today. Will the Secretary of State confirm that what we are now waiting for is the CSR next year?

Gavin Williamson: What we would agree with is that the SDSR 2015 clearly identified the challenges that this country faces, but we also recognise that our adversaries are investing in new technology, so we have put in place the ability for us to start investing more money in those technologies. The hon. Lady rightly points out that the comprehensive spending review is going to be very important to the Department to make sure that we get the right investment going forward.

Leo Docherty (Aldershot) (Con): The innovation at the heart of the MDP is very welcome, but it is very important that innovation is not just a slogan and that it delivers increased fighting power for our armed forces. Can the Secretary of State give an example of how innovation will increase the fighting power of our armed forces?

Gavin Williamson: We have recently seen, in Exercise Saif Sareea in Oman, how we have used traditional technologies, such as tanks, in conjunction with drones to be able to enhance their ability to operate in such areas. We are also looking at investment to secure our submarines to make sure that they continue to remain undetected and are in the best position to detect others and at enhancing the capabilities of jets such as the Typhoon. These are all areas in which we are looking at making extra investment. It is also important that we make that extra investment because it increases the exportability of some of these products and capabilities that we have around the globe.

Mrs Madeleine Moon (Bridgend) (Lab): No matter what platforms we buy or capability we have, if we do not have the personnel, we have no military capability. We have a major shortfall—according to the National

Audit Office, between 21% and 45% of our armed forces is not being recruited. What will we be doing to ensure that we not only have the platforms, but the people with the skills mix and the training to ensure that we have the capability to move forward?

Gavin Williamson: The hon. Lady's point is very valid. That is why I said that one of the key priorities is looking after the service personnel who serve in our armed forces. This is not just about recruitment, but about retention and looking at how we make the offer better and attract people who have left the services back into them. However, the recruitment issue that she highlighted is one on which we have already initiated a number of pilot programmes to make sure that we get the numbers of people applying to join our armed forces and shorten the amount of time that it takes from their application to them joining the armed forces.

Jack Lopresti (Filton and Bradley Stoke) (Con): I thank my right hon. Friend on securing significant additional resources for the vital work that is done by the MOD. Does he agree that that will provide reassurance to the men and women in our armed forces that the Government are prepared to put their interests first and that the UK will continue to invest in world-leading innovation, much of which is done by companies in my constituency?

Gavin Williamson: My hon. Friend points out an important part of this—investment in new technologies—and if we look at the future combat air strategy and Tempest, we see that the ability for us to invest in new technologies so that we have a successor for the Typhoon aircraft is absolutely vital and incredibly important. If we look at some of the speculation that was going around the Chamber this time last year about us, there was speculation that we were going to be getting rid of the amphibious platforms, Albion and Bulwark, and that we were going to be reducing the number of frigates and destroyers. There was a lot of speculation, and what this quite clearly says is that that is something we are not going to be doing.

Jamie Stone (Caithness, Sutherland and Easter Ross) (LD): We all know about Russia's aggressive behaviour in the sea of Azov and the Black sea. What does the Secretary of State's statement mean for countering that aggressive behaviour and demonstrating our support for the sovereignty of Ukraine?

Gavin Williamson: We must remember that we have a friend in Ukraine, a nation whose sovereign territory has been invaded and which has seen the seizure of Crimea and, of course, incursions to the east. The Government must work continuously with Ukraine, giving it the support that it needs. In Operation Orbital, we have been stepping up our support for the Ukrainian Government, and the Vice Chief of the Defence Staff, General Sir Gordon Messenger, was in Ukraine recently discussing what further assistance we could offer. We have also recently signed a defence agreement with the Ukrainian Government, and we will see how we can provide that extra support. What is so important is a clear deterrence to prevent Russia from infringing any further sovereign territory of Ukraine.

John Redwood (Wokingham) (Con): In order to be the architect of modernisation, will my right hon. Friend be bidding for some of the £39 billion Brexit bonus bonanza if we do not pass the withdrawal agreement?

Gavin Williamson: I could possibly be tempted.

Carol Monaghan (Glasgow North West) (SNP): The Secretary of State spoke of no cuts in capability. Can he explain how a declining number of service personnel is not a cut in capability?

Gavin Williamson: As I have said, we have already taken a number of actions to drive up recruitment in our armed forces while also increasing retention. Service personnel have gone out into the streets to be part of a recruitment process that had not taken place for the last few years since the decision was taken to withdraw them. An increasing number of people are applying for all three services; what we need to do is convert that into those who are joining them.

Will Quince (Colchester) (Con): The modernising defence programme is partly about improving the resilience of our defence and our country. Has the Secretary of State received any approaches from other Departments about using our world-class armed forces personnel in the event of a no-deal Brexit?

Gavin Williamson: As yet, we have received no formal requests from any Department, but we are making contingency plans. We will ensure that 3,500 service personnel, including regulars and reserves, are held in readiness to support any Department with contingency needs.

John Woodcock (Barrow and Furness) (Ind): The Secretary of State is right to push for more creativity in thinking about the future capability of our underwater environment, but is it not time for him to confirm that that will be based on a submarine platform?

Gavin Williamson: The hon. Gentleman tempts me to do so, but it is fair to say that our investment in submarines is currently vast, involving both the Astute and Dreadnought programmes. We want to think about innovation, and how we can best tap into the skills that are held by BAE Systems and the people of Barrow to develop the platforms that will succeed Astute, and we hope to be able to update the hon. Gentleman and the House on how we expect to do that in the not too distant future.

Mr Philip Dunne (Ludlow) (Con): I welcome my right hon. Friend's statement, including his confirmation that there will be additional funds for the Ministry of Defence next year. I also welcome what he said about capabilities. Will he take this opportunity to tell us how he sees defence contributing to the prosperity of the United Kingdom with that extra money, and also to dispel some of the myths that are spreading outside this place about the future relationship between the MOD and the EU in respect of security matters?

Gavin Williamson: I thank my hon. Friend for his review on promoting prosperity through defence. Investment in capabilities, whether it involves ships, jets or land

vehicles, is a real driver in the creation of jobs and investment, and the MOD is one of the largest departmental investors in science. We want to think about how we can leverage that more and more. We have seen some fantastic orders over the last year, including a £5 billion order from Qatar and a £20 billion order from Australia for a new frigate. Another great success has been the potential for a large order from the Canadians. However, we will continue to ensure prosperity is at the very heart of everything that we do. Some of the best examples of what British products can achieve is demonstrated through what our armed forces do with them.

Martin Docherty-Hughes (West Dunbartonshire) (SNP): The report on the modernising defence programme, which I endorsed as a member of the Defence Committee, said:

"The force structure that emerges from the MDP must be supported by a robust and sustainable financial settlement".

Can the Secretary of State point sceptics like myself in the direction of the section of the report that he has placed in the Library, so that we can judge for ourselves whether his Department seems likely to deliver the "sustainable and affordable" settlement that he promised a year ago?

Gavin Williamson: We have already made it absolutely clear that the defence budget will increase, and that by 2021 it will amount to £40 billion. That is a commitment that has been made by my party, and we are delivering on it. It would be interesting to hear what defence spending commitments Opposition parties are willing to make.

Kirstene Hair (Angus) (Con): I was delighted to welcome the Secretary of State to RM Condor in Angus to see our fantastic training facility at first hand, and to see how it can be supported. I strongly believe that RM Condor should not only remain an integral part of the UK defence estate but be strengthened. I should be grateful if, ahead of the review, the Secretary of State would assure me that he too understands the importance of RM Condor in Angus.

Gavin Williamson: Having had the opportunity to visit Condor—I know that my hon. Friend has led an Adjournment debate on it—I recognise its importance to our capabilities, and also the spread of UK armed forces in every part of the United Kingdom. However, I should be happy to meet my hon. Friend to discuss the matter in further detail.

Luke Pollard (Plymouth, Sutton and Devonport) (Lab/Co-op): As Devonport's Member of Parliament, I have been fighting the Government's proposed cuts to our amphibious ships and our Royal Marines since my election. If the MDP does not guarantee the future of the Royal Marines, it will have failed. Will the Secretary of State now guarantee the future size of the Royal Marines, and will he ensure that the superbase in Plymouth to which his predecessors have committed themselves will be part of his plan for the future?

Gavin Williamson: I am glad that the hon. Gentleman welcomes the fact that we are ensuring that we maintain that important amphibious capability in HMS Albion and HMS Bulwark. We have recognised the vital role

played by the Royal Marines in everything that our armed forces do. When it comes to some of the challenges around the globe, whether they are close to home or further afield, the Royal Marines will always play an important role. We will continue to invest in the Royal Marines, and in the whole of the Royal Navy—there has been the great announcement of the basing of Type 26s at Devonport—and we will continue to consider how best to deliver the training of Royal Marines in the future.

James Heappey (Wells) (Con): The Secretary of State is absolutely right to seek to maximise our existing capability by mobilising it more often, but can he reassure us that the reduced tour intervals that will result from that increased operational tempo will not limit opportunities for meaningful peacetime training, and also that the wider package that supports the military community will be sufficiently improved to ensure that retention does not suffer as a consequence of that higher tempo?

Gavin Williamson: We will always do everything that we can to meet the guidelines that we set out in order to ensure that service personnel on active duty have the rest and recuperation that they need, because we recognise that if we do not do that, we will start to have problems with retention.

Vernon Coaker (Gedling) (Lab): Does the Secretary of State accept that there is an affordability gap in the MOD's published equipment plan? How will he close that gap, and what choices is he considering in case he receives no extra funds from the Chancellor?

Gavin Williamson: As the hon. Gentleman will know, we have had increases in our budget, along with increased commitments from the Treasury to support what we are doing. We are looking at how we can drive further efficiencies in order to ensure that we deliver the frontline capabilities. There has been much talk about the affordability gap, but it has been declining year on year, and that is something that we hope to be able to continue to achieve.

Mrs Anne Main (St Albans) (Con): Can my right hon. Friend confirm that our party is absolutely committed to maintaining our nuclear deterrent? I think that many Conservative Members fear that the Labour party would make its funding cuts by cutting it.

Gavin Williamson: What is clear is that if we want a party that will come to the defence of our armed forces, invest more money in our armed forces and ensure that we continue to keep a nuclear deterrent, it is the Conservative party that will always do that.

Diana Johnson (Kingston upon Hull North) (Lab): The Conservative party has a dogma about outsourcing everything possible to the private sector even when there are clear failures, as there are with the Capita contract around recruitment. So will the Secretary of State admit now that doing that is failing the armed forces and taxpayers?

Gavin Williamson: We will always look at new models and new ideas for how to deliver the best services for our service personnel, which they rely on so much. We

do use outsourcing, as the Labour Government previously did, and we will continue to do so, but we will continue to look at how we drive the best value and, most importantly, the best quality of service.

Douglas Ross (Moray) (Con): The Defence Secretary mentioned in his statement the proud history of the RAF in this year in particular, but he will also know it has a very bright future as well, especially in Moray at RAF Lossiemouth. Will he update the House on the progress being made ahead of the arrival of the P-8s and congratulate the local construction firm Robertson on its outstanding work?

Gavin Williamson: I congratulate Robertson on the work it is doing. We are making a £400 million investment in RAF Lossiemouth, one of the biggest investments of its kind anywhere in the UK, and I know my hon. Friend has fought hard to get that level of investment in his constituency. This is not just about creating armed forces jobs in his constituency; it also has a wide-ranging benefit to the whole economy that brings prosperity to the whole region.

Douglas Chapman (Dunfermline and West Fife) (SNP): Both the National Audit Office and the Public Accounts Committee have asked serious questions about the Department's ability to deliver savings, keep projects on track and remain within budget. As the MDP adds even more entries to the list of tasks expected of our service personnel, may I ask where the cuts will come from and when we can expect to see that list, should the Department not be able to win more money from the Chancellor?

Gavin Williamson: We have made clear that we are not looking at making capability cuts in the MDP; we have been looking at how we invest in our armed forces and new capabilities.

Robert Courts (Witney) (Con): The Secretary of State is right that retention is a challenge. Mindful of the use of reservists at Brize Norton, particularly in the AirTanker programme, will he consider expanding the use of reservists in the RAF?

Gavin Williamson: We always look at how we can expand the use of reservists. Their use is critical to what we do in so many of our defence functions, and we should not see them as separate from what our armed forces do; they are absolutely critical and will always be so.

Darren Jones (Bristol North West) (Lab): I declare my interests.

Will the Secretary of State set out what his Department is doing, ideally on a multilateral basis, to ensure the ethical use of autonomous and artificial intelligence systems announced in his statement today?

Gavin Williamson: We will be working closely with all our allies to make sure we have the highest standards in the use of autonomous and AI technology going forward, and we will be looking at entering into legal commitments on that.

Mr Philip Hollobone (Kettering) (Con): One of the strengths of NATO is the shared use of common 5.56 mm calibre ammunition, which is crucial for the interoperability

[Mr Philip Hollobone]

of infantry weapons systems. What are the implications for the British MDP if the Americans go ahead with their plans to switch to 6.8 mm for their assault weaponry?

Gavin Williamson: We would not expect to see that right across all US armed forces, but the US has consistently been our closest ally and we would work very closely with it by having discussions as to how to continue to share the interoperability that we have always benefited from for the last 70 years.

Several hon. Members *rose*—

Mr Speaker: Order. We now need extremely short, single-sentence questions and replies.

Jonathan Edwards (Carmarthen East and Dinefwr) (PC): With the splendid isolationism of Brexit and an obsession with nuclear weapons, is there not a danger that the British state will become the European version of North Korea?

Gavin Williamson: No chance at all.

Andrew Bowie (West Aberdeenshire and Kincardine) (Con): There are serious concerns regarding manpower, particularly in the Royal Navy; how will the MDP address them?

Gavin Williamson: We are going back and looking at how we do recruitment better—how we go out and get more people applying for our armed forces, and how we make sure their applications are dealt with swiftly—and we have been seeing an increase. We have also been looking at how to inspire a new generation of young people to join our armed forces. We employ more apprentices than any other Government Department; there are over 20,000 people on apprenticeships with the MOD, and we hope to have more.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): The Secretary of State says that we need to save money. Here is one suggestion: shipbuilding orders of £7.5 billion will potentially be going out of this country between now and 2030. If those ships were built in the UK, that would save the Treasury 20%. Will the Secretary of State go to the Treasury and make the demand to build those ships in the UK?

Gavin Williamson: We are encouraging all British shipyards to bid for all ships that we will be procuring.

Alan Mak (Havant) (Con): Will my right hon. Friend commit to supporting the small and medium-sized enterprises that lead much of the innovation in the defence tech sector?

Gavin Williamson: It is important to recognise that some of the technology that will lead innovation in defence comes not from the large primes but from SMEs, and the question of how we can best tap into that is absolutely critical.

Joanna Cherry (Edinburgh South West) (SNP): I have repeatedly raised with the Government the closure of important military bases such as Redford barracks in my constituency and not got a satisfactory reply. Will the Secretary of State now pledge to look again at the better defence estate plan?

Gavin Williamson: The MOD is a major employer in Scotland, employing over 14,000 people, and more than 11,000 jobs depend on orders from the MOD. We will continue to invest in Scotland in the future.

Stephen McPartland (Stevenage) (Con): Thousands of jobs in Stevenage rely on defence spending. Is the Secretary of State confident that this programme will ensure those jobs are secured into the future?

Gavin Williamson: The investment in stockpiles in particular will have a very positive effect for businesses producing ordinance for the armed forces, such as MBDA.

Jim Shannon (Strangford) (DUP) *rose*—

Rebecca Pow (Taunton Deane) (Con) *rose*—

Mr Speaker: A single sentence, Mr Shannon.

Jim Shannon: Does the Secretary of State not believe that there will be cuts to civilian staff of 30% from extensive outsourcing, and that that would leave a massive gap in support staff and have an adverse effect on the MOD and the defence budget?

Mr Speaker: Very well done.

Gavin Williamson: I do not believe it will have any adverse effect at all.

Rebecca Pow *rose*—

Mr Speaker: The same challenge.

Rebecca Pow: Can the Secretary of State confirm that no cuts will be made to the Marines, and may I reiterate my invitation to him to visit 40 Commando in Taunton to see how effective it is and how much money it has invested recently, and how consolidating its position in Taunton would help the defence capability of the nation?

Mr Speaker: The hon. Lady can now breathe.

Gavin Williamson: I am very much looking forward to visiting 40 Commando, and we have no intention of cutting the Royal Marines.

Points of Order

1.57 pm

Valerie Vaz (Walsall South) (Lab): On a point of order, Mr Speaker. Following the Leader of Her Majesty's Opposition's point of order yesterday announcing the motion of no confidence, which is in the remaining orders and notices, you will recall that the motion states:

"That this House has no confidence in the Prime Minister due to her failure to allow the House of Commons to have a meaningful vote straight away".

Her Majesty's Opposition have not heard whether the Government will be making a statement or tabling a business of the House motion to deal with that motion. The Prime Minister refused to ensure that a meaningful vote took place on the date that she agreed, she refuses to allow a vote to take place this week, and she is delaying a vote until 14 January 2019. This is an affront to this House and to the British people.

The motion is clear that this is the Prime Minister's failure. The Government have not had the courtesy to come to the House to inform right hon. and hon. Members whether there will be a debate on the motion. It appears that the Government have made an announcement to everyone except this House.

May I have your guidance, Mr Speaker, on whether you have heard from the Government about whether they have agreed to find time for the no-confidence motion, and whether you heard before everyone else that the Government are not allowing a debate on the motion?

Mr Speaker: I thank the hon. Lady for her courtesy in giving me advance notice of her intended point of order. The short answer to her question is that I have had no such indication from the Government that they have any intention of acceding to the request for a debate on the motion, although I have no doubt that her plea has been heard on the Treasury Bench. For the avoidance of doubt and in the name of better public understanding of our procedures, I should make it clear that there is a strong convention that the Government provide time at an early opportunity for a no-confidence motion in Her Majesty's Government if tabled by the official Opposition. However—and this is important—no such convention applies in relation to this particular motion, which is not a conventional no-confidence motion. So that is where things stand at present and I do not think I can add anything further, but the hon. Lady has put her point on the record.

Sir Edward Leigh (Gainsborough) (Con): Further to that point of order, Mr Speaker. Is it not true that the Fixed-term Parliaments Act 2011 makes it absolutely clear that, if Her Majesty's Opposition were to table a motion of no confidence in the Government, an immediate debate would have to be held? Indeed, if the Opposition had tabled such a motion last night, we would now be discussing a motion of no confidence in the Government. The problem for the leader of the Labour party is that he does not want an immediate motion of no confidence because if, as is likely, it were to be lost, he would be forced by his party to go for a referendum. The Opposition are playing games.

Mr Speaker: I will not get into secondary matters that the hon. Gentleman has raised, but I can confirm that his exegesis of the Fixed-term Parliaments Act is broadly correct. I am not surprised by that; I would expect nothing less from him, as he is an experienced parliamentarian. He is right on that front.

Mr Chris Leslie (Nottingham East) (Lab/Co-op): Further to that point of order, Mr Speaker. In the light of your rulings just now, could you clarify whether it is possible for any hon. Member to table a motion of no confidence in Her Majesty's Government? You will know that many of us are unhappy with the way in which Her Majesty's Government have been conducting themselves, and that we are frustrated that a motion stating "This House has no confidence in Her Majesty's Government" has not been tabled.

Mr Speaker: It is open to other Members to table such a motion, but there is a difference between tabling a motion and having the assurance of time for a debate on it.

Mike Amesbury (Weaver Vale) (Lab): Further to that point of order, Mr Speaker. I seek your guidance. Is there a precedent for motions of no confidence in the Prime Minister? What has been the response to such motions in the past? I seek your guidance on taking this forward.

Mr Speaker: Forgive me—I am sure that the hon. Gentleman is seeking counsel, but I feel that I have already set out the position clearly. That is to say that there is a well-established procedure that has, in a sense, been underpinned and reinforced by the Fixed-term Parliaments Act. That procedure allows for an official Opposition motion of no confidence in the Government to be allocated time for debate and a vote. The particular motion that has recently been tabled expresses no confidence on the part of the House in the Prime Minister, but it does not express no confidence in Her Majesty's Government, and it is therefore not automatically eligible for debate in the same way that a conventional no-confidence motion would be. Moreover, as I have explained to the hon. Member for Nottingham East (Mr Leslie), it is perfectly open to other Members to seek to table no confidence in the Government motions, but they do not have the same status as a motion from Her Majesty's official Opposition. I hope that that is clear to colleagues.

James Heappey (Wells) (Con) *rose*—

Anna Soubry (Broxtowe) (Con) *rose*—

Mr Speaker: Well, if the right hon. Member for Broxtowe (Anna Soubry) really must. I will come to the hon. Member for Wells (James Heappey). We are keeping him waiting, but I am sure he will be worth waiting for.

Anna Soubry: Further to that point of order, Mr Speaker. May I put on record how much I agree with my hon. Friend the Member for Gainsborough (Sir Edward Leigh) on his point of order? This might be a first, but it is an important one. Have you had any communication with Her Majesty's Opposition to assist them with the correct procedure? Is it not the case that you and your

[Anna Soubry]

excellent Clerks are always available to Her Majesty's Opposition, should they seek any information or advice on how to conduct themselves as a proper, functioning Opposition?

Mr Speaker: The Chair is always available to offer advice if it is sought. I sometimes proffer advice when it is not sought, but I do not unfailingly do so.

James Heapey *rose—*

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP) *rose—*

Mr Speaker: I think we should keep the hon. Member for Na h-Eileanan an Iar (Angus Brendan MacNeil) waiting, because the hon. Member for Wells was first.

James Heapey: Mr Speaker, my right hon. Friend the Member for Broxtowe got my question in before me.

Mr Speaker: Such self-denial and courtesy—quite legendary!

Angus Brendan MacNeil: Further to the point of order from the hon. Member for Nottingham East (Mr Leslie), Mr Speaker. Is it possible for a Back-Bench MP to table a motion of no confidence in Her Majesty's Opposition, given the mess they have made of tabling a motion of no confidence? They have confused even their own Back Benchers over the difference between a motion of no confidence in the Prime Minister and a motion of no confidence in the Government. They have made an utter shambles of the entire process. So can we have two motions of no confidence: one in the Government and one in that lot over there?

Mr Speaker: The short answer to the hon. Gentleman is that I am not aware of any precedent for what he cheekily suggests. However, I would say to him that it is perfectly open to Members to table early-day motions. He is nothing if not an adroit and assiduous Member of the House and, if my memory serves me correctly, he is not entirely unfamiliar with that device.

Mr Paul Sweeney (Glasgow North East) (Lab/Co-op): Further to the points of order raised by my hon. Friends, Mr Speaker. We on this side of the House are seeking to table a motion of no confidence in the Prime Minister with the objective of bringing forward the meaningful vote on the withdrawal agreement and of holding the Prime Minister to account for her failure. That was the objective of that measure. Failing having an opportunity to do that, what other measures are available to the House, which has held the Government in contempt, to bring forward that meaningful vote expeditiously?

Mr Speaker: The short answer is that the art of persuasion is, I think, the only approach that could possibly succeed in bringing forward that vote. I have explained what the powers of the Chair are, and what they are not. I quite understand that many Members

would like to get on with the conclusion of that debate—or with the beginning, continuation and conclusion of it if it is an entirely new debate—followed by the vote, but it is not for the Chair to bring that about. The hon. Gentleman asks how he could bring it about, and I think the answer is through the art of persuasion and the use of the charm and guile for which he is well renowned, at least in his own constituency and perhaps beyond.

Mr Gregory Campbell (East Londonderry) (DUP): On a point of order, Mr Speaker. Has the Northern Ireland Secretary indicated to you that she intends to come to the Dispatch Box as a matter of urgency to respond to reports over the past 48 hours that the Irish Government have concluded a specific mapping exercise along the entire length of the 300-mile land border between Northern Ireland and the Republic, and that they have concluded that there are considerably in excess of the 200 crossing points that they had previously established to be in place? They have now indicated that the number is approximately the same as the number that I and others have suggested, thereby negating any requirement whatsoever for a backstop, given that a hard border would be a total and utter impossibility.

Mr Speaker: The short answer is that I have received no such indication from the Secretary of State for Northern Ireland. She is among the most courteous Members of the House, and I feel sure that if she were planning to make a statement I would have got wind of it. The hon. Gentleman beetled up to the Chair to raise this matter with me earlier, and I indicated that it was perfectly legitimate for him to raise it by way of a point of order. In the absence of any commitment to a statement, if he feels that this is a pressing matter that warrants the urgent attention of the House tomorrow, for example, he knows what resources and devices are available to him.

BILL PRESENTED

EUROPEAN UNION (REVOCATION OF NOTIFICATION OF WITHDRAWAL) BILL

Presentation and First Reading (Standing Order No. 57)

Geraint Davies, supported by Dr Sarah Wollaston, Mr David Lammy, Peter Grant, Tom Brake and Liz Saville Roberts, presented a Bill to require the Prime Minister to revoke the notification, under Article 50(2) of the Treaty on European Union, of the United Kingdom's intention to withdraw from the European Union unless two conditions are met; to establish as the first condition for non-revocation that a withdrawal agreement has been approved by Parliament by 21 January 2019 or during an extension period agreed by that date under Article 50(3) of the Treaty on European Union; to establish as the second condition for non-revocation that a majority of participating voters have voted in favour of that agreement in a referendum in which the United Kingdom remaining as a member of the European Union was the other option; and for connected purposes.

Bill read the First time; to be read a Second time on Friday 25 January 2019, and to be printed (Bill 306).

EU Withdrawal Agreement

Emergency debate (Standing Order No. 24)

2.9 pm

Ian Blackford (Ross, Skye and Lochaber) (SNP): I beg to move,

That this House has considered the outcome of the Prime Minister's recent discussions with the European Commission and European Heads of Government regarding the Withdrawal Agreement, and potential ways forward.

Sir Nicholas Soames (Mid Sussex) (Con): Go back to Skye.

Ian Blackford: Well, there we are. I do not know whether that was picked up by the microphone, but "Go back to Skye," has just been chuntered from a sedentary position. There is the message to the people of Scotland from the Conservative Benches, and the people of Scotland will reflect on the ignorance and arrogance shown by so-called hon. Members. Thank you, Mr Speaker, for granting this debate on this specific and important matter. Not I nor anybody else will be going back to the Isle of Skye, because we will be in this place standing up for our constituents.

I recognise that the Prime Minister made a statement to the House yesterday, but this matter requires further discussion and examination. It is disappointing in the least that the Prime Minister is not here to listen and to respond to this debate. This debate has been won by the leader of the third party in the House of Commons. Where is the respect from the Prime Minister? Why is the Prime Minister not in her place to defend the inaction of her Government? It is an outrage that the Prime Minister does not have the gall to come to this House to debate such important matters. It is an insult to the people of Scotland and to the people of this House.

Stewart Malcolm McDonald (Glasgow South) (SNP): Will the public not find it strange that the Secretary of State for Exiting the European Union has been asked to come here to talk about a Council meeting that he did not even attend?

Ian Blackford: My hon. Friend is correct. We have to understand the seriousness of the situation. The entire United Kingdom runs the risk of crashing out of the European Union on the basis that the Prime Minister and the Government are trying to deny this House the opportunity to have a vote. Given that we have secured this timely debate, it is vital that the Prime Minister recognises the importance of being here and ensuring that she can respond.

We are in uncharted territory. The Government were found in contempt of Parliament, and the Prime Minister faces weekly resignations, barely surviving a vote of confidence from her own party. She is still in office but not in control. Perhaps more troubling, we are three months away from leaving the European Union and we are sleepwalking towards disaster. There is no majority for the Prime Minister's deal. We know that today the Cabinet was discussing a no-deal scenario—which very few would support—yet with the Prime Minister deferring a meaningful vote to the middle of January and the process of determining our future having to be agreed

by 21 January, we run the risk of crashing out of the EU almost by accident. Having a meaningful vote on 14 January, with only a week thereafter for this House to agree an alternative, is playing with fire.

Colin Clark (Gordon) (Con): The right hon. Gentleman is making a powerful speech, which started off with great heat. If he wants to protect Scotland and protect constituencies that are concerned with business, such as mine, he should vote for this deal. Is he not trying to drive us over the edge? Is it not the Scottish Government who want to see us driven over the edge with no deal?

Ian Blackford: The hon. Gentleman should reflect on the fact that the Scottish National party, the Labour party, the Liberal Democrats and the Greens in the Scottish Parliament voted to ensure that Scotland's voice is heard. The determination of the people of Scotland was clear that we want to be in the European Union, but we have deaf ears from the hon. Gentleman, who fails and refuses to stand up for the people of Scotland. That is the reality.

Several hon. Members *rose*—

Ian Blackford: I am going to make some progress.

Our constituents will not thank us for putting the UK in such a situation that we have one week from voting down the Prime Minister's deal to save the UK from a no-deal scenario. That is why we need this debate today. More importantly, however, we need a meaningful vote this week, not in the middle of January. The Prime Minister is playing a dangerous game of trying to lock us out of any alternative and make it a binary choice between her deal or no deal. It is the height of irresponsibility, treating this place and the electorate with contempt.

We must be honest with ourselves and, more importantly, with the public. There is no such thing as a good Brexit. The Government's analysis shows that we will be better off staying in the European Union compared with any of the Brexit options. Put simply, we are risking growth, job opportunities and prosperity, but why? We are told by the Prime Minister that it is because we must respect the referendum result. Well, when the facts change, our opinions can also change. We must be straight with those who voted leave or remain that we now know that there is a price to be paid for Brexit, such as job losses. Putting people on the dole is not a price worth paying. No Government worthy of that name are fit for purpose if they countenance such a scenario. It is an abrogation of responsibility.

We know that billions are being spent on no-deal planning. That money could have been spent on the NHS, on education, on transport and so on, but it is having to be spent on no-deal planning. What a waste it is that the Government think that that is appropriate. Money that should be spent on the frontline is being spent elsewhere because of the dogma of right-wing Brexit.

Angus Brendan MacNeil (Na h-Eileanan an Iar) (SNP): Is it not a very real possibility that the Prime Minister is pulling the wool over her Back Benchers' eyes? They know that she is running down the clock, and they think that she may be going to no deal, but a catalogue

[Angus Brendan MacNeil]

of people in her party and her Government have described no deal as a catastrophe. What is going to happen is that she will look down the barrel of no deal and then end up revoking article 50, and there will be hell on the Tory Benches when she does.

Ian Blackford: We are trying to ensure that we have a meaningful vote this week to ensure that this House votes down both the Prime Minister's plan and no deal. We can then move on to the alternatives and the solutions. The fact that the Prime Minister is risking catastrophe is unacceptable.

Several hon. Members *rose*—

Ian Blackford: I will make a bit of progress and then take interventions later.

Many of us have been given briefings on Privy Council terms on the immediate impact of no deal. I am not allowed to share the details with the House, although I will say that the information that was shared with me should now be made public. It is sobering. The first job of any Government is to protect the interests of their people. This Government are wilfully exposing their citizens to risk, whether on job security, the procurement of medicines or food supply, or on aircraft being able to take off. It saddens me that I point the finger of blame fairly and squarely at this Government and at the Prime Minister.

We must wake up to the impact of Brexit and to the options that are in front of us. Some MPs, working on a cross-party basis, want to break the logjam. The SNP has been working with the Liberals Democrats, Plaid Cymru and the Greens, and I commend them for their desire to work on a cross-party basis. Members from the Labour party and, indeed, the Conservative party have also spoken out to support a people's vote. I know that there are many others in the Labour party and the Conservatives who want a people's vote. I understand party loyalty, but the issue today is one of loyalty to the electorate and to the individual nations that make up the United Kingdom. Now is the time to stand up and be counted. This is a constitutional crisis, and each and every one of us has an individual responsibility. Parliament will not be forgiven by many of our young people if we allow the greatest example of economic self-harm in modern times to take place.

Turning to the Leader of the Opposition, I do this from a position of sorrow, because I believe him to be a man of great principle, but I must say to him that he has become the midwife for Brexit. The Leader of the Opposition is letting the Government off the hook. He has it within his gift to bring forward a no confidence motion that will test the will of the House but, crucially, it will also allow his party to move on to the issue of a people's vote. Yesterday's stunt was an embarrassment. The Scottish National party and others sought to amend his motion, and today I ask him to do what he failed spectacularly to do yesterday and table a motion of no confidence in the Government. Let us move on and have that debate tomorrow.

Paula Sherriff (Dewsbury) (Lab): The Labour party has made it clear that we will table a motion of no confidence in the Government when we think we have

the best opportunity of winning that vote. However, does the right hon. Gentleman agree it is a crying shame that the Prime Minister has chosen always to operate these negotiations in the best interest of the Conservative party? If she had considered the national interest, perhaps we would not be in the current mess.

Ian Blackford: I agree with the hon. Lady on that last point. She knows I have respect for her but, on the basis of the risks we all face, we have a responsibility to come together. I have spoken about the support we have had in working together with the Liberal Democrats, the Greens and Plaid Cymru, and I plead with the Labour party to work with us, too. We have to unite, because it is in the interest of all our nations to do so.

We need to bring forward a motion of no confidence in the Government because of the conditions the Labour party has laid down; we need to see whether we could trigger a general election. We need to test the will of the House on that issue and, on that basis, we would then be in a position to move forward. I simply say to the Leader of the Opposition that, based on the very real risk that there will be no deal as a consequence of the stupidity of what has come from the Government, we now have that responsibility, and today is the day—not tomorrow, and not when we came back in January—when the Opposition must unite in tabling a motion of no confidence in the Government.

Geraint Davies (Swansea West) (Lab/Co-op): Will the right hon. Gentleman give way?

Ian Blackford: I will give way one more time.

Geraint Davies: In that spirit of solidarity, will the right hon. Gentleman join the hon. Member for Glenrothes (Peter Grant) in supporting my European Union (Revocation of Notification of Withdrawal) Bill? The Bill would basically rule out any possibility of a no-deal Brexit and would require any deal to be agreed by this House and by a vote of the people, or else we stay in the EU by revoking article 50.

Ian Blackford: The hon. Gentleman is to be commended for his actions and, of course, we made it very clear that we supported the amendment of the right hon. Member for Leeds Central (Hilary Benn), which would have ruled out no deal. We are engaged in a process that we all want to go through, and it is important that the legal action taken by a number of Scottish parliamentarians, on a cross-party basis, has got us to a position where we know we can revoke article 50. Indeed, that may be what has to happen, but we have to get to a situation where the House is given an opportunity to vote for a people's vote first. In that scenario, the revocation of article 50 may well have to happen.

Simon Hoare (North Dorset) (Con): I thank the right hon. Gentleman for knowing parliamentary procedure and for calling for the motion to be tabled correctly. I have been calling for the Labour party to grow up and table the motion with which it keeps threatening us.

I take the right hon. Gentleman back to the people's vote, about which I have a sincere question. He is unhappy with the outcome of the Scottish independence referendum and with the outcome of the 2016 referendum. Why would he accept the outcome of a people's vote any more than he has accepted the other two?

Ian Blackford: I am grateful for the hon. Gentleman's intervention, because it allows me to say that, when we had our referendum in 2014, we produced an 800-odd page White Paper. The people of Scotland knew exactly what our vision was for an independent Scotland. Crucially, in 2016 we had a slogan on the side of a bus. We had a ridiculous situation in which people were not told the truth about what the impact of Brexit would be.

Way back in 2014, the people of Scotland were told that, if we stayed in the United Kingdom, Scotland would remain a member of the European Union and our rights as European citizens would be respected. In the 2016 referendum the people of Scotland voted to remain by 62%, and we were told that if we stayed in the United Kingdom, we would lead the UK and we would be respected as a partner in the United Kingdom.

What do we find? We do not find that we are leading the UK; we find that the UK is taking us out of the European Union against our will. The Scottish National party will not sit back and allow the people of Scotland to be dragged out of the European Union against their will. Scotland is a European nation, and we will remain a European nation.

Brendan O'Hara (Argyll and Bute) (SNP): My right hon. Friend is making an excellent speech and painting a very bleak picture of the mess the UK is getting itself into. Under normal circumstances, the Prime Minister would be long gone by now. Given that no one else wants the job, not even the flip-flopping, Brexit-enabling Leader of the Opposition, does my right hon. Friend agree that Scotland's future lies squarely as an independent country and an equal partner within the European Union?

Ian Blackford: Of course, the First Minister of Scotland has said that we will work constructively across parties to try to save the UK from Brexit. We have made it clear that we wish to stay in the European Union but, when we get to the end of the process, if there is an economic threat to jobs and prosperity in Scotland, among other things, it is clear that the Scottish Parliament has a mandate to call an independence referendum. There is a majority in the Scottish Parliament to hold such a referendum.

Just a few months ago, this House voted to accept the claim of right for Scotland. If the Scottish Parliament comes forward with a request for a section 30 authority, this House must allow the people of Scotland to determine their own future.

Wera Hobhouse (Bath) (LD): Will the right hon. Gentleman give way?

Ian Blackford: I want to make progress. I will take interventions later.

Here we have a Parliament in London that is silenced by the Government, and the devolved Administrations are silenced and ignored. The magnitude and seriousness of the challenge before us cannot be overestimated. The House will go into recess this week, and we cannot allow this farce to continue over the Christmas period. The Prime Minister has returned from Brussels with nothing. She has been humiliated, told by the European Union that there is no new negotiation, yet she continues to bury her head in the sand, hoping that the squeeze of time—the threat and the pressure of no deal—will get

her blindfold Brexit over the line. It will not. This Government should hold the meaningful vote now. They should put the options on the table now or stand aside and let the people decide.

Anna Soubry (Broxtowe) (Con): I very much agree with the right hon. Gentleman's proposal for the vote coming back immediately. Of course, the various options open to us could then be voted on in a meaningful way. In that event, would he and his party vote for Norway-plus? I know he has argued for that, as indeed have I, and it would mean the single market and the customs union. Or does he take the view that that boat has set sail?

Ian Blackford: The right hon. Lady makes a useful intervention. The position of the Scottish National party has always been that the people of Scotland voted to remain, and we wish that to be respected. The people's vote would create a circumstance in which we could at least test the will of the people of the United Kingdom. We have sought to compromise over the past two and a half years, and she is correct that we said Norway-plus is the minimum we would accept, but I believe that ship has now sailed. We ought to be staying in the European Union. That is the best option, and we should put it to the people. I am grateful that she also takes that view.

Several hon. Members rose—

Ian Blackford: I need to make progress. I am aware that many other Members wish to speak, and I wish to move on.

Yesterday the Prime Minister told us that we will get our meaningful vote but that we will get it in the second week of January. That is not acceptable. Do this Government recognise that, with every week that passes, more and more uncertainty sets in? We hear day after day of companies putting off investment decisions, and it is the uncertainty and chaos of this Government that is leading to that. Businesses, farmers and workers are all left waiting on this Government. Delaying the vote is a total abdication of responsibility, causing even greater uncertainty and instability. Yet again, the fate of our services and our economy is left to play second fiddle to the internal struggles of the Tory Party. The truth is that this Prime Minister is hamstrung by her own party. The result of the recent confidence vote was little more than a pyrrhic victory for the Prime Minister. At a crucial time in its history, the UK has a lame-duck Prime Minister, saddled with a lame-duck Brexit deal. The Prime Minister cannot and must not use this result to support her claim that the choice is now between her bad Brexit and a catastrophic no-deal Brexit. The Prime Minister will have to face up to the fact that her deal carries no majority in the House of Commons. She must break the deadlock, and the SNP will support any second EU referendum that has remain as an option. Still struggling to cobble together support for her disastrous deal, the Prime Minister is seeking to run down the clock rather than act in all our national interests. We, as parliamentarians, cannot let that happen. We must ensure that the voices of our citizens are heard.

The Prime Minister's deal must be defeated. No one with the interests of this and future generations at heart could possibly accept it. This deal will take Scotland

[*Ian Blackford*]

out of the EU against our will and remove us from the European single market of 500 million people. It will take us out of the customs union and the benefits of EU trade deals with more than 40 countries across the globe. This deal will make us poorer than staying in the European Union. [*Interruption.*] I can see the Under-Secretary of State for Exiting the European Union, the hon. Member for Worcester (Mr Walker), shaking his head, but he should look at his own economic analysis, as every shred of evidence shows that we are going to be poorer with Brexit than we would be if we stayed in. If he has not even read it and if he does not understand what it is in it, heaven help us. A no-deal Brexit is going to cost each person in Scotland £1,600 by 2030, compared with continued EU membership.

Luke Graham (Ochil and South Perthshire) (Con): The right hon. Gentleman is on the subject of economic analysis, so let me draw his attention to page 63 of the economic analysis supplied by the Government, which clearly shows that under the Prime Minister's deal there is zero impact on economic growth for Scotland. Surely if he wants to stand up for Scotland, he would do it by backing this deal.

Ian Blackford: I am afraid to say that the hon. Gentleman is mistaken, because the analysis he is referring to looks at the Chequers proposal and does not look at the Government's deal. He is wholly wrong and he needs to go back to school and do his homework.

The Government's Brexit deal will damage our NHS in Scotland, and make it harder to attract and retain the social care and health service staff we need. It will sell out our fishermen and put us at a competitive disadvantage with Northern Ireland—and the Prime Minister knows it. That is why our voice must be heard; this House should vote this week—[*Interruption.*]

Madam Deputy Speaker (Dame Eleanor Laing): Order. Very good.

Ian Blackford: Thank you, Madam Deputy Speaker. As I was saying, that is why our voice must be heard. This House should vote this week before the recess.

Alan Brown (Kilmarnock and Loudoun) (SNP): Is my right hon. Friend aware that during last night's Fisheries Bill Committee sitting an amendment proposed setting an end date of 31 December 2020 for leaving the common fisheries policy, and the Tories voted it down? That is their real commitment to the fishermen.

Ian Blackford: I am not surprised, because the Conservatives have form: when Ted Heath took us into the European Union, he sold out Scotland's fishermen and every Tory Administration since have done exactly the same—and, guess what, they are still selling out Scotland's fishermen.

Running down the clock to threaten a no-deal Brexit is neither acceptable nor realistic. There is no majority in this House for such an outcome. It is crucial that a no-deal Brexit and the Prime Minister's deal are ruled out now. The Government must start listening to the Scottish Parliament, stop wasting time on their deal,

which is going to be rejected, and pursue a better way forward. The SNP is clear that that means there should be an extension to the article 50 process, and we will join those from other parties in trying to secure such an extension.

We have always argued that the best option is to retain EU membership. We support a second EU referendum. Failing that—the best option of continued EU membership—we must stay in the single market and the customs union. I repeat that there are options that this Government are ducking and diving. [*Interruption.*]

Madam Deputy Speaker: Order. I would like to hear the right hon. Gentleman, even if nobody else does. I want to hear what he is saying, and he will be treated with the courtesy due to the leader of a party in this place.

Ian Blackford: Thank you, Madam Deputy Speaker. I am most grateful for that. Obviously, I have taken a number of interventions and I may take one or two more, but I am conscious that many people wish to speak in this debate. I have a number of remarks I wish to make—

Mr Jim Cunningham (Coventry South) (Lab): Will the right hon. Gentleman give way?

Ian Blackford: I will give way in a little while.

The recent European Court of Justice judgment provides clarity at an essential point in the UK's decision making over its future relationship with the EU. It exposes as false the idea that the only choice is between a bad deal negotiated by the Government or the disaster of no deal; remaining in the EU is still on the table, and the Prime Minister cannot insinuate otherwise. We, as Opposition parties, cannot allow the Government to kick the can down the road and we cannot allow them to run down the clock. I repeat: this is not a binary choice of this deal or no deal—there are other ways forward. The Prime Minister is simply scaremongering, trying to prevent a second EU referendum. This Government claim to want to fulfil the will of the people, yet they deny the people of the United Kingdom a say. This is a democracy, not a dictatorship. After two years of chaos, people have the right to change their minds. Why would this Government deny them a say? We cannot go on like this. We need clarity, certainty and conclusion; this continued turbulence is sending our economy into further insecurity. At a time when this place should be doing more to end homelessness, to decrease worklessness, to stop universal credit hardship, to safeguard our NHS—I could go on—this Prime Minister and this Government are distracted and divided. It is time they got on with the day job.

Mr Cunningham: I picked up a point the right hon. Gentleman made earlier in response to Government Members. Scotland faces the same as the rest of the country. Under this deal there is a lot of uncertainty and unknowns. The EU can almost tell us what to do. So far, the Government have come forward with no plan B. We do not even know at the end of this deal what is going to happen. Expenditure has been guaranteed only up to 2020. That affects universities, research and development, and the major manufacturers in this country. Does he agree that this is a disgrace?

Ian Blackford: I do agree with the hon. Gentleman that what the Government have put forward is a plan for transition; there is no certainty for the long term. That is why Members from around this House, including Government Members, have to call a halt to this, and we should be doing that this week. We should be doing it on the basis that there is a real threat to the jobs, incomes and security of all our people of a Prime Minister who is recklessly taking us towards a potential no deal. We, as a House, should be putting a stop to it, and that is the opportunity we should be taking this week.

Several hon. Members *rose*—

Ian Blackford: I am going to make progress, and I am not going to take any more interventions, as I have been generous with my time.

Yesterday, the Prime Minister told us she was planning for a no-deal Brexit. Prime Minister, there cannot be no deal; it must be removed from the table. It would be economically catastrophic. This Government must remove no deal from the table, instead of using it as gun to hold to MPs heads. We were promised “strong and stable”. The people were promised that we would take back control. This is a party and a Government completely out of control. I look around this Chamber at colleagues and friends, and perhaps some who would call themselves foes, but in common we came here to serve. I came here to serve Scotland—my people and my country. It devastates me to see the will of my people disregarded by this UK Government. It angers me to see my Parliament in Scotland—our Parliament in Scotland—our First Minister and her Cabinet locked out by this Tory Government from decisions that will affect the rights and lives of people right across our country. It is not right, and Members from other parts will feel the same. I know that England and Wales voted to leave, but what about the rest of us who voted to stay? So much for the union of equals that we were promised.

The Scottish National party will work with others to protect all of the UK from Brexit. That is the right thing to do. We will work constructively in the House, but our first priority as the Scottish National party is to stand up for Scotland. It is becoming ever clearer that Scotland is being hampered by its continuance in the United Kingdom. We do not co-exist in a partnership of equals. With every day that passes, the Government are making the case for Scottish independence. The UK Government’s behaviour over the continuity Bill, exposed this week by the UK Supreme Court, shows the utter contempt with which they are treating Scotland. With the UK Government’s approach to Brexit in complete and utter chaos, it is no wonder the Scottish Parliament does not trust Westminster to prepare our laws for life after Brexit. Of course, when there was the outrageous power grab of the powers of the Scottish Parliament, not one Scottish Tory MP stood up to defend the rights of our Parliament, for which the people of Scotland voted in 1997. They voted against Scotland’s interests: history repeating itself once again.

We get from the Government empty, meaningless words—that is all we can expect from them—and now those words are not worth the paper they are transcribed on, as promise after promise is broken by the UK Government. It is time we had our say and got our answers. I am sorry he is not present, but let me put it to

the Leader of the Opposition again: table a vote of no confidence in this Government. We are with you. It is clear today that the gimmick motion has failed, but I say to the Leader of the Opposition: table the correct motion and do it today. The SNP stands ready to end this farce—to end this shambles. We are ready to defeat this Tory Government and a damaging Brexit. This Tory Government want to put Scottish workers on the dole through Brexit. The question for the Leader of the Opposition is whether he is prepared to stand up—[*Interruption.*]

Madam Deputy Speaker (Dame Eleanor Laing): Order. That is enough. The right hon. Gentleman is concluding his speech. He will do so and he will be listened to.

Ian Blackford: A failure to table a motion of no confidence will be a dereliction of duty. We now need to call time on this Government. The Prime Minister’s time is up. The Government must go. We cannot allow the Conservatives to drive us off the cliff edge. The Leader of the Opposition cannot also seek to run down the clock to buy himself more time. He claims he wants an election; well, if he wants this Government out, he should listen to the other Opposition parties. We will support him in a vote of no confidence. Now is the time for courage. Now is the time for all of us to stand up for our communities. Now is the time for the Prime Minister to stand down, and for this Government to stand aside and let the people decide.

2.44 pm

The Secretary of State for Exiting the European Union (Stephen Barclay): Notwithstanding the tone of the remarks by the right hon. Member for Ross, Skye and Lochaber (Ian Blackford), or indeed his conclusion asking the Prime Minister to stand down—in opening his remarks he asked the Prime Minister to stand here and reply—and notwithstanding the inherent contradictions at both the start and the end of his speech, I congratulate him on securing the debate. I recognise that this is an important issue and one on which I know, given that the Prime Minister took questions for two and a half hours yesterday, many Members wish to contribute. I shall therefore keep my remarks relatively brief, but I wish to address directly a number of the points raised by the right hon. Gentleman. He opened his speech by saying that there is a binary choice—

Ian Blackford: That’s what you are doing.

Stephen Barclay: I am slightly confused: I am simply quoting back to the right hon. Gentleman how he opened his speech, which he seems to be taking issue with. Members might be forgiven for having slightly lost the train of his argument, but let me remind them—

Carol Monaghan (Glasgow North West) (SNP) *rose*—

Stephen Barclay: I understand why the hon. Lady does not want to hear her leader’s remarks quoted back, so will happily take her intervention.

Carol Monaghan: Does the Secretary of State understand the word “binary”? It means two parts, which means there are two choices. At the moment, the two choices open are deal or no deal. That is binary.

Stephen Barclay: I appreciate the hon. Lady's pointing out the definition of "binary". I was coming on to say that I think there is a third choice, to which the Prime Minister has repeatedly alerted the House: the risk of no Brexit at all. My point was that the right hon. Gentleman argued that there was a binary choice, while the substance of his remarks was to argue for a third choice. That seems to be an inherent contradiction in the case that he put forward. Notwithstanding that, he went on in the next section of his speech to talk about honesty. I do not think that the way to demonstrate honesty, particularly to the young electorate of which he spoke, is to say to that electorate, "We will give you a choice and respect that choice," and then when the electorate deliver that choice to say, "Sorry, we are not actually going to honour that." To me, that is not the way to approach a debate with honesty.

Mr Nigel Evans (Ribbles Valley) (Con): The referendum had the second largest turnout of any electoral exercise in the entire history of the United Kingdom, and we know that the result was a margin of 1.4 million, but when I listen to the Scottish nationalists speak it appears to me that not only do they want to say no to that result—the democratic wishes of the people of the United Kingdom—but to ignore completely the fact that more than 1 million Scottish people voted to leave the European Union. Does my right hon. Friend believe that they should have their voices heard as well?

Stephen Barclay: I very much agree with my hon. Friend. It is not just that SNP Members want to say no; they seem to say no to the decision of the electorate but yes to giving them a decision. They gave them a decision on the independence referendum but then said that they did not want to listen to it. There was then the decision on the EU referendum, but they say they do not want to listen to that, either.

Patricia Gibson (North Ayrshire and Arran) (SNP): Will the Secretary of State give way?

Stephen Barclay: Of course I will give way to the hon. Lady, but the point is that if one is talking of honesty and listening to the electorate, the starting point is to respect the decisions that the electorate take.

Patricia Gibson: Once again, we have a Tory Front Bencher or Prime Minister coming to the House and talking, because it suits them to talk, about the result of the referendum, but taking no cognisance of the fact that cheating occurred, according to the Electoral Commission, or of the fact that people were lied to about £350 million a week for the NHS. As the Secretary of State wants to talk about honesty, will he face up to the fact that people were lied to, as pointed out by the former Tory Prime Minister John Major?

Stephen Barclay: Far be it from me to keep pointing out contradictions, but the right hon. leader of the SNP began his remarks by saying that he wanted the Prime Minister to come to the Dispatch Box, and now we have interventions complaining about the fact that the Prime Minister has been coming to the Dispatch Box. If the hon. Lady would like to draw attention to the fact that the Government are committing an extra £20.5 billion a year to the NHS to ensure that it is fit for the future, I am grateful to her for doing so.

Vicky Ford (Chelmsford) (Con): I thank the Minister so much for giving way. I am deeply confused. If we are to leave with a deal, which is what the leader of the SNP in this Parliament says, then the deal needs to be voted through both in this Parliament and in the European Parliament. In the European Parliament, the members of the SNP who sit in that Parliament have voted in support of the principles of this deal time and again. Has the Secretary of State any idea why SNP MEPs support this deal, but SNP MPs appear not to?

Joanna Cherry (Edinburgh South West) (SNP): On a point of order, Madam Deputy Speaker. I wonder whether you can help me. The hon. Member for Chelmsford (Vicky Ford)—[*Interruption.*]

Madam Deputy Speaker (Dame Eleanor Laing): Order. I must hear the hon. and learned Lady.

Joanna Cherry: The hon. Member for Chelmsford has directly and, I am sure, inadvertently misrepresented the position of the two SNP Members of the European Parliament, both of whom are personal friends of mine. I can absolutely assure her that they have made their position clear that they are against this deal. Indeed, one of them was my co-litigant in the article 50 case. I ask your assistance for the third time in a week, Madam Deputy Speaker, about how I can go about correcting misrepresentations of the facts about Scottish politics coming from the Government Benches and the Benches behind them.

Madam Deputy Speaker: I appreciate that the hon. and learned Lady has very cleverly made her point into a point of order by asking my advice. I say to her that, of course, she does not need my advice, as she has just taken the opportunity of her point of order to put her point on the record. It is not for me to judge whether the hon. Lady or the hon. and learned Lady are correct in their interpretation of something that has happened in another Parliament, but I am satisfied that both points of view have been put to the Chamber.

Stewart Malcolm McDonald: Further to that point of order, Madam Deputy Speaker. As I think you know, I have the greatest of respect for you, but it occurs to me from what you have just said that the hon. Member for Chelmsford (Vicky Ford) can just come here, as she has done, make stuff up and then nothing happens. There has to be consequence for that. [*Interruption.*]

Madam Deputy Speaker: Order. Nobody can come here and "make stuff up" that is not correct, but this is a debating chamber, and there are opinions on both sides of the House. I would be the first to say that, if this is a matter of fact, I am concerned that a matter of fact should be properly represented in this Chamber—[*Interruption.*] Order!

Vicky Ford rose—

Madam Deputy Speaker: I will allow the hon. Lady a brief "further to that point of order".

Vicky Ford: Further to that point of order, Madam Deputy Speaker. My understanding is that the SNP MEPs have backed numerous resolutions that set out the principles behind this deal, and have been quoted in the press releases by their group as backing—[*Interruption.*]

Madam Deputy Speaker: Order. *[Interruption.]* Order. We will have no more on this subject. The fact is that there are different interpretations of the actions of people in a Parliament other than this. I am satisfied that both sides have been heard, and that the facts are on the record. We will leave aside that point of order and allow the Secretary of State to continue with his speech.

Stephen Barclay: One could be forgiven perhaps for being confused over the SNP's position on these matters, because no doubt the electorate are also confused. They were told in 2014 that there was a vote to listen to the Scottish people. The Scottish people duly spoke and said that they wanted to be a part of the United Kingdom, and now the position appears to be to no longer listen to the Scottish people and to ignore their views.

Several hon. Members *rose*—

Stephen Barclay: I shall take two more interventions and then I will make some progress.

Douglas Ross (Moray) (Con): I thank the Secretary of State for giving way as I was not afforded the courtesy of being able to intervene on the right hon. Member for Ross, Skye and Lochaber (Ian Blackford). As he spoke about the 2014 referendum on Scottish independence, he set out to the House how great the White Paper was that the SNP had produced. The SNP no longer stands by its White Paper on Scottish independence. Does that not just show what the SNP is all about? It is not even worth listening to, because what it speaks about, not even it can defend.

Stephen Barclay: I am grateful to my hon. Friend for his intervention. It is perhaps not a surprise that, notwithstanding its 800 pages, one could finish reading it and still be left confused as to what the SNP's position is.

Mark Pritchard (The Wrekin) (Con): I am grateful to the Secretary of State for giving way. It is good to hear him have at least a few sentences before being interrupted by the SNP. Does he envisage any circumstances in which the Government might revoke article 50—a de facto extension of article 50—in order to give the Government more time to prepare for a World Trade Organisation-terms Brexit, or to prepare for a better deal given by Europe to the United Kingdom? Does he envisage any such circumstances within, perhaps, the next two months?

Stephen Barclay: I am grateful to my hon. Friend; he raises a point of substance. The point is that the court case was clear that one cannot revoke as a temporary measure with a view to the circumstances to which he alludes. That actually is not within the scope of what the court case says. I will come on to that if I get a chance to progress further in my remarks.

Let me pick up on a further point that the right hon. Gentleman made at the opening of this debate. He said that we should not be spending money on no-deal planning. Well, the reality is that I would prefer not to be spending money on no-deal planning.

Ian Blackford: On a point of order, Madam Deputy Speaker. I ask for your guidance, because I think it is important that we are all honest in this place. If anyone

looks at the record, they will see that what I did say was that we are wasting money on no deal that should be invested in frontline services. The Secretary of State has a duty to make sure that he is correct.

Madam Deputy Speaker (Dame Eleanor Laing): Order. Again, I am not the adjudicator of whether what any Member says here is correct as far as other Members are concerned, but it is my duty and my intention to make sure that the facts and the truth are always on the record. I am quite sure that the Secretary of State will deal with that point.

Stephen Barclay: I am grateful to you, Madam Deputy Speaker, for your clarification. I am very happy to stand by that clarification. I thought that the substance of what the right hon. Gentleman was saying—I realise that there was a lot of confusion over his speech—was that he was not in favour of spending money on no deal preparations. I thought that was the kernel of his point. Perhaps he is in favour of spending money on no deal preparation.

Ian Blackford *indicated dissent.*

Alec Shelbrooke (Elmet and Rothwell) (Con) *rose*—

Stephen Barclay: I give way to my hon. Friend with pleasure.

Alec Shelbrooke: I am grateful to my right hon. Friend for giving way. Perhaps he can shed some light on the confusion that I feel following the right hon. Gentleman's speech. He spoke of wanting a second referendum and a people's vote, but he said that he did want no deal on it, and he did not want the deal on it. Can we have a referendum with just one question on it, which is to remain?

Stephen Barclay: My hon. Friend points to how one might achieve that unicorn, which is to end the uncertainty over the SNP's position. Notwithstanding the fact that it is a waste of money to have multiple referendums—that waste of money is obviously acceptable whereas other ways of wasting of money are not—I simply draw the attention of the House to the fact that the best way to avoid incurring the cost of no deal is to back the Prime Minister's deal.

Alan Brown *rose*—

Stephen Barclay: I want to make some progress. I have taken a fair number of interventions. I did start by saying that I was very conscious that many Members would want to come in on the debate. The first two speeches have taken quite a bit of time, so I should probably crack on.

The responsible act of a Government is to prepare for the contingency of a no deal, but it is absolutely our priority to secure a deal, and that is what the Prime Minister continues to work day and night to do.

Let me make some progress. As the Prime Minister set out yesterday, we intend to return to the meaningful vote debate in the week commencing 7 January and to hold the vote the following week. As I will set out, that is consistent with our crucial next step of responding to the concerns expressed by MPs on the backstop and I make no bones about accepting, as the Prime Minister has done, that the deal that the Government secured

[Stephen Barclay]

was not going to win the support of the House without further reassurance, and that is the message that the Prime Minister has been clear about in her meetings and communications with EU leaders.

At last week's European Council, the Prime Minister faithfully and firmly reflected the concerns of this House over the Northern Ireland backstop.

In response, the EU27 published a series of conclusions, making it clear that it is their

"firm determination to work speedily on a subsequent agreement that establishes by 31st December 2020 alternative arrangements, so that the backstop will not need to be triggered."

The EU27 also gave a new assurance in relation to the future partnership with the UK to make it even less likely that the backstop would ever be needed, by stating that the EU

"stands ready to embark on preparations immediately after signature of the Withdrawal Agreement to ensure that negotiations can start as soon as possible after the UK's withdrawal."

EU leaders could not have been clearer; they do not want to use this backstop. The conclusions from the European Council go further than the EU has ever done previously in trying to address the concerns of this House. Of course, they sit on top of the commitments that we have already negotiated in relation to the backstop. Let us remember the real choice, which is between the certainty of a deal and the uncertainty of the alternatives.

Rebecca Pow (Taunton Deane) (Con): Does the Secretary of State agree that the best way to provide security for the economy is to agree the deal? We heard a great deal from the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) about jeopardising jobs and people losing jobs. If we agreed the deal and the Prime Minister could get some security over the backstop, it would provide the greatest security for jobs that we could give the whole nation, including the Scottish.

Stephen Barclay: I am sure my hon. Friend speaks for the vast majority of businesses in Taunton Deane and elsewhere in the United Kingdom that want the certainty of a deal, the benefits of an implementation period that allows businesses to continue trading as now until the end of 2020, and the many other benefits secured by this deal, including a skills-based immigration system, the protections for 3 million EU citizens living in the UK and over 1 million UK nationals living in the EU, an end to spending vast sums of money and control of our fishing policy.

Anna Soubry: I am very grateful to the Secretary of State for giving way; it is good of him to take so many interventions. By the way, I would like publicly to congratulate him on his appointment.

The difficulty with the argument about the so-called deal and trade is that we do not have the promised deal on trade. The promised certainty, particularly in relation to frictionless trade, is not in the withdrawal agreement, which is fixed in law and will be in the treaty, but in the political declaration, which can be ripped up by either side once we have left. The certainty that business is crying out for is unfortunately not delivered by the Prime Minister's withdrawal agreement.

Stephen Barclay: My right hon. Friend speaks with great passion on this issue and she is right about the importance of certainty. First, many businesses particularly value the certainty of the implementation period that is delivered to 2020. Secondly, it was interesting that many people who were critical of the Prime Minister over the joint statement in December 2017, which was a political declaration, were critical on the basis that it was binding. Some of the same critics now criticise the political declaration reached alongside the withdrawal agreement because they argue that it is not binding. There is an inconsistency there.

What is clear, as the Attorney General has set out to the House in a series of statements and questions, is the legal wiring that exists between the withdrawal agreement and the political declaration, giving the framework on which the future economic relationship will be based. That will give us confidence as we move forward into the second phase.

Wera Hobhouse: The Secretary of State has just mentioned the political declaration last December. Clearly what was legally binding was the backstop, about which everybody is now very unhappy because the political declaration is not legally binding. The right hon. Member for Broxtowe (Anna Soubry) is absolutely right that that creates worry and uncertainty. The certainty is the backstop. The Government need to come clean and be honest with everybody—Conservative Members and the public—that the backstop is legally binding.

James Heappey (Wells) (Con): At least we're here!

Stephen Barclay: The hon. Lady is correct that a backstop will be required in any deal that is reached with the European Union, but as my hon. Friend the Member for Wells (James Heappey) commented from a sedentary position, on an issue of such importance to the Lib Dems, it is good that the hon. Lady—unlike any of her Lib Dem colleagues—is actually in the House to make that point with such conviction.

Hilary Benn (Leeds Central) (Lab): I am very grateful to the Secretary of State for giving way; he is being characteristically generous.

We read that the Cabinet is now stepping up preparations for no deal, and the Government have quite rightly given a commitment to the more than 3 million European citizens here in the UK that their rights will be protected in that eventuality. Will the Secretary of State tell the House what assurance he or his predecessors have received from the other member states about the position of the 1.2 million Brits who may find themselves without rights in those circumstances?

Stephen Barclay: Let me first pay tribute to the right hon. Gentleman for his work through the Exiting the European Union Committee. He will be aware of a number of the public statements that have been made—for example, in respect of the French position on safeguarding the rights of UK nationals in Europe. However, he points to the wider point about the best way to secure the rights of our own nationals in the EU, which is through the deal that the Prime Minister has agreed.

The right hon. Gentleman will be familiar with the written ministerial statement that I tabled about the position of EU citizens in the UK, which this House

has long debated. As a former Health Minister, I am very conscious of the hugely valuable role that EU citizens play in our NHS, as in many other parts of our business and public life. We have made that unilateral declaration, but the right hon. Gentleman is correct that that has not been offered in all the 27 member states. Obviously that is an area of focus for us. A number of statements have been made, but the deal is the best way of securing those rights for UK nationals.

When the Prime Minister entered into this negotiation, she was told that there was a binary choice between two off-the-peg models—what are colloquially known as the Canada option and the Norway option—yet she has secured a bespoke option. From listening to this House, we have heard loud and clear the concern about the backstop element of the deal, notwithstanding the fact that there is no alternative deal that would not bring a backstop. The right hon. Member for Ross, Skye and Lochaber is an experienced parliamentarian, but he must know that it is not an option for Scotland to remain in the single market when the people of Scotland voted to remain in the United Kingdom, and that United Kingdom is leaving the European Union.

The truth is that there are three deals on offer, including the deal that the Prime Minister has secured and the option of no deal, which is not desirable. It is worth pointing out to the House that although the Government are preparing extensively for the consequence of a no deal, not all the factors that affect a no deal are within the Government's control, as the situation is affected by what businesses themselves do and what other member states do.

Alan Brown: Will the Secretary of State give way?

Stephen Barclay: I am conscious of time, so I want to wrap up.

Cabinet members met today to discuss how, as a responsible Government, we are preparing for that possibility, which—like it or not—remains a risk that this House runs if it does not support a deal.

Owen Smith (Pontypridd) (Lab): I am very grateful to the Secretary of State for giving way; he is being very generous. He says that he does not seek a no-deal scenario, and I completely take him at his word, but he equally says that a responsible Government are preparing for that possibility. Can he remind the House how big a fall in our GDP there would be if we went down that route? I recall that it is around 10%. That is about £200 billion per annum. Is it responsible to even countenance that? I do not think it is.

Stephen Barclay: As the hon. Gentleman knows, the Treasury Committee looked at the economic impact of the various models, and the modelling of a no-deal scenario shows a far worse impact than that of a deal. That is exactly why we are seeking a deal.

Members need to accept that it is not enough for them to be opposed to things when the default position of being opposed to everything means that the risk of no deal increases. Advocating a further referendum is not a realistic option. One reason for that is the interplay with the timing of the European Parliament elections, which act as a significant constraint on the ability to have a second referendum. A second referendum would

also be a significant risk to our Union, as it would be the excuse that the SNP and others would use to call for a second Scottish referendum.

This deal will come back to this House in the new year, when we have had time to respond to the concerns expressed to date and hold further discussions with the EU27. There is broad support across the House for much of the deal. It is a good deal, the only deal, and I believe it is the right deal to offer to the country. I hope that Members of this House will look again at the risks to jobs and services of no deal, and the risk to our democracy of not leaving, and will choose to back the deal when it returns to the House.

3.9 pm

Keir Starmer (Holborn and St Pancras) (Lab): I thank the SNP for securing this debate and the Speaker's Office for granting it.

It is obvious that we have reached an impasse. The Prime Minister spent two years negotiating a deal that she now knows cannot command the support of this House. I am not trying to make a point against the Secretary of State, but I think he acknowledged just a moment ago that he accepts that the deal currently before the House is not going to get the support of the House. That is therefore the position of the Prime Minister and the Secretary of State.

But rather than confront that reality, the Prime Minister refuses to put her deal forward for a vote this week, instead kicking it into the new year. The problem for the Prime Minister and the Secretary of State is that it is accepted that this deal cannot command the support of the House, but abundantly clear from last week's EU Council that the Government cannot renegotiate the withdrawal agreement. So the one thing the Prime Minister and the Secretary of State know needs to happen for the position to change was rebuffed last week, and, at most, only non-binding "clarifications" could be possible. That is the impasse.

The President of the EU Commission said that there is "no room whatsoever" for renegotiation. The Commission spokesperson said:

"The European Council has given the clarifications that were possible at this stage, so no further meetings with the United Kingdom are foreseen."

I do not suppose that informal meetings cannot go on, but there will be no formal meetings. I think some of us thought that there might just be the chance, coming out of last week's summit, that there would be a further round, or a few days, of further negotiations by the teams, but that is not going to happen. The EU Council statement made it clear that the withdrawal agreement is "not open for renegotiation".

However much the Prime Minister or the Secretary of State—for understandable reasons, perhaps—pretend otherwise, that is now the reality that we face, and that is why the vote needs to come back to this House this week. This deal cannot be changed by the Prime Minister, new negotiations are not even taking place, and we have only three months before the 29 March deadline. The Government's response—to delay, to play for time, and to hope somehow that the deal will look more appetising in the new year—is not going to work. The reality is that the Government are running down the clock, but running down the clock is not governing, and it is

[Keir Starmer]

certainly not governing in the national interest. Observers sometimes say to me that the Prime Minister is resilient, but this is not resilience—it is recklessness.

James Heappey: It might be argued that the Government are not the only part of this House to be kicking the can down the road, and that the right hon. and learned Gentleman may well have been wanting to participate in a different debate today. Is that not happening because his right hon. Friend the Leader of the Opposition is inept, or invertebrate?

Keir Starmer: I am sure that the hon. Gentleman will forgive me for my caution in taking advice from the Government on when the Opposition should table a motion of no confidence in the Government. Last week, I heard plenty of Conservative Members say, “Bring it on.” In the role that I currently occupy, many people on both sides of the House give me their opinions all the time, and very rarely do two people agree on the way forward.

It is wholly unacceptable to delay the meaningful vote for another month in the knowledge that there is no realistic chance of delivering material changes to this deal. Yesterday, the right hon. Member for Loughborough (Nicky Morgan) said in this House that the Prime Minister is

“asking the House to accept a deferral for several weeks of the meaningful vote on the draft withdrawal agreement, on the basis that further assurances can be agreed with the European Union, but there is nothing in what she has said today or in what has been reported from the EU Council to suggest that those further assurances are likely to be given.”—[*Official Report*, 17 December 2018; Vol. 651, c. 540.]

That is the problem. That is why, rather than having this debate today, the Government should be putting their deal to the House, because if that deal is defeated, everybody then needs to put the national interest first. We need to confront what the achievable and available options are and decide, as a House, what happens next in a way that protects jobs and the economy.

But what we hear from the Government is the opposite: delay over a meaningful vote, and then the distraction of no deal, hence today’s headlines about £2 billion for no-deal planning. Talking up no deal has always been misguided and, in my view, deeply irresponsible. The Treasury estimates that a no-deal outcome would mean a 9.3% decline in GDP over 15 years. It would see every region of the UK worse off. It would mean 20% tariffs on agri-foods and significant tariffs on manufactured goods. It would mean no common security arrangements in place, and a hard border in Northern Ireland. It would be catastrophic for the UK. That is why no deal has never truly been a viable option. It is a political hoax, and I think that, deep down, the Government and the Prime Minister know it. I know from personal experience how seriously the Prime Minister takes the security arrangements of the United Kingdom, and to put ourselves in a position where they would be jeopardised is not, I think, something that, deep down, she thinks could possibly be acceptable for this country.

Hilary Benn: My right hon. and learned Friend is making a most forceful case. I agree that the Government understand the risks just as well as we do. Given that,

what possible purpose does he think is served by the Government continuing to pretend that they are prepared for the country to go over the edge of a cliff at the end of March? Would it not help, in this crisis we face, if the Government said, “We’re not going to let that happen”? Then the alternatives that we will have to consider if the deal is defeated would become even clearer than they can be for as long as no deal appears to exist as a possibility when every single one of us in this Chamber knows that it cannot happen.

Keir Starmer: What I think is happening—it saddens me to say so—is that the Government are running down the clock in order to put maximum pressure on Members to face what the Government will present as a binary choice between the proposed deal that is before us and no deal. That is the only purpose left in this delay. Yes, it would help a great deal if we could have clarification now that no deal is not a viable option. It would allow us to focus on other options and to take the necessary steps to advance those options in the time that is available. I call on the Secretary of State to give that clarification if he feels able.

If the Government had ever been serious about delivering a no-deal outcome, they would not be panicking like this at the 11th hour—they would already have had extra staff trained and resources in place. They would already have had the vast infrastructure that would be needed at UK borders and ports.

It is all very well those on the Government Front Bench shaking their heads—[*Interruption.*] If they will just listen, I will quote their own Chancellor, who said two weeks ago in response to a question from the hon. Member for Dover (Charlie Elphicke) that

“if we were to end up having a WTO-type trading arrangement with the European Union”,

that

“would involve some very significant infrastructure works that could not be done in a matter of months; they would take years to complete.”

If I was making that point, people might say, “Well, that’s just the Opposition,” but that is the Chancellor’s assessment. When the Chancellor says that, what is the answer from the Prime Minister or those on the Front Bench? What is the answer from the Government?

In a report in October, the National Audit Office said:

“The government does not have enough time to put in place all of the infrastructure, systems and people required for fully effective border operations on day one”,

and that

“organised criminals and others are likely to be quick to exploit any perceived weaknesses or gaps in the enforcement regime. This, combined with the UK’s potential loss of access to EU security, law enforcement and criminal justice tools, could create security weaknesses”.

The NAO has also said—this is a serious point that I have raised a number of times but not heard an answer from the Government on:

“If customs declarations are required for trade between the UK and the existing EU, HMRC estimates that the total number of customs declarations could increase by around 360%, from the 55 million currently made on non-EU trade to 255 million.”

That is an increase in customs declarations from 55 million to 255 million three months from today, in a no-deal Brexit. What is the answer to that?

The Parliamentary Under-Secretary of State for International Trade (Graham Stuart): Support the deal!

Keir Starmer: The cries to support the deal would have a lot more authority if those on the Government Benches were supporting the deal. The Government are utterly split on this. Last Wednesday's no-confidence vote exposed the fracture, and there is no point pretending it is not there.

Over the summer, the previous Brexit Secretary published 106 technical notices setting out the Government's case for preparing for no deal. They did not get a huge amount of attention at the time, but it is worth reading and re-reading them, as my team and I have done, and as the Institute for Government has done. Those technical notices make it clear that the Government's managed no deal would require the creation or expansion of 15 quangos, further legislation in 51 areas, the negotiation of 40 new international agreements with either the EU or other countries and the introduction of 55 new systems and processes. That is the analysis of the 106 technical notices—the Government's own assessment.

The case I am making is that the argument that there should or could be no deal on 29 March is completely lacking in any viability whatsoever. The very idea that there could be legislation in 51 areas, 40 new international agreements, 15 new quangos and 55 new systems and processes in the next three months only has to be spelled out. That is not my assessment; it is the Government's own assessment. It is not credible to pretend that that can be done by 29 March.

Anna Soubry: I have a great deal of respect for the right hon. and learned Gentleman, but not for the Opposition in this respect. He makes a good point—so are the Opposition now going to do their job of being an effective Opposition? By way of example, will we see an urgent question being asked in this place tomorrow about the Government's plans for no deal? The Opposition have to put their money where their mouth is.

Keir Starmer: I respect the right hon. Lady, but what the Opposition do is a matter for us. It is not for the Government to give the Opposition advice on how to proceed with a no-confidence motion. If I am wrong, I will be corrected, but I think I heard her criticising us for not laying the motion last week so that she could get on and vote against it. I did not find that advice helpful in trying to come to a decision on how the Opposition should proceed.

Legislation on a proposed no deal would have to be passed by a Government who can no longer pass legislation, and these preparations now come with a £2 billion price tag. That is throwing good money after bad. I hope the Secretary of State will set out as soon as possible how that money will be spent, whether Parliament will have the chance to approve those measures and when no-deal legislation will be put before the House—at least in draft form, for us to see what it looks like and comment on it.

By now, the Government intended to have a deal agreed by the House. It is obvious that that is not going to happen. The Government need to get a grip and bring forward the vote. Let this House vote, then let us have a debate about the available and achievable options—and no deal cannot be one of them. I do not think for a

minute that a majority in this House would countenance a no-deal Brexit. The price of delay will, as ever, be paid by the British people, businesses and communities, and that is a very sorry end to a year of failure.

Several hon. Members *rose*—

Madam Deputy Speaker (Dame Eleanor Laing): Order. Before I call the next speaker, the right hon. Member for Broxtowe (Anna Soubry), let me say that it will be obvious to the House that a great many Members wish to speak, and we have only until just after 5 o'clock. We must therefore have a formal time limit, starting with five minutes. I know that that will be difficult for the right hon. Lady, but she will deal with it.

3.24 pm

Anna Soubry (Broxtowe) (Con): I congratulate the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) on securing this debate. I read the news in Aberdeen for a number of years, so I learned how to pronounce Scots. In all seriousness, I offer him my congratulations on securing this debate, and of course agree with much of what he said. I also agree with the analysis and with much of what was said by the right hon. and learned Member for Holborn and St Pancras (Keir Starmer). The Government have made a grave error in taking this matter away from Parliament, delaying it for what will be at least a month and then undertaking to bring it back for the inevitable conclusion that would have been reached had the vote occurred the week before last—or was it last week? It seems in all of this as though time disappears, but it has been a grave mistake.

I agree with both the right hon. Gentleman and the right hon. and learned Gentleman said when they talk about the clock ticking away. I am afraid I have to say that I think the Government are playing the ultimate game of brinkmanship—it is deeply irresponsible—with Conservative Members, who are divided, as everybody knows. Unfortunately, the Government are flagging up to those who fear no deal as ultimately the worst thing that could happen, as they should do, that it is in some way acceptable, and they have never taken it off the table as we should have done two and a half years ago.

Of course, the Government are forgetting that we have no mandate: there is no mandate in this country for a hard Brexit. Everybody seems to forget that when we went to the polls in June 2017, the Conservative party lost its majority. We were saved, if I may say so, only by our brilliant Scottish Conservative MPs. However, we lost well over 30 Members from these Benches—hon. Friends—and we in effect lost that election. We lost our majority, and it was clear that the people of this country did not support a hard Brexit. My right hon. Friend the Prime Minister should have taken it off the table then. Indeed, she must take it off the table now, because it is worst possible outcome.

I say with great respect to my hon. Friends that, in the game of brinkmanship being played, those who share the conclusion that a hard Brexit is the worst possible outcome are being told—we have heard this in calls from the Front Bench, and in some of the chuntering and comments from hon. Friends sitting along the Back Benches—“Well, if you don't want a hard Brexit, you've got to vote for the Prime Minister's deal”, as if there is

[Anna Soubry]

no alternative. Indeed, there is an alternative. *[Interruption.]* Yes, there is, I gently say to the Government Whip sitting on the Front Bench.

Given the growing success of the people's vote movement, those who want a hard Brexit are being told, "Ooh, if you don't vote for the Prime Minister's deal, you might get that dreadful thing called a second referendum, in which the people, knowing what Brexit now looks like, will have the opportunity to have a final say on it."

Mr Dominic Grieve (Beaconsfield) (Con): Does my right hon. Friend agree with me that it is rather extraordinary, at a time when we say we wish to reflect what is sometimes described as the will of the people, that we seem intent on dragging the country out of the EU on the basis of an agreement that appears largely to be rejected by the electorate themselves as flawed?

Anna Soubry: Here is a surprise: of course I agree with my right hon. and learned Friend. I think we will also agree on this: Members on the Conservative Benches who think that we have somehow always wanted to be in the position we are in today of supporting a second referendum are absolutely wrong. Many of us—in fact, all of us—voted for triggering article 50 with a firm determination to be absolutely true to the referendum result. We sought to make compromises, and to reach out and form consensus. That is why it is so interesting—this is a fact—that Scottish National party Members, for example, would have voted for the single market and the customs union, as would many right hon. and hon. Members on the Opposition Benches; I know that Plaid Cymru Members, the Green MP, and so on and so forth would have done. There was a majority in this place for what is now called Norway plus, but that time passed; too many people who said in private that they supported it did not show the courage when it was needed, for reasons that I understand. That ship has now long set sail, but there are alternatives, and there are things that must now occur.

Many of us reached the conclusion that going back to the people was the only right and proper thing to do, for a number of reasons. It has become increasingly clear that many people have changed their minds. It is two and a half years on from the referendum. People now understand far more—this includes hon. and right hon. Members in this place—about what Brexit means and what it looks like. Many have discovered the huge benefits that our membership of the European Union conveys to our country—we have the best, and indeed a unique, deal. Those are many of the reasons why we now support and ask for a people's vote.

We also look at the 2 million young people who were denied a vote in 2016 by virtue of their age and who now demand a stake and a say in their future because they will bear the brunt if we get this wrong. I gently say to colleagues that if we leave without that vote and it turns out that the people of this country would have voted to remain in the European Union had they been given a vote, they will never forgive us; they will have no faith left in politics, but they will never forgive the Conservative party, and we will take all the consequences.

We need to get this matter back before us. We need to have on the table, with meaningful votes, all the alternatives that are available to us. If we cannot settle on one, we

have to look at the process, and that must be a people's vote or a general election. What is the best? What do the people want? A people's vote.

3.31 pm

Marion Fellows (Motherwell and Wishaw) (SNP): It is a pleasure to follow the right hon. Member for Broxtowe (Anna Soubry). I congratulate my party leader, my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), on securing this important debate.

The Prime Minister has yet again returned from Brussels with no progress made in stopping her disastrous Brexit plan. She is clinging to the life raft from her sinking ship while her Cabinet plot against her. The Cabinet Office Secretary is having meetings with Opposition MPs to try to find consensus. The Foreign Secretary has said publicly that it will not be possible to get a version of the Prime Minister's deal passed in this place. The Secretary of State for Work and Pensions urges the Prime Minister's Government to try something different because she thinks Parliament is currently headed towards no compromise, no agreement and no deal. The EU is not shifting and has said that the withdrawal agreement is not up for renegotiation.

The Prime Minister is impervious to all of this and is continuing to push her deal on this Parliament and the UK, despite the fact that she knows it will not be voted through. She is ignoring the effect of her actions: sterling is plunging, as are stock prices and growth, but that does not seem to register with her. The Prime Minister's Brexit uncertainty is a nightmare for our constituents and local businesses.

I represent a constituency that voted decisively to remain. Businesses want certainty, but they face the prospect of a Government going into emergency planning mode, and they have been given no direction from the Government. Small and medium-sized enterprises are the backbone of our economy, and they will face an especially difficult time. In the Budget, the SNP called for an office to be set up to support all SMEs in navigating new customs arrangements. The UK Government have done almost nothing to clarify the business environment for SMEs and are not helping them to plan for the worst, despite their commitment to do so.

The Prime Minister has stood at the Dispatch Box repeatedly to defend her indefensible deal. She has pulled the meaningful vote until 14 January, in the vain hope that she can wear down those who oppose it. All options, other than staying in the EU, will be damaging, and the UK public certainly did not vote for an outcome that is bad for the economy and their families.

We in Parliament must be allowed to come together before 14 January to defeat the deal and to move forward. There is no majority for anything except defeating the Prime Minister's deal. We need to acknowledge that Westminster's two-party system is broken and Parliament is now a place of factions, not parties. There should be a people's vote. Things have changed in the past two years: there are serious doubts about the conduct of the referendum, there was no clarity about the consequences of leaving the EU and there is serious doubt about the legality of funding. People have a much clearer idea of the consequences of leaving the EU and they should be allowed to vote with that much clearer understanding.

Her Majesty's Opposition have tabled a motion of no confidence in the Prime Minister, a symbolic action only. My right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford), along with the leaders of the Liberal Democrats, Plaid Cymru and the Green party, has tabled an amendment, which calls for a vote of no confidence in the UK Government, to Labour's vote of no confidence. I call on the Labour party to move us all forward on a vote of no confidence in the Government.

In July 2016, the Prime Minister stood on the steps of Downing Street and said:

"We are living through an important moment in our country's history. Following the referendum, we face a time of great national change."

We now also face a time of great national uncertainty.

3.36 pm

Justine Greening (Putney) (Con): As I speak today, we are just over 100 days from Britain leaving the European Union. There is no plan being debated in this House, no vote in this House and no plan B. Instead what we see, depressingly for many people outside this place, is just party politics. Last week, we had the spectacle of a potential Tory leadership campaign, which I voted against. This week, we have the shambolic Opposition attempt to try to decide whether they have the confidence to bring a no confidence vote. I think people have a sense of drift in Parliament at the very moment when they want decisions to be taken that can help to get our country back on track as the clock ticks down towards Brexit.

People also recognise that, as has been the case for the past two and a half years, we are not discussing anything else. The issues they face in their day-to-day lives are going missing in this Chamber. The challenges my constituents face—South West Trains, housing, tax credits, universal credit and so on—are not being discussed in this Chamber with the level of intensity that the British people need if we are to play our role as a Parliament scrutinising the performance of Government. We have to get back on to the domestic agenda. Until we solve Brexit, we will not begin to get on to solving the challenges that people face in their day-to-day lives.

Alex Chalk (Cheltenham) (Con): I strongly respect my right hon. Friend, but if there were to be a second referendum and remain were to narrowly win, does she seriously think that that would draw a line under the European issue? Is it not far more likely that it would rumble on—and rumble on for a generation?

Justine Greening: We have to accept that this country will always debate its relationship with the European Union and our neighbouring countries on the continent of which we are a part. We are a part of the continent, but we are an island just off the mainland of that continent. It is almost an inevitability that we will continue to debate how close our relationship should be with our European neighbours. We should accept that as normal, instead of obsessing about it as a Parliament and as a country when there are so many other, more pressing issues in the 21st century that we now need to get on with.

Anna Soubry: Is it not also the case that, because the political declaration is so vague—so vague it cannot even be properly examined by Treasury officials—all

this will carry on rumbling away? There will be big rows, because we still have not determined our final relationship with the European Union.

Justine Greening: My right hon. Friend is absolutely right. I was in Cabinet when we discussed the need for a transition period—but transitioning to something, not to nothing. Had the discussion then been that we were about to agree to do the political equivalent of jumping out of a plane without a parachute, the conversation would have been very different. That underwrites why the House is so unlikely to agree not only the Prime Minister's withdrawal agreement, which has its issues of rules without say for an unspecified time, but the political declaration, which is just 26 pages long, yet is meant to cover the detail of our future relationship with our other European neighbours and the European Union. What we do not need is for Parliament to keep going round in circles; nor do we need delay. We need some certainty for businesses and people in our country, and that means that we need to do three things as a matter of urgency.

Parliament must have a vote on the Prime Minister's proposal and the deal. We cannot simply have the debate delayed and procrastination. We need a debate and a vote on the Prime Minister's deal. After that falls, as I expect it will, we then need to get on to debating and voting on the other options that other Members of the House have brought forward. Whether that is Norway plus or Canada, we have to look at those as a Parliament, debate them and decide whether there is a majority in the House for them. I do not believe that there will be. I think that that has been clear since the summer and that we have wasted months, still without reaching a conclusion on the fact that there is gridlock in the House. We will therefore have to have a vote of the people. I cannot see the rationale for a general election. It is self-serving of the Opposition to try to get one. Brexit is not about party politics; it is above party politics. That is why the only people's vote that we can have on Brexit is a referendum. We also have to recognise that if there is no consensus that we can find in Parliament, we have to trust people in our country to be able to find that consensus for themselves.

I finish by saying that there is no excuse in this House and from this Government for any further delay. We have spent two and a half years going round in circles, and we cannot simply go nowhere. We now have to take some decisions about going somewhere. We cannot have this continued dance from the Opposition about what their proposal is for Britain. Most people have realised that there is no proposal from the Opposition and that they face the same challenges as the Government in trying to square the circle of how to deliver a Brexit that is actually the Brexit that millions of leave voters voted for.

Similarly, and perhaps most importantly, I say to Government: do not delay the meaningful vote until the new year. MPs in this place would be happy to delay recess. Frankly, I would be happy to sit through Christmas and into the new year if it meant that we could find a direction on Brexit for businesses and people, who want certainty about where this country is going. There is nothing more important for this House to debate right now, and we have to find a route through. If the Government do not want that, they surely have to bring the House back on 3 January, when bank holidays in

[Justine Greening]

this country have been had, so that people going to work know that their Parliament is going back to work too to find a direction for this country. We have to do this sooner rather than later. People simply will not understand why this place is packing up and having a two-week holiday when we face the biggest constitutional crisis that this country has had in decades. It is simply wrong. The Government have to recognise that and they now need to take some decisions, take some action and make sure that this House has a chance to represent our communities on their deal, to vote it down and to work out where we go next.

3.44 pm

Geraint Davies (Swansea West) (Lab/Co-op): It is a great pleasure to follow the right hon. Member for Putney (Justine Greening). On her challenge, on the Order Paper today I have tabled the European Union (Revocation of Notification of Withdrawal) Bill, because I think that there is consensus in the House that we do not want a no-deal Brexit and the chaos that would bring, including the lack of medicines, the lack of food, and economic catastrophe.

What the Bill says, in essence, is that a deal should be voted on here; if it is agreed to, it should subsequently be voted on by the people; if they agree to it, we should go merrily along that Brexit route; but if it is not agreed to, we should remain in the EU, which would mean the revocation of article 50. That is what people expect of this place. They do not expect some sort of chaos. I accept that the Prime Minister has done her best in a difficult situation, going to the EU to negotiate and trying to bring together two irreconcilable models, the pure Brexiteer and the pure remainder, but it is obvious that the Government, and the whole country, are split.

The Secretary of State has said, "We have already had a vote; we cannot have another." The simple fact is that if the Secretary of State went to a restaurant and ordered a steak and a bit of chewed-up bacon arrived, he would have the right to send it back. The waiter would not have the right to say, "You ordered some food—eat it." People were promised more money, more trade, more jobs, and "taking back control", including control of migration. All that sounded great, and I can imagine a lot of sensible people voting for it, but what has been served up is a situation in which there is not more money. There is the £40 billion divorce bill, and there is the reduction in the size of the economy. We do not have more control. The Ministers have taken the control so that they can reduce environmental protections or workers' rights below EU minimum standards in the future. We will still, in the deal, have to abide by the rules laid down by Europe, so we have not taken back control at all.

Alex Chalk: As I understand it, the Opposition's position is that there is no chance of the deal being improved and therefore the Government should have the vote now, but if that is the case, there is even less chance of Labour's alternative deal being approved. That means that with every passing day, the inexorable logic is that Labour is becoming an accessory to no deal. Does the hon. Gentleman not agree?

Geraint Davies: My own view is that Brexit is a betrayal of conservatism, because we are withdrawing from the most well-constructed market in the world.

It obviously denies the Union, because any Brexit will mean an open border with open migration and products moving freely. Ultimately, that will not work. If we have a hard Brexit, there will be a hard border. I also think that Brexit is a betrayal of socialism, because it will mean a smaller cake that we will want to divide more equally, and it will leave a future Tory Government to undermine EU standards and workers' rights and the environment in the future.

I make no apology for the fact that I am against Brexit and always was. I want a people's vote because people's eyes have now opened to the fact that this is an absolute nightmare. They voted for the steak, they got the bacon, and they do not want it. They want to stay with what they had before.

Furthermore, the European Union (Withdrawal) Act 2018 itself empowers the Prime Minister to trigger article 50 on the basis of an advisory referendum. What we have found, and what the courts have found, is that the illegality in the leave campaign would be sufficient for a general election to be ruled void and for the Government to go back to the drawing board. I think that they need, legally, to think again about article 50, and if a deal cannot be agreed, they should withdraw it.

People talk about what will happen if there is another vote. Incidentally, this will not be another vote; it will be a vote on the deal, which is intrinsically different from a vote in principle on whether people want to stay in the European Union. I accept that people wanted to leave on the basis of what they were told, but now that they have seen what has turned up—the bacon—they do not want to eat it, and they should have the right to send it back. That would not be the same as just having another referendum. As Keynes said, "When the facts change, I change my mind." People say, "What if we had another vote and lost?" We have already lost. Britain will lose if we Brexit.

People say that there will be a lot of anger. Obviously there will be some anger, but people who have been made poorer and poorer by a Conservative Government since 2010 were told, "If you vote for Brexit, we will get rid of the foreigners, and you will have a better job and better services." In fact, they will have less. They will be even poorer. Those people will not be angry; they will be massively enraged.

We are walking slowly along the road to fascism. That is what is happening in this country. We face a choice between being impoverished and isolated—going down a darkened tunnel with no apparent ending—and seeing the future and returning to the sunny uplands. That means joining the EU again, giving the people the choice as to what to do, and creating a better, stronger future for all our children.

We are at a moment in history when we have to choose whether we give the people a vote or not. Our children will either condemn us in the future for condemning them or will thank us for giving them the opportunity to choose their future in a much better world we can all share—a world in which we can defend our shared values of human rights, democracy and the rule of law, rather than be cast aside, be much weaker, and find those values, in an uncertain world, under attack.

3.50 pm

Mr Nigel Evans (Ribble Valley) (Con): It is a delight to be here in Parliament for another three hours of Brexit chat, and it is staggering to think, given when this

all started, that José Mourinho is out of his club before we are out of ours. *[Interruption.]* It gets worse. I was listening carefully to the hon. Member for Swansea West (Geraint Davies), and I loved his honesty at least when he said that he does not want Brexit and that is why he is supporting the so-called people's vote.

Geraint Davies: I am doing it because 25,000 jobs in Swansea depend on EU exports, and Swansea will be a lot worse off with Brexit.

Mr Evans: I admire that honesty, because a lot of people who bang on about this Orwellian concept of a people's vote as if 2016 had not happened tend not to be as honest about their real motives. Their real motives are that they wish to stop Brexit; they wish to overturn the people's vote of 2016.

Lyn Brown (West Ham) (Lab): The situation is very simple: I do not want my constituents to be poorer than they are at the moment, which is why we are sitting here day after day trying to get the Government to do something about it.

Mr Evans: It is wonderful that there is so much honesty here now. One of the Sunday papers said that eight of the nine organisations that are now backing the people's vote state explicitly on their websites that they are trying to overturn Brexit, so let us not have any pretence about that.

Several hon. Members rose—

Mr Evans: I will not give way again, as I have taken my two interventions.

Let us not have any pretence about what is going on. Of course the people have spoken, including a million Scots who voted to leave the EU, and by a margin of 1.4 million the British people decided that they wished to go. I am well aware that I sit in a Parliament packed full of remain Members, and I understand that they are very angry and feel badly let down by the electorate. This really does turn things on their head; normally people are let down by their politicians, but in this case the politicians have been badly let down by the people. They were asked for their decision as to whether we should stay in or leave the EU. We had this massive exercise in 2016 when the British people said "We wish to leave," and the politicians cannot quite get over it—the establishment cannot quite get over it, the BBC cannot quite get over it—and they have tried their level best since that vote to ensure that, one way or another, the decision of the British people is stymied.

There are 285 MPs who voted remain who represent leave areas, so I understand where people are coming from in this Chamber. But when sovereignty passed from this Parliament to the British people and we issued a pamphlet to every household that said that we would carry out their wishes, and when this Parliament itself voted for the referendum, really we do have to respect the wishes of the British people instead of refighting the referendum campaign of 2016.

Indeed, when we talk about what was written on the side of a bus and how much money was going to go into the national health service, I would have thought that Scottish nationalist Members of Parliament would be more interested in how much of our membership fees that are not now going to be sent to Brussels will be

going to Scotland—to public services in Scotland, to the NHS in Scotland—rather than into the pockets of Brussels. Indeed, I am sure that President Juncker is very happy with his pay increase this week, which takes his salary to €32,700 a month; that is how much the President of the European Union is getting—way more in a month than most of my constituents earn in a year. I am delighted that we are coming out of the European Union and saving that money so I can see it being spent in my patch, and the Scottish nationalist Members will see it being spent in their patches as well.

Yes, I believe we got some things wrong at the beginning of the negotiations. The scheduling was completely wrong. It gave the EU negotiators a stick, in the form of the backstop over the Northern Ireland-Irish border, and they have hit us with that stick time and again. We are talking about a backstop that the United Kingdom and the European Union both say they do not want to use. They hope they will not need to use it, and they also say that it is going to be temporary. However, when our Prime Minister went to see President Juncker to raise our concerns about the possibility of our legally being able to be held in the European Union for an eternity if the EU so wishes, or of the backstop being used as leverage in the next round of trade talks between us and the European Union, all of a sudden they dug their heels in. They say that they do not want to use the backstop and that it will be temporary, but they are not prepared to allow us to leave the European Union unilaterally if we believe that they are stalling. That absolutely says it all.

I am delighted that the Prime Minister made it so clear yesterday that there would be no revocation of article 50 and no second referendum. She knows what a second referendum would be all about. I am delighted, too, that the Cabinet has today stepped up its preparations for WTO. As I said yesterday, President Juncker listens to what is said in this place, and he gets a bit of succour from the calls for a second referendum because he believes that if the first vote is overturned we will still be spending our money in the European Union and taking its laws. He gets a bit of succour from that, but he will also hear that we are stepping up plans for WTO, and that should provide some leverage.

We should not get angry with our Prime Minister. Where is the anger at President Juncker digging his heels in? Does he really want to see jobs being threatened in the European Union? We always hear people standing up in this place and talking about safeguarding jobs in Britain, but what about safeguarding jobs in Germany, Spain, Italy and the various other EU countries that want to sell their goods to us? We have a £95 billion deficit with the European Union. We buy 850,000 German cars and £3.5 billion-worth of flowers and plants from Holland, and we will want to carry on doing that.

I shall not be taking part in any of the debates tomorrow, so I just want to wish everybody—including you, Madam Deputy Speaker—a merry Christmas and a happy Brexit in 2019.

3.57 pm

Hywel Williams (Arfon) (PC): The Leader of the Opposition and the like-minded Conservative European Research Group say that they have no confidence in the Prime Minister. On these Benches, we have no confidence in the Prime Minister or in her Government, and alas,

[Hywel Williams]

at present, we have no confidence in the Leader of the Opposition either. The Prime Minister knows full well that no majority can be manufactured in this place for her deal. Other than that, all she seems to know is how to play for time so that the eventual decision will, she hopes, go her way, but there is so little time left, and however much she pleads, her deal fails to command sufficient support.

Yesterday the Prime Minister conceded to my hon. Friend the Member for Dwyfor Meirionnydd (Liz Saville Roberts) that it was in her power to seek to extend the article 50 period; President Tusk has said as much. Extending article 50 would give the Prime Minister more time to try to find a way out of this Brexit impasse, not through squeezing her friends but by reaching out across this House and across the countries of the UK so as to avoid the no deal that she herself admits would be disastrous for us. Yesterday, she refused to take that course. Could there be a clearer example of putting narrow party considerations before the pressing need to find a solution that will work for all the people of these islands?

Talking of the people outside this place, much has been made of the potential savings that Brexit would bring. We were told that there would be a bonanza, with billions of pounds to spend, apparently on the NHS. In the autumn of 2017, the Treasury earmarked £3 billion for Brexit, with £250 million in its back pocket in case of no deal. Yesterday, in Cabinet a further £2 billion was allocated to no-deal plans. Irrespective of all that, we know that a no-deal Brexit would wipe £5 billion off the Welsh economy, so the people of Wales, and people across these islands, must be told how much this Westminster Government are willing to spend to bring about the disaster of no deal.

Yesterday, the Leader of the Opposition threatened the Prime Minister with a vote of no confidence, something that only he has the power to do. However, when it came to it, panto came to Westminster at this Christmas time and he tabled his very own special motion of no consequence—[*Laughter.*] Thank you. If successful, it would at best only continue to prop up this shambolic Government, albeit with a different Prime Minister. It was nothing more than a pretence at opposition from the Leader of the Opposition while refusing to employ the power he actually has.

Tom Brake (Carshalton and Wallington) (LD): Does the hon. Gentleman agree that the reason the Leader of the Opposition did that was specifically to avoid having to make a decision about the people's vote?

Hywel Williams: The right hon. Gentleman makes a good point. The Leader of the Opposition has unfortunately painted himself into a corner. As happens so often in politics, particularly when in opposition, there are only bad choices, and he seems to be choosing the worst of them.

To conclude, Plaid Cymru and the other opposition parties have tabled an amendment to Labour's sham no-confidence motion to turn it into a real motion of no confidence in this shambolic Government. We will continue to work together and with others, wherever they are, to ensure that the people of these islands get the political leadership that they need and deserve.

4.1 pm

Kevin Foster (Torbay) (Con): It is a pleasure to be called in this debate and to follow the hon. Member for Arfon (Hywel Williams). I congratulate the right hon. Member for Ross, Skye and Lochaber (Ian Blackford) on securing this debate. I always thought that it was relatively simple for an Opposition to get a coherent motion down and secure a debate in the Chamber, but we have seen over the past 24 hours that that seems to be a challenge for the Labour party.

I am not usually the sort of person who rushes to retweet the First Minister of Scotland, Nicola Sturgeon, but I did retweet her last night when she said that if it is only the Prime Minister in whom the Labour party does not have confidence, which Conservative Member is the Labour party looking forward to taking over? [HON. MEMBERS: "You!"] Well, I hear Members say me, but I will be slightly modest and say that that is not really me, although I appreciate the comment. It could be the Secretary of State for Exiting the European Union, my right hon. Friend the Member for North East Cambridgeshire (Stephen Barclay), who just gave an excellent speech. This is about the absolute nonsense of the Labour party playing a parliamentary panto game when it should either have been making its view clear or moving on—I do not see the numbers in this House for a general election—and being honest.

I listened carefully and with some interest to the speech from the right hon. and learned Member for Holborn and St Pancras (Keir Starmer). He spent a lot of time dissecting no deal, saying that it would be disastrous and ruling it out as an option. He then spent a lot of time criticising the deal that is on the table, even though the leader of the Labour party spent the first half of his response to the Prime Minister's statement saying that there was really no point her negotiating because she was not going to get any other deal.

That brings me then to the only logical conclusion, which is that the preference of the right hon. and learned Gentleman is actually the one set out in the Bill presented earlier by the hon. Member for Swansea West (Geraint Davies): no Brexit at all. If that really is the policy of the right hon. and learned Gentleman, he should at least be up front about it. The Scottish National party has been clear about its preference for no Brexit, and I respect people when they are up front about what they think. I do not agree with that position, and it is not how my constituency voted. However, there were not many people who stood up before the referendum and said, "If this referendum goes the way that I do not like, I will disrespect it." In fact, the strongest argument for respecting the referendum result before it was known came from those who were planning to vote remain, not leave. For me, this is about being clear.

The substance of this motion is about the ongoing EU withdrawal negotiations, and I think it is right that the Prime Minister is getting on with the job that the people have asked her to do. There was an irony last week that a meeting with the Irish Government to talk about the backstop was cancelled due to the actions of those who demanded that the Prime Minister go to talk to the Irish Government and European leaders about how the current wording on the backstop is unacceptable to many in this House.

For me, it is about being clear about the change we want to see. Extraneous issues—matters totally irrelevant to whether the border is kept open in Ireland, as all Members agree is important—could be used to veto future trading arrangements with the European Union, which would result in our staying in the backstop. None of us would think it is genuinely best endeavours if we ended up sitting in a backstop arrangement because, for example, a future Spanish Government did not think they had enough on Gibraltar or a future French President did not quite like the fishing agreement. The Northern Ireland backstop would not cover the common fisheries policy—I know the Scottish National party's enthusiasm for staying in the European Union's common fisheries policy—if we were forced into it.

We must make sure we can be confident that we will move forward and that there is not a return to the hard border of the past in Ireland. None of us wants to see the progress of the past 20 years undone, whatever view we take on Brexit. It is about being clear, which is why I welcome the fact that the Government are getting on with what this House asked them to do. It is bizarre for shadow Ministers to demand the vote now because they want to vote it down. Having the vote now would have been an argument if they wanted to vote it through, not vote it down. Such a vote would not move us forward.

Rather than playing games with procedural nonsense, it is time for the official Opposition finally to come clean on what their policies actually are. To be fair, the SNP and the Conservative party have, and it is for others to reflect over Christmas that there are choices to be made and it is time to make them, not to play procedural games.

4.6 pm

Neil Gray (Airdrie and Shotts) (SNP): I congratulate my right hon. Friend the Member for Ross, Skye and Lochaber (Ian Blackford) not only on securing this timely and important debate but on his speech and on the way he conducted himself in the face of quite disgusting behaviour, frankly, from Conservative Members.

I thank Mr Speaker for granting the debate. It is fair to say that his leadership in the past few weeks has been in stark contrast to that of the leaders of the Conservative party and the Labour party.

The Prime Minister described people discussing the possibility of a second Brexit referendum as somehow betraying the first vote or as being a direct challenge to democracy. I might be wrong, but I cannot recall another Prime Minister suggesting that giving the people their say on a matter is anti-democratic.

What we are debating today is the real failure to honour that first referendum. This Prime Minister has had the job of delivering on that result, and she has chosen her own path, which looks certain to lead to defeat. It is therefore this Prime Minister who has failed to honour the referendum result, and she has failed because she has been too scared to take on her European Research Group extreme Brexiteers in case they submit letters of no confidence to challenge her leadership.

So unwilling has the Prime Minister been to have her Peel moment with her party that she boxed herself into a corner from which it has been impossible to extricate herself. She could have shown leadership and chosen other paths. As the right hon. Member for Broxtowe (Anna Soubry) rightly acknowledged, the Scottish

Government offered a compromise position that many in her own party think would have been passed by this House last year if it had been supported, and that was to remain in the single market and the customs union—the least-worst option on the table regarding Brexit.

Sadly, Labour's leadership has been equally lacking. They have done nothing to be the real opposition to this Tory Government. They have taken the tactical decision to take no position, to offer no leadership, to do nothing and to wait to see what happens, which has clearly been in evidence over the last week. They are just as happy as this Government to kick the can down the road.

Labour does not really know what it wants to do with Brexit, and at every turn the Leader of the Opposition has, like the Prime Minister, looked at narrow party political advantage rather than work in the interest of all countries in these isles. It gives me no pleasure to say that, because there are some, such as the right hon. and learned Member for Holborn and St Pancras (Keir Starmer) and others in the Labour party, who are doing what they can to shift the Labour leadership. But even in the narrow scope Labour is currently operating within, it has still failed in its objective by missing the opportunity to call a vote of no confidence last week when we asked it to work with us to do so.

I cannot think of a more inept and incompetent combination of Government and official Opposition, and at this time of crisis that is unforgivable. That is what is causing the

“irreparable damage to the integrity of our politics”—[*Official Report*, 17 December 2018; Vol. 651, c. 529.]

that the Prime Minister speaks of: an unwillingness of both the Prime Minister and the Leader of the Opposition to see beyond the end of their own noses. Rather than work with us last week to call a proper no confidence vote before the Tories held their own, Labour ignored us. The Prime Minister won that Tory vote and Labour lost the initiative. Even when Labour ended up belatedly tabling the no confidence motion last night, in a moment of absolute chaos in the leadership office and the Whips office, it still could not get it right, and it was left to the SNP, Plaid Cymru, the Lib Dems and the hon. Member for Brighton, Pavilion (Caroline Lucas) to make it meaningful and not just a poorly executed political stunt. Perhaps those sensible Labour MPs who remain might now look to our amendment, support it and put pressure on their leadership to finally step up to the mark. At this time of political crisis, the public are looking for leadership. The First Minister of Scotland has shown that leadership for the entirety of this Brexit process. Sadly both the Prime Minister and the Leader of the Opposition continue to compete to see who can be the most inept. Is it any wonder that the people of Scotland, in growing numbers, want their chance to choose a different path, one of which leads to Scottish independence?

4.11 pm

Will Quince (Colchester) (Con): It is an honour to follow the hon. Member for Airdrie and Shotts (Neil Gray). I did not come into politics to talk about the European Union. I think I have spoken more about it in the past couple of weeks than I have in the past couple of years. I wish to start by praising the Prime Minister. I am certainly no sycophant, and I suspect she probably did not like the letter I sent her a couple of weeks ago,

[Will Quince]

but she deserves huge praise and credit for the determination and perseverance she has displayed throughout these negotiations, securing a deal that many said could not be secured. She has won my respect and, I suspect, that of the nation for that tenacity.

My constituency was split on the same lines as the country in the referendum—52:48. I did not get involved in either campaign, because although I decided, on balance, to vote for Brexit, I am a democrat and I said that whatever the result was, I would respect it—I stand by that. The decision I have taken on the Brexit negotiations and the EU withdrawal agreement that was due to come before this House is that it is for every Member of the House to do their due diligence, look at every aspect of anything before us and vote on it accordingly. I see my role as being to review the European Union (Withdrawal) Act 2018 and to come to a conclusion.

The deal has considerable merit and, apart from one element, I have little hesitation in offering it my full support. The hesitation comes in relation to the backstop. I have been clear about this in meetings with the Secretary of State, who has been hugely accommodating in listening to my concerns, the Attorney General—on more than one occasion—and the Prime Minister. I entirely understand and respect the Government's position that the backstop will almost certainly be an uncomfortable position for both the EU and the UK.

Bob Stewart (Beckenham) (Con): The problem with the deal on the table is that it is neither fish, nor fowl. It satisfies neither the remainers, nor those people who wish to leave the EU, and because of that it falls down.

Will Quince: I thank my hon. and gallant Friend for that intervention, although I do not agree with him on this point. Inevitably, any negotiation on our exit from the EU was going to be a compromise. Most people are probably like me and are, on balance, one way or the other. Of course there are those who have strongly held views on both sides, remain and leave, but most people wanted a compromise that was mutually beneficial to both the EU and the UK, protecting jobs and businesses in this country—this deal largely does that.

It really is only the backstop that I have an issue with. As I say, I respect and understand the Government's position. It will most likely be an uncomfortable position if we enter the backstop, and I know that the Prime Minister certainly does not want us to be in that position and that she would use every endeavour to ensure that that does not happen. Were we to end up in the backstop, though, I am concerned that we would potentially be in an irrevocably weak position in respect of our future negotiating stance. The EU withdrawal agreement relates only to our exit from the European Union; we then have to go and negotiate the future trade agreement. I have concerns that, given our position in the backstop, we would not approach those negotiations from a position of power balance: there would be an imbalance.

I respect the Government's position, though, and very much hope that the Prime Minister is right. Sadly, two weeks ago I tendered my resignation as Parliamentary Private Secretary to the Secretary of State for Defence, but the Prime Minister has listened. She listened to the first few days of the debate on the withdrawal agreement

and has understood the House's concerns, particularly in respect of the backstop, and gone back to the European Union—she was at the European Council last week and will continue those conversations—to raise our concerns and to try to seek a legally binding solution to the backstop. It is only right and proper that we give her the time necessary to secure the concessions that we in the House want to see. She not only deserves that but has earned it through her negotiating stance throughout the past two years.

On the motion in particular, I have some concern about how individual parties have conducted themselves. Let me turn first to the Scottish National party, which is at least consistent: it is quite clear that the SNP wants to overturn the 2016 referendum result. We can question whether that is democratic and in our national interest—

Angus Brendan MacNeil: Will the hon. Gentleman give way?

Will Quince: I will in a moment.

We can question whether overturning the 2016 result is in Scotland's best interests, but at the very least the SNP is consistent. I am still none the wiser as to what the Labour party's position on Brexit is. We seem to get a different answer depending on which shadow Secretary of State answers the question.

Stephen Kerr (Stirling) (Con): I do not believe the SNP is being consistent, because today it dropped a policy that it had been advocating for some time—namely, Norway plus. The SNP was asked directly about Norway plus and the First Minister and others have advanced the idea of Norway plus, but they have dropped it like a hot brick today. So they are not consistent. The only thing the SNP is consistent on—my hon. Friend is correct—is its obsession with independence and a second independence referendum.

Will Quince: I thank my hon. Friend for that intervention and bow to his knowledge of the political situation in Scotland.

Let me turn back to Labour. We get a different answer depending on which shadow Secretary of State is asked. I thought, perhaps naively, that the Labour party was against outsourcing, but it is absolutely clear that over the course of the past week Labour has outsourced all its opposition to the Scottish National party and is almost not even bothering. The dilly dallying over the confidence motion yesterday—what on earth was going on? The only thing in which we can have confidence is that the Labour party has absolutely no ability to offer effective opposition. Yesterday was like the no-confidence hokey cokey—it was verging on ridiculous. This House desperately needs far less political opportunism and far more honesty. At least we know where the SNP is coming from: it does not want Brexit to happen. What is the Labour party's position, other than wanting a general election?

Let me conclude, because I am conscious that I have only 30 seconds left. I am entirely pragmatic on this issue. I still want to support the EU withdrawal agreement and I very much hope to. Now that the Prime Minister has entered into these vital renegotiations on the backstop, she deserves our support. We need to send a clear message to the European Union that we stand behind

her in seeking those concessions, particularly on the backstop. We have to stop playing politics with this issue and get behind her. I for one look forward to supporting the Prime Minister when she brings back concessions on the backstop in January.

4.19 pm

Tommy Sheppard (Edinburgh East) (SNP): This country is facing a grave political crisis the like of which we have not seen for more than a generation. The undeniable truth is that this is something that the Government have created for themselves. From the word go, they have chosen not to reach out across a divided country to try to build a political consensus on the question of our relationship with the European mainland. They have instead looked inward to the party of government, trying to patch over divisions within the Conservative party.

At least this latest insult by the Executive to the legislature in interrupting our debate on their proposals and denying us a vote on them this year is consistent. The Government have not suspended the process to fundamentally rethink their proposals and to listen to the concerns across this House. Oh, no—they are doing so only with a very narrow agenda, which is to placate the extreme right wing of their own party on its concerns about the Northern Ireland backstop. I have to say that the Northern Ireland backstop is, perhaps, the least offensive of the proposals before the House. Of far greater concern is the fact that, by the Government's own admission, they will impoverish the people whom we represent and deny people the ability to come and live and work in my country, which threatens its future prosperity.

In fact, the most offensive feature of the backstop is that it serves to underscore the duplicity of the Westminster Government when it comes to dealing with representations from Scotland. The national Parliament in Scotland has argued precisely for differential arrangements post Brexit and been told consistently for the past two years that they would be impossible because they would compromise the integrity of the United Kingdom, only to find them written down in this withdrawal agreement with regard to Northern Ireland. That is an insult, and it is contempt for the people of Scotland.

Let me turn to this question of the second referendum. I want to caution some colleagues who are against the notion about the language that they are using in this debate. It is a fantasy and a fiction to try to claim that, somehow, allowing all the people of this country to vote in a referendum is anti-democratic.

Kirstene Hair (Angus) (Con): In the Scottish Parliament today, the Cabinet Secretary for Government Business and Constitutional Relations was asked whether he would respect the result of a second referendum, and he would not answer. I therefore ask the hon. Gentleman: would he respect it?

Tommy Sheppard: I am consistent in respecting the results of every referendum. It is true that 17.4 million people voted to leave the European Union, but there are 65 million people in the United Kingdom, and at least 2 million of those 17 million have changed their minds. In a democracy, people have the right to change their mind. For people to oppose a second referendum and try to use an historic mandate, which is increasingly out

of date, to suppress the democratic aspiration of the people in the here and now is more akin to authoritarian populism than to a liberal democracy. I urge colleagues not to go down that path in our dialogue.

Alex Sobel (Leeds North West) (Lab/Co-op): The hon. Gentleman is making an excellent point, but does he not agree that we have had two referendums on this, so this would be the third referendum in which people have been allowed a say about membership of the EU? We also had a referendum in Northern Ireland on the Good Friday agreement, which resulted in a 71% majority. Should not that referendum result be respected, which it is not in the Prime Minister's withdrawal agreement?

Tommy Sheppard: Let me explain it this way: we can never say that people do not have the right to reconsider a proposition in a democracy. On the other hand, we cannot have a referendum every month or every year, so we have to set tests for whether it is legitimate to have a second referendum. I would set three tests. First, the information on which the initial decision was taken needs to have substantially changed or to have been shown to be wrong—I think that test is met. Secondly, a significant number of people have to have changed their minds—enough to create a different result. That test is met. The third test is whether the elected Parliament is incapable or unwilling of discharging the mandate from the referendum. When we get the chance to vote on it, that test, too, will have been met. It is now possible that having a people's referendum is actually the only way to get out of the current impasse and crisis.

Let me turn to the official Opposition. I am being completely non-sectarian. I do not just want to work with the Labour party in defeating this Government; I am desperate to do so. I am really concerned by what has happened over the last 24 hours. Earlier comments suggested that the mis-wording of Labour's no confidence motion to include "the Prime Minister" but not "the Government" is somehow a mistake or an ineptitude. It is not. It is a deliberate attempt not to put the question, so that it now languishes on the Order Paper with the same authority and effect as 1,900 early-day motions that are lying around.

I say to the Labour Front Benchers: you need to do something to dispel a growing concern, which is that Labour Members are not effectively taking on the Conservatives because they are not actually disagreeing with their policies all that much and would be quite content to see them go through. The Labour party needs to lead. It is the biggest Opposition party in this House. It needs to step up and co-ordinate the opposition on the Opposition Benches, but also on the Government Benches, and to defeat these proposals. Please do that and we will be your willing accomplice, if you ask us to be so.

There has been a lot of talk about the fact that Scotland, for the time being, remains part of the United Kingdom. I respect the 2014 referendum result. Scotland does remain part of the United Kingdom, and we have every right to argue in this Parliament for the benefit of our constituents within the United Kingdom, which is why we are desperately engaged in a process of trying to save this country from itself—from the worst act of collective self-harm in history—by stopping this ridiculous process of Brexit. But know this: we will not go down with the ship if it does not change direction. We will use

[Tommy Sheppard]

our right of self-determination as a lifeboat to escape from this catastrophe. And when the time comes, if this process unfurls the way the Government want it to, you will be the greatest champions of Scottish independence, because the people of Scotland will take their opportunity to chart a different course and become a proper European nation at the heart of Europe.

Madam Deputy Speaker (Dame Eleanor Laing): Order. The hon. Gentleman several times referred to “you”, when he meant hon. Members, not the occupant of the Chair.

I now have to reduce the time limit to four minutes.

4.27 pm

James Heappey (Wells) (Con): It is a pleasure to follow the impassioned speech of the hon. Member for Edinburgh East (Tommy Sheppard).

We are having an emergency debate on matters that are presumably of great importance and urgency, otherwise it would not be an emergency. Yet, having spoken in the Standing Order No. 24 debate roughly this time last week, one has to conclude that we seem to be having exactly the same discussion today as we had last week. It is therefore rather hard to understand exactly how this is an emergency. I suppose this debate was the insurance policy. One cannot blame SNP Members for seeking it, because I suspect they had their doubts about the ability of the Labour Front Benchers to put forward the motion that we thought we were all going to be debating today.

As I asked the Secretary of State earlier—he blushed and declined to answer—it is not quite clear whether it was the ineptitude or the invertebrateness of the Leader of the Opposition that led to the SNP motion being preferred over the official Opposition’s. But here we are, effectively having exactly the same debate that we had last week—yet more time in which we are chewing over exactly the same issues as we have been for hour after hour over the recent weeks and months.

The Prime Minister and her Ministers have spent hours in this Chamber, taking questions at the Dispatch Box. The debate on the meaningful vote was three days in. I have to admit that I caught sight of the Whips’ book while I sat near them during those three days, and every single line read, “Disagree”. The mood of the House towards the deal as it stood then was absolutely obvious. Rather than proceeding to a meaningful vote last week when it was clear that the House was against it, we went away and sought something different, and when that was not immediately achieved in last week’s summit, we said, “Okay, we’ll give ourselves the Christmas period to push even harder and see if something different can be achieved.” That seems to me to be a very rational, very sensible approach by a Prime Minister and a Government acting in the national interest.

Ian Blackford: The hon. Gentleman is making some important points. I suggest to him that the fact that Member after Member said that they disagreed with this deal, and that the European Union presidency has made it clear that it will not negotiate on it, means that we need to vote down this deal so that we can all come together to break the impasse. That is the point of this debate.

James Heappey: It is interesting logic to say that by voting down the deal we all somehow come together. As far as I can see, the deal is the best chance that we have—it is a very long shot, I grant you—at least of a majority in this House coming together in some sort of compromise.

If the deal is no longer available, we end up with no plan being offered by the Opposition; an outright—and, in fairness, unequivocal and consistent—opposition to Brexit from the right hon. Gentleman’s party; the Liberal Democrats, who in my constituency seem to say one thing on the doorstep to one household and another to another—

Wera Hobhouse indicated dissent.

James Heappey: I would gladly take an intervention from the hon. Lady if she could confirm today that the Liberal Democrats’ official policy is an end to Brexit and that they would like to work with the Leader of the Opposition in government to bring that about.

Wera Hobhouse: I am happy to intervene. We have always said that our best place is in the European Union and that anybody who wants to work with us on that aim is very welcome.

James Heappey: I think that my constituents in Burnham-on-Sea, Cheddar, Shepton Mallet, Glastonbury, Street and Wells can see unequivocally from what the hon. Lady has just said that the Liberal Democrats are indeed seeking an exit from Brexit and would happily put the Leader of the Opposition into No. 10 to achieve that. That is somewhat at odds with what the Liberal Democrat candidate in my constituency has been telling people. I am grateful to her for clarifying that in the short time that I have available to speak today.

I find that we are having these debates again and again and again. I did not come to Parliament to talk endlessly about Brexit, yet that is what we seem to be doing. I am not going to argue that a second referendum is undemocratic. I absolutely take the point made by the hon. Member for Edinburgh East (Tommy Sheppard)—how can it be undemocratic to keep exercising democracy? However, I see a process that would take at least a year to deliver. If it took us 348 days to take the European Union (Withdrawal) Bill through this House, there is no way that a referendum Bill would take any less time. That means a year of huge uncertainty during which time Brexit would continue to dominate the national conversation, not in any way of trying to find compromise and a solution, but with people reverting back to the binary positions that dominated the original referendum debate.

A second referendum would be a step backwards, not a step forwards. It is not an end in itself. It is not a solution to the problems that we face in this place. It is simply us saying that we are not willing to make the decision ourselves and are putting in place a process whereby others can decide because we have not got the bottle to do so. We know what are the options in front of us, and we have to make the decision. A second referendum is a soft way out that solves nothing and does nothing other than create more parliamentary process and more dominance of the Brexit debate.

We have three choices: either no Brexit, which, in fairness, many Members in this House want; no deal, which many Members in this House also want; or the

Prime Minister's deal, which at least means that we find a compromise and do not end up having to choose between two extremes.

4.33 pm

Stuart C. McDonald (Cumbernauld, Kilsyth and Kirkintilloch East) (SNP): I will start by trying to perform something of a Christmas miracle by striking a note of consensus for just a moment. I am sure that hon. Members from across the House would want to join me in marking International Migrants Day. [HON. MEMBERS: "Hear, hear."] It was not that painful, then. It is a day for thanking our migrant family members, friends and neighbours for everything they have brought into our lives, and for committing ourselves to ensuring that all who have made this country their home can live full and happy lives, free from anti-migrant prejudice and discrimination.

In that spirit, I thought I would use my speech to take a slightly different tack and suggest how the Prime Minister might just be able to salvage one meaningful thing from ongoing talks with Brussels—something that could bring a bit of peace of mind to the 3 million EU migrant friends and colleagues we have here, as well as the 2 million or so British people living across the EU, and a way to save us from a completely wasted month. If the Prime Minister wants to do something meaningful that I think would have widespread support in the Chamber, she should seek to ring-fence the agreement on citizens' rights, so that even in the doomsday scenario of no deal on everything else, those rights would be protected. I do not for a minute think that that would be easy, and it might be that it cannot be done, but it is worth a try, because not trying means that all the 3 million have to rely on is a unilateral promise from the UK Government. Not trying also means that the British in Europe risk losing rights unless Governments in the 27 other member states each unilaterally pass legislation to replicate their status before April.

Of course, the Prime Minister says she has already committed to ensuring that EU nationals can remain here in the event of no deal—the Secretary of State and the Chair of the Exiting the European Union Committee referred to that earlier—but there are three problems with leaving it at that. First, it is no help to the British in Europe. Secondly, the Government's published arrangements for EU nationals in the event of no deal are a watered-down version of the citizens' rights in the withdrawal agreement. Why is that? There is no justification for the difference in treatment. Thirdly, and most fundamentally, a unilateral promise from the Prime Minister can be here today and gone tomorrow. We have seen all sorts of Government promises ripped to shreds in recent weeks.

Even if the Prime Minister sticks to that commitment, it does not bind her successors. Those citizens' rights can be repealed in the blink of an eye, perhaps even through a change to the immigration rules. Who knows? We could end up with a Government daft enough to commit to reducing EU migration by something like 80%, if recent reports are in the right ballpark. It may be that a target-obsessed Prime Minister decides that the only way to meet that goal is to clamp down further on the family reunion rights of the 3 million.

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): Hostile environment.

Stuart C. McDonald: Indeed. I sincerely hope that I am wrong, but we can well understand why a unilateral promise from the Prime Minister is not filling the 3 million with the sort of certainty that they would like.

For their sake, and for the sake of UK citizens in the EU, instead of frittering away these three weeks of further discussion in Brussels seeking assurances that will not make one bit of difference, the Prime Minister should use them to seek to ring-fence and guarantee at least the citizens' rights part of the deal. If she tries and fails, she will not get criticism from me, but if she does not try at all, she most certainly will, and she will also get criticism from the millions of EU and UK citizens living abroad who demand this peace of mind.

4.37 pm

Stephen Kerr (Stirling) (Con): I want to begin on the theme of leadership and say how proud I was to stand as a Scottish Conservative and be elected to this Parliament under the leadership of our Prime Minister and Ruth Davidson. For my right hon. Friend the Prime Minister, the Union is an enduring principle. For many, support for the Union is perfunctory, but she genuinely believes in the Union. She knows that the strength of this country lies in its unity, and when she speaks of our precious Union, she means it.

The SNP are at it—more political games and more procedural devices, and to what end? To the only end that nationalists have any interest in: the break-up of the United Kingdom. Instead of discussing the substance of things, they obsess over process while nursing grievance. What they should be doing is putting the interests of our country and our constituents ahead of their narrow party political agenda.

The SNP do not accept the result of the 2016 referendum. That is not a novel position for them. They have a problem with accepting any referendum result when they do not win, which is always. They are blatant. They want to overturn the votes of 33 million people. Of course, my constituency voted 67% to remain in the European Union. If my constituents had been the sole electorate voting, we would still be in the European Union, but this was a United Kingdom vote on the United Kingdom's membership of the European Union, and the voice of the people was clear. The people's instruction was that we should leave the European Union. Should this House fail to fulfil that instruction, it would be an abrogation of our responsibility as Members of this House to respect democracy and the verdict of the British people.

The people of Stirling elected me to this House on the back of my election commitment to make the best of Brexit: to return powers to our country from Brussels and to grow our economy—the free enterprise economy—which has produced a jobs miracle since 2010 and will continue to do so. My right hon. Friend the Prime Minister is carrying out the will of the electorate. She is acting in good faith and with respect for the instruction of the British people. The people were told their decision would be carried out.

Let us not forget who we are dealing with—the Scottish nationalists. They have only one objective today, which is the objective they always have. They want to break up the United Kingdom at all costs. From the break of dawn on the morning after the EU referendum, Nicola Sturgeon has focused solely on the second

[Stephen Kerr]

independence referendum. The people of Scotland, who are now bearing the heaviest tax burden in any part of the United Kingdom and living with the failures of an 11-year-old SNP Administration, can see through all the posturing and faux rage. The SNP's theatrics today may satisfy the appetites of their core supporters, but the people of Stirling want none of it. They want improvements in their schools, their NHS and their police service, and they want policies to tackle antisocial behaviour and to improve the quality of their lives and the life chances of their children, not this pantomime.

4.41 pm

Peter Grant (Glenrothes) (SNP): It is always a delight to follow the hon. Member for Stirling (Stephen Kerr). I can reveal that his speeches are watched with great excitement in SNP headquarters, where the single question is: how many more phone lines will we have to open for people wanting to join the SNP?

Looking back to April 2017, immediately after article 50 was triggered, we knew that for two years nothing very much would change, but nobody really knew what would happen after that—that depended on the outcome of the negotiations. In December 2018, we know that during a two-year implementation period nothing much is going to change, but nobody has any idea what will happen after that. So after two or two and a half years of the greatest efforts by the brightest buttons in the Tory box, we are no further forward than we were in April 2017. All they have done is bring back and order us—not ask us, but order us—to support a deal, every single aspect of which is immeasurably worse than the deal that we already have and the deal that our nation overwhelmingly voted to retain.

Yesterday, without a hint of irony, the Prime Minister warned about damaging the integrity of our democracy. This from a Prime Minister who broke her promise not to call a snap election and broke her promise to give Parliament a vote last week, and from a party that allowed two self-confessed gross misconduct MPs back in just to let them vote in a leadership contest and a Government who are the first in history to be in contempt of Parliament. If the Government are worried about a loss of trust in the integrity of our politics, I suggest they get themselves a very large mirror and spend some time in front of it. If they want to know about the millions of people who are wondering whether this façade of a democracy is ever going to deliver, they should not only speak to but listen to some of the 62% in Scotland who voted to remain with the deal we already have, or indeed to some of the 71% in Northern Ireland who voted for a peace process that, right now, is not guaranteed under Brexit and which, even if the Prime Minister's deal is accepted, still will not have a guaranteed long-term future.

The Prime Minister claims to have listened to Parliament. She has listened to Parliament in the way that a defence lawyer listens to the case for the prosecution: absolutely no prospect of her budging an inch from her position, but listening for potential clues as to how she can impose her will on everyone else. Yesterday, she told us that this was not about expressing our personal views, saying that

“expressing our personal views is not what we are here to do.”—
[Official Report, 17 December 2018; Vol. 651, c. 528.]

In response to 23 different Members of Parliament, she then expressed her personal views about what was right and what was wrong. So when the Prime Minister says that we are not here to express our personal views, what she really means is that we are here to listen to her personal views and then do what we are told, regardless of what 649 other Members of Parliament and 60 million other people may think is best. That is not a parliamentary democracy; that is an elected dictatorship. When the word “elected” refers to a Prime Minister without a parliamentary majority, without the confidence of a third of her own MPs, and opposed by nearly 58% of those who voted in 2017, that elected dictatorship becomes dangerously close to an unelected dictatorship.

Had the Prime Minister not run away from debate last week, we would have been discussing the Union for eight hours on Tuesday. The question for Scotland is, which Union? The day is fast approaching when the people of Scotland will be asked whether they want a Union that is a true partnership of equals, such as is enjoyed by our friends in Ireland, or a so-called partnership of equals, which even today has demonstrably treated our nation and our nation's elected representatives with absolute contempt. When that question is asked, and it will be asked very soon, the answer from the sovereign citizens of Scotland will be as emphatic and as final as it is inevitable.

4.45 pm

Luke Graham (Ochil and South Perthshire) (Con): It is always a pleasure to follow the singular wit of the hon. Member for Glenrothes (Peter Grant).

Today, we have heard some fantastic words from the SNP; it has all been about humiliation, embarrassment and betrayal. Well, it is not this House that has driven education in Scotland down and has Scotland tumbling down the international rankings; it is not this House that has us failing our young people and their mental health targets; it is not this House that has us losing 150,000 further education college places; and it is not this House that has our farmers being left out of the UK's Agriculture Bill, betrayed by the SNP. The only betrayal, humiliation and embarrassment is on the SNP Benches, not the Conservative Benches. I wanted to be very clear about that.

We have talked a lot today about uncertainty, and when we talk about uncertainty in this Chamber, it is a real concern. I spoke to a developer in my constituency because a project was behind schedule. I asked why he was struggling, and one of the key reasons he gave, in front of other elected Members who were present, was that the uncertainty posed by indyref2 meant he was unable to get proper funding for the project to progress.

That undermines the SNP's whole argument about why it cares so much about Unions. I have heard its members talk about the strength of Union, the feeling of camaraderie and the fact that we can achieve so much more together than we can apart. Why is it, then, that they want to remain part of the EU but break our own United Kingdom? It is not rational, it is not logical—it is just plain, hard nationalism. That is divisive; it is the scar that divides our communities.

Angus Brendan MacNeil: The hon. Gentleman complains about the uncertainty over indyref2, as he puts it. The best way to end that uncertainty is to have a referendum and let the Scottish people speak. He is afraid of that.

Luke Graham: As I have shown in every debate, I am never afraid to face the hon. Gentleman. What is clear is that the SNP will not necessarily accept the result of that referendum. They did not accept the result in 2014, they are not accepting the result in 2016, so they certainly will not accept the 2018 result.

I am concerned that the SNP is inadvertently misleading the people of Scotland by telling them that they will be worse off leaving the EU versus leaving the United Kingdom, when we have four times the trade and far more social and cultural connectivity than we do with our European partners.

I will be honest: I campaigned for remain, and I came to this House because I wanted to talk about more Unions, not fewer; I wanted to talk about more international co-operation, not less. The strain that has been seen among my hon. Friends, and that has tested many Labour Members too, relates to the question of how we can progress as a country. We passed the power to the people, and a democratic decision has been made, which needs to be honoured, lest we undermine the democratic mandate we gave the people. I am not in the habit of defying the results of referendums, even though the SNP, as I said, did not respect the 2014 result and do not respect the 2016 result. We must respect the result. The two referendums we have had in the last few years have not brought our country closer together or sealed any rifts; they have actually kept the wounds open and kept them fresh. We have to use this House to bring people together, to come up with ideas and to chart a way forward.

The Prime Minister's speech—*[Interruption.]* If Members want to intervene, they should intervene; if not, they should pipe down. When it comes to the Prime Minister's deal and the economic analysis that goes with it, one of the key reasons why I am minded to support that deal is that the economic impact on the growth for Scotland would be zero—that is on page 63 of the economic analysis that has been issued for everyone to read and observe.

Stephen Kerr: The reality is that the businesses and farmers in my constituency, as in my hon. Friend's constituency, are saying to us, "Stop playing politics. Get behind the Prime Minister and pass this agreement."

Luke Graham: This is the point we are getting to: it is just becoming petty party politics. Opposition MPs say, "We want access to the single market." The deal on the table gives us access to the single market. They say, "We want a customs arrangement." The deal on the table gives us a customs arrangement. There are some compromises on goods and freedom. I know colleagues in all parts of the House who want a different kind of Brexit disagree with that, but there elements of compromise on all sides. That is why we need to work together. SNP Members make great play of saying that they want to reach across the aisle. I may be just a humble Back Bencher, but as someone who actively campaigned for remain, not one SNP Member has ever approached me to try to work together to come up with a better plan or find some clever new initiative. If they want real cross-party working, then they should not use words but take action. That is what our constituents want to see and it is seriously lacking from those on the SNP Benches.

No deal is perfect. The forces facing people in this House are a choice between hard socialism, hard nationalism and a decent compromise from the Government Benches. That is what I am advocating from these Benches. That is what I will be supporting. I hope hon. Members will support me in that, too.

4.51 pm

Alan Brown (Kilmarnock and Loudoun) (SNP): Mr Deputy Speaker, how do you follow someone who is speaking in a different debate from everybody else?

This entire process has from the start been one long con job. The EU withdrawal agreement is a complete fudge. The Prime Minister's visit to Brussels for concessions on the backstop is proof that she, like the hon. Member for Ochil and South Perthshire (Luke Graham), lives in a parallel universe. It is absolutely obvious that nothing was gained, and it is obvious that her deal still cannot get through Parliament. It is a damning indictment when an EU diplomat labels the Prime Minister unprofessional and conclusions are changed in frustration at her attitude. It is little wonder that her Ministers are now coming up with alternatives while she has her head in the sand.

The current failures reflect a failed strategy from a Government that she was part of from the outset. The voting franchise was a con. It is an absolute disgrace that EU citizens living here and paying taxes were excluded along with 16 and 17-year-olds. These cohorts would have changed the outcome of the vote and we would not be in the mess we are currently in. Then we had the Vote Leave lies, an organisation whose chair is still a Secretary of State in this Government. We had the Cambridge Analytica scandal and the confirmation of dark money, which the Tories are up to their necks in. The con job goes all the way back to 2014, when the Better Together campaign told Scotland that the only way to retain EU membership was to vote no in that referendum.

The reality is that EU citizens, including my wife in Scotland, are worried about their future, despite any hollow reassurances from the UK Government. I do not want freedom of movement to end, even though that pledge itself is another con trick. Article 5 of the Ireland-Northern Ireland protocol states that within the common travel area there will be

"free movement for Union citizens and their family members, irrespective of their nationality, to, from and within Ireland."

There it is in black and white: freedom of movement to Northern Ireland will continue. Therefore, the only way to resolve freedom of movement to Great Britain is a border in the Irish sea. According to the Prime Minister the backstop is the only issue, but there are so many aspects that have been kicked into the long grass that still need to be resolved to avoid the backstop arising—key matters that the Prime Minister should resolve, but pretends do not exist.

Just last night, the Tories refused to take an amendment to the Fisheries Bill that would see the end of the common fisheries policy by 31 December 2020. The Fisheries Minister admitted that there might need to be an extension of the transition period, so what is there to stop another sell-out of the fishermen? Worse, the Fisheries Minister had to correct the record to confirm that under the backstop Northern Ireland will have tariff-free

[Alan Brown]

access to the EU, whereas Great Britain will not. What is the Prime Minister doing to resolve that competitive disadvantage for Scottish fishermen?

Drew Hendry: My hon. Friend is making a very important contribution. Is it not a fact that the Tories have always seen Scottish fishing as dispensable? In fact, that was actually Government policy when they entered the CFP.

Alan Brown: Absolutely. That is an historical fact. We only had to see the dynamics in the Fisheries Bill Committee last night. The hon. Member for Banff and Buchan (David Duguid) tabled an amendment which he said was only a probing amendment and he then voted against leaving the CFP on 31 December 2020.

All these things are proof that the Prime Minister's red lines were a con as well, as was the Scottish Secretary's threat to resign if Northern Ireland was given special status. The Scottish Secretary has refused to even look at the compromises suggested by the Scottish Government. It really is time for the UK Government to acknowledge that for any deal to get through this Parliament, it will have to include the single market and the customs union—something that is more likely to appeal to the EU than further UK demands for concessions.

After two years of our being told that no deal is better than a bad deal, we are now suddenly told, “No deal would be a disaster—but don't worry about a disaster, because we are planning for it! We are putting arrangements in place.” We have had a Brexit Secretary who did not know how important Dover was, and the Transport Secretary did not visit Dover until October 2018. The Transport Secretary also promised that there would be an aviation deal, and then two years later admitted that discussions had not even begun on the aviation agreement. That is how much of a con this Government's no-deal preparations are—they are an absolute joke.

It is not a binary choice between a bad deal and no deal. The European Court of Justice ruling means that MPs can revoke article 50. As other hon. Members have said, we need to seriously consider a people's vote. In Scotland, as new polls show, independence within the EU is preferable to Scotland being dragged out against its will. It is quite clear that we need our own independence referendum to let the people of Scotland decide our future.

4.56 pm

Vicky Ford (Chelmsford) (Con): I just want to make some brief points, and I will endeavour not to be nebulous. I did not vote for Brexit. I would rather not be where we are, but people were given the choice and we told them that their choice counted, so we are where we are. No deal is not attractive, nor is trying to trade on WTO terms alone. It is especially not attractive for financial services, security co-operation, the digital sector, science and research, and for advanced manufacturing.

The declaration on the future framework offers the pathway for the deepest free trade agreement and the deepest security partnership ever offered by the EU to a non-EU country. It has been agreed unanimously by the Heads of State of 27 EU countries. Five of those

Heads of State are Prime Ministers from sister parties of the UK Labour party. Seven of the Prime Ministers are from sister parties of the UK Liberal Democrat party. Last Friday, those same 27 Heads of State made it clear again that they intend to honour that declaration and that they are ready to start the detailed negotiations. Suggesting that the declaration on the future partnership is somehow not meaningful insults the integrity of those 27 other Heads of State.

Furthermore, the withdrawal agreement and the future framework agreement follow the principles that have been supported in numerous resolutions in the European Parliament—in April, October and December 2017, and again in March this year. Those resolutions were all supported by the Members of the European Parliament from the Scottish National party, so I say to the SNP: if you want to avoid leaving with no deal, the best thing to do is to vote for this deal. And I say to the Opposition: if you want to have a motion of no confidence in the Government, table a motion of no confidence in the Government. It is that simple.

4.58 pm

Wera Hobhouse (Bath) (LD): As people say, a week is a long time in politics, and today we find ourselves talking about Scottish independence when we were meant to be having a European Union withdrawal debate. One thing that I must say about the debate today is that I believe we are better together in the European Union and in the United Kingdom.

Delaying the vote that should have taken place last week was deeply irresponsible. It is obviously the Prime Minister's aim to blackmail MPs by saying that other than her deal, there is only a no-deal Brexit. This is playing Russian roulette. The Prime Minister has repeatedly refused to consider any other options. Parliament is now at an impasse. There is currently no majority either for the Prime Minister's deal or a no-deal Brexit, and in this House we cannot cancel Brexit. The 2016 referendum has taken place and we have to recognise that. However, that does not mean that the result should not have to be looked at again for generations to come. As Parliament cannot agree on a specific Brexit plan, we must take the issue back to the people—including, when we look at the Brexit reality rather than the Brexit fantasy, the question of whether we should stay in the EU. I see nothing condescending to leave voters in that proposal. There is nothing stupid about reconsidering such an enormous issue, and reaching a new conclusion in the light of new information or new facts.

David Linden (Glasgow East) (SNP): The hon. Lady is making a powerful point. She is right that people should have the opportunity to look at the issue again. Given that the United Kingdom for which people in Scotland voted in 2014 no longer exists, why is her party opposed to a second referendum on Scottish independence?

Wera Hobhouse: As I said earlier, today we are talking about EU membership. [Interruption.] The Liberal Democrats believe in the Union of the United Kingdom. [Interruption.] I believe that it is a sign of integrity and intelligence to reconsider a referendum result—and by all means let the Scottish people have another look at that decision. [Interruption.] If people want to confirm their previous decision, that is absolutely fine by me

as well. I believe that there is nothing undemocratic about asking for confirmation or clarification. It is clear that leave voters were split when they voted to leave. There are those who were happy to leave the EU without a deal and who now feel betrayed by the Prime Minister's deal, and there are those who are happy to support it. The current divisions are most profound among those two camps.

Referendums need not be divisive. They only become so when promises are made that cannot be delivered. The 2016 referendum was divisive because promises were made that could not be delivered. Now Brexit fantasies are hitting Brexit realities. It is therefore not inherently the fault of the Prime Minister that a bad deal was negotiated. Frankly, no other Prime Minister would have been able to reconcile the incompatible demands of the Brexit vote. There is no good Brexit deal. Parliament knows that, and it is right to vote down the Prime Minister's deal.

The most democratic thing to do now is to return the question to the people, but this time a referendum should be based on facts and not on fantasies. The Prime Minister should stop being afraid of democracy, allow her vote to take place this week, and allow Parliament to do its job and move forward to a people's vote.

Mr Deputy Speaker (Sir Lindsay Hoyle): I call Patrick Grady to speak very briefly.

5.2 pm

Patrick Grady (Glasgow North) (SNP): Thank you, Mr Deputy Speaker. I am very grateful to have caught your eye, and I will be very brief.

In 2015, the Scottish National party released the speech that Alex Salmond would have given if Scotland has voted yes to independence. If we had won the referendum in 2014, we would have embarked on a programme of nation building, of ambition, of progression and of bringing everyone together, recognising that not everyone would have voted in favour of independence, and recognising and reaching out to the people who voted no.

How that contrasts with what the Prime Minister did in 2016 and what she has done since. She has pandered to the hardest and most extreme Brexiteers on her own Benches instead of trying to bring the rest of the United Kingdom together. That is the legacy with which we have been left today, that is why we have found ourselves in the current farce and impasse, and that is why the deal that the Prime Minister has proposed is unacceptable to everyone and the no-deal contingency planning has had to be stepped up. It turns out that rather than getting £350 million a week for the NHS, we will have 3,500 troops on the streets. No one in the United Kingdom voted for that to happen as a consequence of Brexit, yet that is exactly what we are seeing.

However, the real story of the past few days has not been the contemptible failure on the Conservative Benches—we have known about their chaos for a very long time—but the failure on the part of the Labour party and the Leader of the Opposition, who should have taken his constitutional responsibility seriously and tabled a motion of no confidence in Her Majesty's Government. He is the man who should be the credible alternative in this House, and he has singularly failed to be that. That is because the Labour party is the pro-Brexit

Labour party and the leader of the Labour party is the pro-Brexit leader of the Labour party, and that is a betrayal of the people the Labour party is supposed to represent.

It is true that hard-core Labour voters voted leave in 2016, but the job of the Labour party should not simply be to kowtow and run away in fear; it should remake and remake again the positive case for European membership rather than support a Brexit that is going to put those very people out of work and make them less well off.

That may be difficult for the Labour voters in the north of England, but the voters in Scotland have an alternative. The voters in Scotland have a way out: if we want to exit from Brexit, we can do that by exiting the United Kingdom.

5.5 pm

Ian Blackford: I am grateful for the opportunity to have held this debate today and I thank all Members who have contributed to it.

It is clear that Members across this Chamber have significant concerns about the challenges that lay ahead of us. What is even clearer is that, sadly, this Government will dig their heels in regardless of what lays ahead. It has been acknowledged across this House that we have reached a moment in history when Parliament has been systematically undermined by a Government out of control, and when the public have been let down by a Tory party so divided and distracted by its own infighting that it has no regard for the interests of citizens across the UK.

Let me be clear and repeat a comment that has been made by several Members: there is no good Brexit. Our economy will be smaller, our people poorer and the opportunities for future generations limited as opposed to what would be the case staying in the EU. That is borne out by the UK Government's analysis.

It is an utter travesty that today the Prime Minister chose to sit out this debate, despite the importance of its substance. That is not good enough, and it shows the contempt that the Prime Minister has for the motion granted by the Speaker. Maybe it is the case that the Prime Minister should sit out the rest of the debate on Brexit. She and her Government should stand aside and let the people sort out this mess. Let the will of the people be heard. Let us have a second EU referendum so that we can allow those who have changed their minds, now that they have the facts, to end this crisis and chaos. As democrats, we should have nothing to fear.

We have always made it clear that we would support permanent, continued membership of the single market and the customs union—short of the best option of staying in the EU, that remains our position. The SNP set out our position in “Scotland's place in Europe” and we have been entirely consistent throughout. However, the reality is, based on the publicly stated position of the other parties in the Commons, that there does not currently appear to be majority support for that option of staying in the single market and the customs union. Therefore, with the EU exit date of 29 March fast approaching and the UK Government in chaos, the urgent priority now is to stop the clock on this disastrous Brexit process by extending article 50. That allows time for options, including another EU referendum, or indeed the Norway option if enough support emerges for it.

[Ian Blackford]

Let me clarify that it has always been the case that the SNP's first option, in line with the wishes of the people of Scotland, is to retain EU membership. A second referendum would be an opportunity to stay in the EU, and with the clock ticking down to 29 March, that is the focus of our efforts.

Compromise options should always remain on the table, but, frankly, we need to be realistic. The opportunity for votes and for debate is narrowing, with the Government denying Parliament and the people a say. It is time for this Government to go. Voices from many in this Chamber have made it clear that they agree with the SNP. This Government are a disgrace. This Government have shown contempt for Parliament; it is a farce. I say again to the Leader of the Opposition—

5.9 pm

Three hours having elapsed since the start of proceedings, the motion lapsed (Standing Order No. 24).

Mental Capacity (Amendment) Bill [Lords]

[Relevant Documents: Seventh Report of the Joint Committee on Human Rights, *The Right to Freedom and Safety: Reform of the Deprivation of Liberty Safeguards*, HC 890, HL Paper 161. Twelfth Report of the Joint Committee on Human Rights, *Legislative Scrutiny: Mental Capacity (Amendment) Bill*, HC 1662, HL Paper 208.]

Second Reading

5.9 pm

The Secretary of State for Health and Social Care (Matt Hancock): I beg to move, That the Bill be now read a Second time.

Every Member of this House will agree that we have a duty of care to the most vulnerable in our society, and that everybody deserves to be treated with dignity and respect, no matter what their physical or mental condition. I hope that the House will also agree that liberty is a fundamental right, and that no decision on the deprivation of liberty can ever be taken lightly. Such decisions can be taken only to protect society or individuals. There are currently 2 million people in this country who have impaired mental capacity. Care homes and hospitals often have to take decisions to restrict people's movements in order to protect them. That could involve preventing elderly people with dementia from moving, or stopping vulnerable people getting access to things that they could use to self-harm. The present deprivation of liberty safeguards are meant to ensure that people who lack the capacity to make decisions for themselves are not deprived of their liberty unfairly or unnecessarily, but the current system is broken and needs to change.

Mr Tanmanjeet Singh Dhesi (Slough) (Lab): What assurances can the Secretary of State give us that local authorities will be given sufficient resources to allow them to process all deprivation of liberty cases?

Matt Hancock: The resource question is an important one, and so too is the process. The question of resources and the question of what the process is go hand in hand. There has been an increase in the amount of resources given to local authorities to enable them to deliver in this area, but the question will undoubtedly arise again as we run up to the spending review.

Mr Jim Cunningham (Coventry South) (Lab): I visited a police station a couple of weeks ago, and I found that the police lacked adequate training to deal with some of the cases that they were coming across. Has the Minister had any discussions with the Home Secretary about that?

Matt Hancock: Yes, I have. This is an incredibly important point. The deprivation of people's liberty in a police cell when there is a lack of mental capacity—or, in certain circumstances, when there is a serious mental illness—happens far too often. The purpose of police cells is to detain criminals. Providing a system in which such people do not have to be held in police cells is absolutely critical and part of our plan.

Several hon. Members *rose*—

Matt Hancock: I want to make a little bit of progress.

For many reasons, the current system is broken. Too many people do not have the protections they need because of a bureaucratic backlog. There are currently more than 125,000 people waiting to be processed, and nearly 50,000 people have been waiting for over a year.

Norman Lamb (North Norfolk) (LD) *rose*—

Matt Hancock: I will give way to the right hon. Gentleman, who did a huge amount of work on this as a Minister in the Department.

Norman Lamb: I thank the Secretary of State for giving way. I share his view on the extent to which the current system is broken. He will be aware that the Bill came under substantial criticism in the House of Lords, and that substantial improvements were made to it there. There is a recognition, however, that there is still a long way to go. Will he commit to working with the Opposition parties and to meeting us and interested parties beyond Parliament to ensure that by the end of this process we have an agreed Bill that will actually improve people's safety?

Matt Hancock: Yes, absolutely I will. I know that the right hon. Gentleman met the Minister for Care, my hon. Friend the Member for Gosport (Caroline Dinenage), yesterday to discuss this question. Of course this ought to be a collaborative process. Improvements were made to the Bill in the other place—I shall talk about those in a moment—but we recognise that further improvements could still be made. Ultimately, there is a careful balance to be struck between the need to protect people who do not have the full mental capacity to take care of themselves and the need to ensure that we do not deprive people of their liberty unnecessarily. That is a careful balance, and we should take this forward on the basis of open discussion and deliberation, rather than of a party political ding-dong.

Paul Blomfield (Sheffield Central) (Lab): The Secretary of State is clearly right about the system being broken, and one aspect of that is the shockingly low rate of appeals under deprivation of liberty orders, which currently stands at about 1%. Although the case law has become clearer, in most situations there is a positive obligation on advocates to progress cases to court where somebody is objecting to their deprivation of liberty, either directly or even through their behaviour. In contrast, 47% of detention decisions under the Mental Health Act 1983 are appealed. The Bill's impact assessment predicts that the number of appeals will halve under the new procedure. Given the amendments that were made to the Bill in the Lords, does the Secretary of State think that the Government should now review that figure?

Matt Hancock: All such considerations should be taken into account and looked at in Committee. We made changes to that area in the Lords, and we are determined to reach the right balance, but I take the hon. Gentleman's important point seriously. Like anyone who has read the Bill, he will know that it makes a significant improvement in this area. Rather than cases being immediately passed on to the courts, there is a process in place both before the deprivation of liberty where that is possible, which is a big improvement, and then later on when the deprivation is questioned. I accept

the thrust of the hon. Gentleman's intervention, but the Bill makes significant progress, and if he has suggestions for how the details may be nuanced still further, we are all ears because this is very much a collaborative process.

Lyn Brown (West Ham) (Lab): I am surprised that this Bill and the reforms to the Mental Health Act are not being considered at the same time. As I understand it, this Bill would allow clinicians and managers to detain somebody for up to three years without a renewal decision, which is much longer than is recommended for community treatment orders by the Wessely review. If both reforms are implemented, patients detained under the Mental Health Act could have the security of a shorter review period than those detained under this Bill. Will the Secretary of State tell me whether that is the Government's intention or simply a mistake?

Matt Hancock: The hon. Lady is not quite right about the three-year period, because there are review points, meaning that it involves a twice-possible one-year extension, so she is not quite right about the relationship between that and what happens under the Mental Health Act. However, she makes an important point about the links between the Mental Capacity Act 2005, this Mental Capacity (Amendment) Bill and the mental health Bill that we propose to bring forward.

We considered putting the two Bills together, but we did not do that for two reasons. First, it would simply be a big Bill that included two separate regimes, and we would not want the full Mental Health Act powers to be applied across the board, and I think there is a broad consensus behind that. Secondly, the view of Sir Simon Wessely, who ran the review into the Mental Health Act, is that we need to get on with this while taking the time to get the Mental Health Act update right. Combining the two was seriously considered, and I considered it again when I became Health and Social Care Secretary and asked for further advice, but we came to this conclusion, which I hope the hon. Lady will support.

Mr Kevan Jones (North Durham) (Lab): I do not disagree with Sir Simon Wessely's conclusions about that, but the review does contain suggestions that could be transferred into this Bill. For example, the use of tribunals instead of the Court of Protection in some cases would make them a lot simpler, cheaper and better for the person involved.

Matt Hancock: The right hon. Gentleman is quite right. To start to deal with the serious number of cases that we need to make progress with, the interface between this Bill—hopefully on the statute book by then—and the Mental Health Act provisions will be considered as we develop the draft mental health Bill. The truth is that the current system causes unnecessary suffering, and the case for reform could not be more urgent. That is why we are bringing forward this Bill now. Age UK, the UK's largest charity working with older people, says we have a crisis in the current system that is

“leaving many older people with no protection at all... If we lose this opportunity we're unlikely to get another one in this Parliament and it is profoundly unfair on the older people and their families...to have to wait any longer...doing nothing is not an option.”

Melanie Onn (Great Grimsby) (Lab): Has the Secretary of State had any discussions with the Justice Secretary about the application of the measures in this Bill upon those who are serving prison sentences, particularly indeterminate sentences?

Matt Hancock: I have had some discussions on that subject, and I am happy for the hon. Lady to take up that point in more detail either directly with me or with the Minister for Care, or in Committee, because there are significant interlinkages between the two areas.

The Bill builds on the extensive work and recommendations of the Law Commission. It has been fully scrutinised by the Joint Committee on Human Rights and then improved by the other place, as has been discussed. I am grateful for all that work. Ultimately, it is about striking a balance between liberty and protection.

John Howell (Henley) (Con): My right hon. Friend mentions the Law Commission and its suggestions. What he proposes does not quite tally with all the Law Commission's recommendations. Where are the differences?

Matt Hancock: We built the Bill on the basis of the Law Commission report, but we have put some differences into the Bill. For instance, we think the principle of prioritising people over process is important, and we have strengthened that compared with the Law Commission's recommendations. The Law Commission improves the law but does not make policy decisions. On top of the Law Commission's work, which is incredibly helpful, we have made further policy decisions to ensure that people are put more foursquare at the heart of the process. It is true that the Bill and the Law Commission's recommendations are not exactly aligned, but I would strongly defend our further improvements.

Geraint Davies (Swansea West) (Lab/Co-op): I have the privilege of chairing the all-party parliamentary group on speech and language difficulties. The Royal College of Speech and Language Therapists is concerned about the conflation of mental capacity with speech and language difficulties. It is important we have provision so that people with speech and language difficulties are appropriately assessed and are not banged up because they are thought to be dangerous. There should be enough training in light of the fact that 60% of people in the criminal justice system have speech and language difficulties.

Matt Hancock: The hon. Gentleman is absolutely right about the importance of getting highly trained social workers to make these judgments and about the importance of making sure such training is provided for and embedded in the Bill. He speaks powerfully, and I agree with how he puts it.

The Bill introduces a new liberty protection safeguards system, and it makes the authorisation simpler and more straightforward. It removes some bureaucracy and duplication, and it makes the system easier to navigate for individuals and their family. People will get their rights protections sooner, there will be greater independence when decisions are taken to restrict liberty, and the NHS and social care providers will be given a bigger role in the decision-making process so that people under their care receive the right care and their rights

will be protected. It will introduce an explicit duty to consult the person being cared for and to consider their wishes and feelings.

Bob Stewart (Beckenham) (Con): An appropriate person will be appointed when dealing with vulnerable people. Who are these appropriate people, and what will be their role?

Matt Hancock: An appropriate person will have greater involvement in any decision to restrict liberty, so their role is essentially to speak for those whose liberty is potentially being restricted. We have framed this in terms of an "appropriate person" because in large part this will be a family member or a carer, but that cannot always be the case.

Bob Stewart: It could be a nurse.

Matt Hancock: It could easily be a carer, yes. Some people have no family and in others cases the family are not the appropriate people to be the spokesperson for those who are mentally incapacitated. The appropriate person—the families and carers—will have greater powers to intervene or to object. Crucially, where there is no family or an appropriate person to advocate for the individual, the person has the right to an independent mental capacity advocate. So in all cases there should be a person whose role in the system is to advocate on behalf of the person whose liberty is being restricted.

Paul Blomfield: Does the Secretary of State accept that that access to an advocate should not be necessarily subject to a best interest test, as is being proposed, but should be a right?

Mr Deputy Speaker (Sir Lindsay Hoyle): Order. Just to help everybody, let me say that we have 11 speakers, we still have to hear from the Opposition shadow Minister and we have the wind-ups. So I hope we can take that into account, although I recognise that the Minister is being very generous.

Matt Hancock: Thank you, Mr Deputy Speaker. These are very important points—

Mr Deputy Speaker: Order. Perhaps I will have to set it out differently. What I am trying to say is that we have 11 Members to speak and we could try to give them some time. Important as this and giving way all the time is, it is very important that we hear from other people.

Matt Hancock: Noted. Returning to the point made in the intervention, of course if there is an objection, there is a right in this case. So there is an escalation process in the event of an objection.

Before I end, I want briefly to deal with the Opposition's reasoned amendment, because I hope we are able to show in this debate that all the points they raise have been considered. I hope the House will not mind my taking a moment to address each one briefly. First, they make the claim that somehow the Bill has been rushed through and insufficient pre-legislative scrutiny has been carried out. The Bill follows the Law Commission spending three years developing the new model, consulting extensively. The Joint Committee on Human Rights then conducted an inquiry and pre-legislative scrutiny.

The Local Government Association, Age UK and Sir Simon Wessely have all backed the new legislation now. The LGA says:

“The Bill provides a vital opportunity for long-awaited reform” and it needs to be passed. So we need to get this Bill on the statute book, because every extra delay risks depriving someone of their liberty and their right to freedom unnecessarily, and I do not want to see that happen.

Secondly, the amendment claims that the Bill

“enshrines a conflict of interest in relation to independent providers of health and care services”.

Again, that is not the case. Every authorisation must be reviewed by somebody who does not deliver day-to-day care and treatment for the person in question. We plan to go further by tabling Government amendments that will require authorisations in independent hospitals to be reviewed by an external approved mental capacity professional. Finally, the reasoned amendment claims that it is concerned about clearing the backlog in the current system. Well, so are we, and that is what this Bill does. Anyone concerned about the backlog and the current system should back the Bill with enthusiasm.

The claims that this Bill does not put the interests of the cared for person first or address the interface with the Mental Health Act have been addressed already. The very reason we need this legislation is so that we can put their interests first, because they cannot afford to wait for the recommendations of the Mental Health Act review to come into effect, in a Bill that will inevitably take time to develop, because of the need to do this on a consultative and broad basis. While welcoming the probing, I very much hope that the Opposition and every Member of this House will support this Bill, because it strikes a careful balance between liberty and protection. It offers vulnerable people a brighter and better future. We have listened to concerns and we continue to be open to ideas. We have sought to amend and improve the Bill as it has progressed through the other place, and we will make further amendments in this House. I therefore hope that this opportunity to change the system for the better is one that the House recognises. I also hope it will recognise that doing nothing is not an option. That is why I am proud to commend the Bill to the House.

5.29 pm

Barbara Keeley (Worsley and Eccles South) (Lab): I beg to move an amendment, to leave out from “That” to the end of the Question and add:

“this House declines to give a Second Reading to the Mental Capacity (Amendment) Bill, notwithstanding the need for reform to the current system of mental capacity assessments and while acknowledging the improvements made to the Bill by the House of Lords, because the Bill underwent no pre-legislative scrutiny, it does not put the interests of the cared-for person at the heart of the Bill, it enshrines a conflict of interest in relation to independent providers of health and care services, it fails to provide measures to reduce the substantial backlog of Deprivation of Liberty Safeguards Assessments and it fails to recognise explicitly the interface with the Mental Health Act when determining which legislation should be used to authorise care or treatment arrangements.”

The issue before the House today is one of fundamental importance to us all: the individual liberty of vulnerable people. Today, we are being asked under which conditions it is right to deprive vulnerable people of that liberty

when they need care and treatment and cannot give their consent, and what protections should be in place when their liberty is taken away.

The proposals in the Bill to replace deprivation of liberty safeguards have the scope to affect the rights of a large portion of the 2 million people in the UK thought to lack capacity to make their own decisions. Among them are people with dementia, learning disabilities, autism and brain injuries. Whether to deprive some of the most vulnerable people in this country of their liberty should be an issue that we treat with the utmost respect, thought and care. However, I am afraid the Government’s approach to this immensely important issue has shown few of those qualities.

The reform of the Mental Capacity Act 2005 requires methodical planning, but the truth is that the Bill has been rushed through without proper scrutiny, despite the best efforts of many people who are concerned about its contents and have been working to change it for the better. The fact that the Bill has less than two hours for Second Reading and was brought forward with just two sitting days’ notice speaks volumes of the speed that the Government are adopting in respect of the Bill, and will raise further concerns among those who care about these matters.

The process of reforming the 2005 Act began when the Law Commission produced a draft framework for new liberty protection safeguards to replace the existing deprivation of liberty safeguards. That came after two years of painstaking work and wide consultation ended last year. The Government accepted the commission’s proposals at the time they were produced, but the Bill that was introduced to the House of Lords has diverged substantially from the original recommendations—an issue on which the Secretary of State answered a question earlier. At the outset of the process, the draft Bill published by the Government was subject to no prelegislative scrutiny whatsoever, meaning that important stakeholders were not consulted about its contents.

During the Bill’s passage through the House of Lords, my colleagues and I heard many concerns about it from interested stakeholders, from charities representing people with dementia, learning disabilities and autistic people through to directors of adult social services, organisations representing social workers, and social work professionals involved with the current system. They have been unanimous in their agreement that the Bill is deeply flawed, that there has not been adequate time for consultation, and that the proposals in the Bill could cause more problems than they solve.

The Secretary of State quoted a smattering of organisations; let me read him this list: the Relatives & Residents Association, Mencap, the National Autistic Society, Mind, Rethink, the Alzheimer’s Society, VoiceAbility, Disability Rights UK, POHWER, the British Institute of Human Rights, Sense, Liberty, Learning Disability England and Inclusion London have all called for the Bill to be paused so that further consultation can take place. But as we can see today, that call has not been heeded.

Mr Dhesi: Does my hon. Friend agree that, given that Sir Simon Wessely’s review has only just been published, the Government should consider pausing the Bill to look into the interplay between it and the recommendations on the Mental Health Act? Otherwise, we risk creating legislation that fits together very poorly.

Barbara Keeley: Absolutely, we do, and that is a real concern. The Opposition's concern is that we do not want to end up with a flawed piece of legislation replacing another flawed piece of legislation, and then to have to change it again.

It is worth noting that until yesterday the Government had not even published an equality impact assessment, more than five months after the draft Bill was first presented. Before that, the Government's only published impact assessment was concerned solely with the cost savings that the new system would bring. That initial impact assessment is now woefully out of date, given the number of amendments made to the Bill in the House of Lords—I understand that more than 300 amendment were tabled. I pay tribute to the work of many peers in the House of Lords, including my colleagues on the Labour Front Bench, who worked to try to improve the Bill, despite the hurdles placed in front of them by the Government. Nevertheless, fundamental problems with the Bill remain that simply cannot be rectified by amendments.

We cannot support the Bill in its current form because, quite simply, it proposes to replace one deeply flawed system with another. I will come onto the flaws in the Bill in due course, but, first, I wish to address the need for substantial reform of the Mental Capacity Act, which we accept. We recognise that the deprivation of liberty safeguards system is deeply complex and bureaucratic, as the Law Commission identified in its report last year. Concerns about the deprivation of liberty safeguards predated even the Law Commission's report, and we know that a House of Lords Committee declared the DoLS not fit for purpose in 2014.

The scope of DoLS is too narrow, applying only in care homes and hospitals. Authorisations outside care homes and hospitals have to be done through the Court of Protection, which is costly and cumbersome. It is clear, as we have already heard in this debate, that the explosion in the number of DoLS applications after the Cheshire West judgment left the system struggling to cope. The latest figures, as the Secretary of State has said, show a backlog of 125,000 applications. That, of course, leaves the person subject to the application potentially unlawfully deprived of their liberty. If the Government want to resolve that backlog, as they profess to, then the way to do it is to provide local authorities with the resources they need to process all the applications they receive. The Government should not be trying to hide their failure to fund local government behind a streamlined process that does not protect vulnerable people.

Although the deprivation of liberty safeguards need reform, and I agree that they do, the Bill deals with none of the challenges that have been outlined and creates some new problems that cannot be solved simply with further amendments. I am afraid we feel that the Government cannot be relied on to make the necessary changes during the remaining legislative stages given the resistance that they showed to making important changes in the House of Lords. On the contrary, the transformative spirit of the Law Commission's draft Bill has been squashed, and the measures that would place the best interests of the cared-for person at the heart of the new system have been reduced.

The Government should have enacted the Law Commission's proposals in full through the 15-clause Bill that was drafted, but instead we have this five-clause Bill.

Why did they not simply bring forward the Law Commission's proposals? The inescapable conclusion that we have come to from reading the Bill is that the Government are more interested in cost saving than in the best interests of cared-for people. This is a crucial point, because there can be disastrous consequences when the best interests of cared-for people are not taken into consideration.

Maria Caulfield (Lewes) (Con): I say this in a spirit of co-operation on such an important issue. The Labour party amendment is to decline to give the Bill a Second Reading. Instead of trying to change the Bill and bring in some of the Law Commission's recommendations, why, with nearly 200,000 people waiting to have a DoLS assessment, have the Opposition proposed an amendment to reject the Bill out of hand?

Barbara Keeley: That is a question that the hon. Lady needs to put to her own party. What has happened up to this point is that the Government have been asked repeatedly to pause, to carry out more consultation, and to consider redrafting the Bill. There is a list of 40 organisations that have asked for a pause and a redrafting of the Bill. This is a familiar situation from health and social care legislation—it has happened before in this House. The Government could have considered a pause, and the Minister for Care, the hon. Member for Gosport (Caroline Dinenage), knows that I have discussed that with her. The whole question really falls back on the Government.

Diana Johnson (Kingston upon Hull North) (Lab): My hon. Friend refers to what happened in 2012 with the Health and Social Care Bill. We had to have a pause halfway through its parliamentary stages because it had not been thought through properly. I worry that we might end up having the same thing happen again if the Government do not take heed of what the shadow Minister is so clearly setting out.

Barbara Keeley: I thank my hon. Friend for saying that, and it is the case.

Let me give an example. Just last week, the BBC's "Victoria Derbyshire" programme exposed the horrific case of Rachel Johnston, a woman with learning disabilities who died after having an operation to remove all of her teeth. Rachel had a long-standing and extensive dental problem, but, clearly, could not consent to the dental work. Rather than doing the surgery in several treatments, the dentist opted to remove all her teeth in one operation, using the Mental Capacity Act to authorise the use of a general anaesthetic because he deemed it to be in her best interest. After being discharged, Rachel bled profusely from her gums, developed breathing difficulties and later died. How on earth can that treatment have been in her best interest? That case shows a need for greater safeguards, not fewer safeguards. We should not allow medical professionals to make decisions without considering the best interests or wishes of people who lack the capacity to consent to treatment.

I recognise that, as the Secretary of State mentioned, the Government conceded in the House of Lords that the cared-for person must be consulted, but there are still worrying aspects of the Bill that undermine that principle. We should ensure that individuals have access

to an independent advocate. That is a vital safeguard that allows people to challenge authorisations, and it should be the default. The manner in which the independent mental capacity advocates can and should be appointed remains ill-defined and even contradictory.

The Minister in the House of Lords, Lord O'Shaughnessy, seems to have dismissed concerns raised about the application of a best interest test before the appointment of an advocate. The role of an advocate is essential to allowing individuals to access appeals and review their rights. Access to support from advocates should not depend on best interest tests, and the provisions in the Bill are far weaker than those proposed by the Law Commission. Yet despite that being pointed out in the debate in the House of Lords, the Minister there seemed unwilling to listen to advice, merely saying that it would work "in practice". That is simply not good enough. These factors amount to a severe undermining of the concept of the individual's best interests, which should be at the heart of the Bill but is sorely lacking.

I will now address the backlog of deprivation of liberty safeguard applications, because at the outset the Government presented the Bill as a cost-effective way of reducing it. On Second Reading in the House of Lords, the Minister claimed that the Bill would relieve

"local authorities of the...legal liability burden of more than £408 million by removing the backlog of...applications."—[*Official Report, House of Lords*, 16 July 2018; Vol. 792, c. 1060.]

But he made no mention of how that would happen. Our conclusion is that by attempting to place the onus for assessments on care home managers, the Bill would remove the responsibility from cash-strapped local authorities.

The Government initially tried to pass responsibility for assessments on to care home managers, and that was clearly intended as a cost-cutting measure. That was amended in the House of Lords, but care home managers will still decide whether an assessment needs to take place and will also identify whether the person being cared for objects to a liberty protection safeguard for their own care and treatment. The British Association of Social Workers has said that this presents a potential conflict of interest for care homes, as they need to maintain occupancy and may not readily identify an objection by the cared-for person.

The BASW has a further concern about the grounds on which the responsible body would decide whether it or the care home manager would make the necessary arrangements for an LPS authorisation. There is a significant risk of a two-tier system, whereby local authorities under financial or waiting list pressures would default to care home managers completing the new duties, and other local authorities under less strain would do the assessments themselves. I think we have enough of a postcode lottery in care without adding to it through the Bill.

Care England, which represents the network of care providers, says:

"There is a lack of clarity about the role of the Care Home Manager...the separation of roles between care homes and community care provision seems designed to increase rather than reduce confusion and complexity."

Indeed, the body is so concerned by this Bill that it has also said:

"This ill-considered Bill risks storing up a range of problems of a kind that we do not want and should be slowed or returned for redrafting."

There remains a further dangerous conflict of interest at the heart of the Bill because of the role that independent hospitals are given in the assessment process. Despite debate in the House of Lords regarding the role of independent hospitals, under the Bill they would still be allowed to appoint their own approved mental capacity professionals. That would allow independent hospitals the responsibility to authorise deprivation of liberty for people in that same hospital for the assessment and treatment of mental disorders. That is plainly wrong.

Matt Hancock *indicated dissent.*

Barbara Keeley: The Minister says no, but Lord O'Shaughnessy in the House of Lords would not consider amendments tabled by two parties to deal with that issue. It is plainly wrong and represents a very clear conflict of interest.

Moreover, the Bill currently allows for the deprivation of someone's liberty to be authorised for up to three years without review after two initial periods of 12 months, as the Secretary of State said earlier. It cannot be right to have that period of three years without renewal. The Bill is reducing the protections afforded by the current DoLS system, which operates a maximum period of 12 months before renewal.

Dr Dan Poulter (Central Suffolk and North Ipswich) (Con): The hon. Lady is outlining, with some good reason, the fact that there may be fewer safeguards and fewer opportunities for people to review or appeal under this Bill than when someone is sectioned under the Mental Health Act. She has a point about the need to look into that point, and to look more broadly at how this Bill sits alongside the Mental Health Act, given Simon Wessely's review. Does she agree that a pause would be helpful to consider the interface of those pieces of legislation?

Barbara Keeley: Very much so. I will come on to that shortly, but I will not leave the point about independent hospitals, because it is important.

We know only too well from media reports, and the Secretary of State does too, of the torrid situation in independent hospitals that detain people with autism and learning disabilities under the Mental Health Act, and the measures in this Bill could have disastrous and far-reaching consequences. I have raised at the Dispatch Box on several occasions the appalling treatment of people with autism and learning disabilities in assessment and treatment units. I have described the situation as amounting to a national scandal, and I believe that it is still so. As many as 20% of people in these units have been there for more than 10 years. The average stay is five and a half years. The average cost of a placement in an assessment and treatment unit for people with a learning disability is £3,500 a week, but the costs can be as high as £13,000 a week or more.

As the journalist Ian Birrell has exposed in *The Mail on Sunday*, private sector companies are making enormous profits from admitting people to those units and keeping them there for long periods. Two giant US healthcare companies, a global private equity group, a Guernsey-based hedge fund, two British firms and a major charity are among the beneficiaries of what campaigners have seen as patients being seen as cash cows to be milked by a

[Barbara Keeley]

flawed system at the expense of taxpayers. According to a written answer I obtained from the Department of Health and Social Care, in the past year alone the NHS has paid out over £100 million to private companies for these placements. Shamefully, the Government cannot reveal how much they have spent since they came to power, because they claim that they did not record the expenditure before 2017. It cannot be right that the Bill potentially gives private companies the power to lock up vulnerable people for years at a time to feed a lucrative and expanding private health sector.

I would like to draw attention to one more issue that the Bill does not address—we have already discussed it—and that cannot be papered over by amendments. The Government commissioned Professor Sir Simon Wessely to lead a review of the Mental Health Act, which is of course long overdue for reform. However, as the hon. Member for Central Suffolk and North Ipswich (Dr Poulter) said, there is clearly a complex interface between the Mental Capacity Act and the Mental Health Act. Professor Sir Simon Wessely has made the point that there is now a worrying trend of people, particularly with dementia, being detained under the Mental Health Act when their deprivation of liberty should be dealt with under the Mental Capacity Act. His review recommended imposing a new line of objection to determine who should be treated under which legislation, but, as the hon. Gentleman said, there has been no engagement with these recommendations, which were finalised as this Bill was going through the House of Lords.

In our view, the Government must commit to a review of the interface between the two Acts, with full consultation, which has, to date, been sorely lacking. It is one thing to say that Sir Simon had a conversation with the Secretary of State about this, but that is not full consultation. The consultation must look at both hospital and community settings and provide clear and accessible rights of appeal.

Matt Hancock: Of course the interface between the Mental Capacity Act and the Mental Health Act will be considered, but Sir Simon himself favours bringing forth the Mental Capacity Act renewal now and then dealing with the Mental Health Act later. As with all of the hon. Lady's other considerations, that has been taken into account, and this is the best way forward.

Barbara Keeley: Well, clearly we do not agree.

The reform of the Mental Capacity Act began as an attempt in good faith to reform a flawed piece of legislation that fails to protect the human rights of some of the most vulnerable people in this country, but it now threatens to infringe those rights further through this Bill. We simply cannot afford to rush an issue of this magnitude where individual liberties and human rights are at stake. Indeed, the Minister in the House of Lords himself admitted:

"We cannot introduce another Bill or piece of legislation that just creates a problem three years down the line."—[*Official Report, House of Lords*, 16 July 2018; Vol. 792, c. 1110.]

But that is exactly what this Government are trying to do today. We will fail some of the most vulnerable people in society if we allow the creation of flawed

legislation that needs to be replaced in just a few years. We must get this right. That is why the Government must pause the Bill, and why I urge hon. Members to vote for our reasoned amendment and ensure that Ministers get the message loud and clear.

Several hon. Members *rose*—

Mr Deputy Speaker (Sir Lindsay Hoyle): I must now introduce a six-minute limit on speeches.

5.49 pm

Anne-Marie Trevelyan (Berwick-upon-Tweed) (Con): It is an honour to speak in this Second Reading debate on a subject of real importance to some of my most vulnerable constituents across north Northumberland. I want to focus on one cohort of those for whom the Bill is important: those in care homes.

I first became aware that the deprivation of liberty safeguard system was not fit for purpose as a new parliamentary candidate some years ago, while visiting the excellent care homes across my rural constituency—the small, family-run care homes based in sparsely populated areas that elderly constituents have made their home, some by choice, many placed there by Northumberland County Council and some whose family could no longer care for them at home.

One of the first issues raised with me on those visits—even then, when the deprivation of liberty system had just been put in place for those who were unable to consent any more—was that the system was proving burdensome and not family or vulnerable person-centric, and that our local authority had become rapidly overwhelmed by the unnecessary layers of bureaucracy, with six separate assessments clogging up the system but failing to ensure protection and reassurance.

The care home managers in my wonderful small and otherwise person-centric care homes were drowning in paperwork and new requirements but could not get the answers they needed quickly from county hall or doctors. It seemed to all those whose careers—indeed, vocations—it is to run care homes that the bureaucracy was simply adding complexity without positive value or outcomes. Much of the work was simply going over the same ground already covered by local authority officials when the decision to place vulnerable elderly constituents into the care home had been made originally.

Busy managers felt they were simply going round in circles, but they were especially concerned by the distress that the system was causing their residents—not only those to whom the deprivation of liberty assessment related, but others with greater capacity who had to watch their co-residents' anxiety increase and were concerned that when they became that frail, all that would happen to them too.

This Bill is a welcome piece of legislation to provide important safeguarding for our most vulnerable elderly and young adults with severe learning disabilities or autism, to ensure that the system functions better and to reassure us all. Whether it is members of our family or our constituents, we need to have confidence that where restrictions are deemed necessary by the carer of a vulnerable person, the checks in place are streamlined and effective. Good Government policy delivers on its aims. The original 2005 Act failed to do that.

It is encouraging that the Bill will strengthen the protections and rights of vulnerable adults who lack mental capacity and have their liberty deprived. It will introduce a simpler process that involves families more and gives swift access to assessments, which is really important and has been a problem. It will be less burdensome on people, carers, families and local authorities, and it will allow the NHS, rather than local authorities, to make decisions about their patients, allowing a more efficient and clearly accountable process—something that many GPs have raised with me consistently over the years.

The Bill will consider restrictions of people's liberties as part of their overall care package, which should be a self-evident truth but has not been under the historical legislation, and it will get rid of repeat assessments and authorisations when someone moves between a care home, hospital and ambulance as part of their treatment. We have few ambulances in north Northumberland, and this has been a huge burden for the paramedics who have to deal with these difficult and complex cases. There is enormous frustration, because there is a sense that people are not getting patient-centric care, which is what everybody looking after them wants to achieve. These proposals go a long way towards creating a system that can be trusted by our constituents, and I look forward to working with the Minister to ensure that the Bill reaches the statute book quickly.

5.54 pm

Alex Cunningham (Stockton North) (Lab): First, I declare my interest as chair of the all-party group on social work. This very Bill was the subject of our most recent meeting, when we heard from those working in this sector. These are no doubt some of the most important issues we could be debating and legislating on, and judging by the attendance at the all-party group meeting, it could not be more important to the policy makers and professionals in the field. This legislation governs the rights of individuals and the people who can deprive them of one of their most basic fundamental rights—freedom.

Some of the people attending the all-party group felt the Bill had made some progress with the amendments in the House of Lords, but it is fair to say that the Bill is simply not yet good enough. I really think that the Government need to pause, think again about the implications of the plans that Ministers are putting before us today, listen to the countless charities, other organisations and professionals that work with the legislation every day and then come back with a Bill that is fit for purpose.

This cannot and must not be a basic political argument between the Government and the Opposition; it is a debate between law makers and the people, some of whom at a particular time in their life can be subject to some of the most restrictive legislation we have. It saddens me that this could be another Government measure to cut the costs of associated assessments under the current Act.

There is a wealth of briefing material, from organisations as diverse as the Law Society and the Royal College of Nursing, outlining concerns that need to be discussed and addressed through the legislation. There are serious issues with potential conflicts of interest, but I think the Minister knows that. Imagine a scenario in which a care

home manager is making a decision on someone's life but has a financial interest in making a judgment either way. The Royal College of Nursing shares my concerns on this. Care home managers may feel under pressure in their workplace, meaning that they may make decisions that are not always in the best interests of the person they are caring for. There should not be any vested interest—only an interest in the wellbeing and freedom of the person concerned. Issues have already been raised about private hospitals. A private hospital could authorise deprivation of liberty, knowing that it would benefit financially from that. I know that the vast majority of people are honest and work in the best interests of those they care for, but such judgments should be made by a genuinely independent person.

My hon. Friend the Member for Swansea West (Geraint Davies) mentioned the Royal College of Speech and Language Therapists. There is a real and genuine risk that people may be wrongly deemed to lack mental capacity because any communication needs they have are not properly recognised. Nothing short of full staff training on communication needs—for everyone in the system—would be satisfactory as a measure to ensure that people are being assessed correctly and that any additional needs are addressed.

Rebecca Pow (Taunton Deane) (Con): The hon. Gentleman is making a very sound point. Given the importance of communication and of being able to assess people correctly, does he agree that it may be beneficial to add speech and language therapists to the list of approved mental capacity professionals, which would benefit some of the people being assessed?

Alex Cunningham: That is not something that has previously come to my attention, but I am sure the organisation would very much like to look at that possibility.

Following on from that, there must be a suitably qualified person carrying out the assessments and they must also be independent. A skilled approved mental capacity professional should be involved before a person is placed in an institution, not just when there is an objection or a trigger. There needs to be further clarity on the role of independent mental capacity advocates. Considering that the Bill in its current draft would allow responsible bodies to detain someone without renewal for up to three years, leaving people deprived of their liberty for inappropriate lengths of time, it is essential that there is genuine independence when it comes to such an assessment.

Dr Poulter: The hon. Gentleman is making some very good points. I am sure he is aware that, for a section 2 or section 3 admission to be approved under the Mental Health Act, there needs to be a second-opinion doctor—it is good practice for that doctor to be independent—and a social worker to ensure that the section admission takes place. It therefore seems extraordinary to me that, in a similar situation where there is an issue of capacity to be decided, there is not the safeguard of a second opinion, given that the decision may last for three years.

Alex Cunningham: I would certainly bow to the expertise of the good doctor and acknowledge exactly what the hon. Gentleman says. These second opinions and safeguards are absolutely essential, and I do not see such cover in the Bill at the moment.

[Alex Cunningham]

Another concern I want to highlight is the lack of consultation and clarity about extending the scheme to 16 and 17-years-olds, and the risk that the new scheme will make it easier for authorities to remove young people from the care of their families, despite the family objecting. The Government must go back and give careful thought and consideration to the risk that 16 and 17-year-olds could see their liberty restricted inappropriately.

This issue has already been mentioned, but I too am concerned about the fact that there is no real acknowledgement of the interface between the Mental Capacity Act and the Mental Health Act, although the Secretary of State said it would be considered. I am no expert in this area, but does the Minister not agree that, as the Wessely review on the Mental Health Act has only just been published, the Government should pause the Bill to look at its recommendations properly, rather than risk creating legislation that does not fit together? Professionals must be able to understand the differences in regime and to clearly decide which is most appropriate.

We are dealing with changes to the law that any of our relatives, or even ourselves, could be subjected to in the future. We cannot just bounce this through the Commons and potentially hand substandard powers to a group of people who could rule the roost over an older person, a middle-aged person or a teenager, with nothing at all that their families could do about it.

There are plenty of people out there who are experts in this field; they could have been consulted and heard if there had been pre-legislative scrutiny of the Bill. I have some questions and concerns that have been raised by some of the organisations out there. From Inclusion London: does the Minister agree that the Bill makes it clear that deprivation of liberty cannot be used as a way to deliver care in the cheapest way possible? From the Royal College of Psychiatrists: can the Minister confirm that the Bill will not prevent psychiatrists from being called away from frontline services? From Mencap: what reassurances can the Minister give that all conflict of interest is removed from the Bill? There is plenty in there. From the Law Society: will the Government consider the interaction between the Bill and the Mental Health Act, as set out in their recently published review? Will they take the time to do that properly?

There are many other questions from many other organisations, and I hope that we have real time to address them if the Bill gets into Committee. I gather that the programme motion suggests that the Bill should come back towards the end of January, and there will not be a lot of time in January to consider the real issues. I just hope that the Minister will listen to that point.

6.1 pm

Maria Caulfield (Lewes) (Con): Let me start by welcoming the Second Reading of the Bill and by declaring an interest as a registered nurse who has used the current legislation in clinical practice. I therefore welcome the provisions in the Bill, which amend and reform the current legislation.

The Mental Capacity Act 2005 was a groundbreaking piece of legislation, which, for the first time, provided safeguards not just for those without capacity, to enable decisions to be made about their care, but for healthcare

professionals, families and friends who were having to make the most difficult decisions in the most difficult circumstances.

In terms of the deprivation of liberty aspects of the legislation, there is no doubt that, after 10 years, reform is urgently needed. The DoL system has become too cumbersome and too bureaucratic, and it is not responsive enough to patients' changing needs. I therefore fully support the Law Commission's report last year, which recommended that DoL be repealed and replaced. The Bill delivers those reforms.

There was a huge amount of debate in the House of Lords, and many amendments were tabled. The Government were in listening mode and accepted many of those amendments. Therefore, it is disappointing to see the Opposition amendment before us today, which simply states that we should decline to give the Bill a Second Reading. There will be plenty of opportunities in Committee and on Report for Members to lay down amendments about the concerns they have. This is such a serious issue, and there is such a backlog of cases; we are talking about the most vulnerable people in our society, and to leave them waiting for assessment or languishing with a DoL system in place that is clearly not working—we have a huge body of evidence that shows that—is irresponsible. If Opposition Members have concerns—many of them have raised genuine concerns today—I urge them to table amendments to address them, and not simply to reject Second Reading out of hand.

At the Lord's Committee stage, concerns were raised, and the Bill has been amended accordingly. There are four measures, in particular, that I welcome. First, the scope of the Bill was extended to 16 and 17-year-olds. That is a welcome move, which will ensure that they are covered by the new legislation. In addition, I welcome the fact that family and friends will be able to trigger a review if there is an objection. That possibility does not exist in the current legislation. I also welcome the fact that the person we are discussing will be part of the consultation. Although they cannot make an informed choice, because they lack capacity, it is important to continue that dialogue with them, because they are the most important people in the whole process. I welcome the introduction of safeguards in relation to conflicts of interest and care home providers undertaking assessments. That was recognised as a genuine concern and the Bill has been amended as a result.

I still have a concern about independent hospitals. It would have been helpful if Opposition Members had tabled an amendment to reflect that concern. We want to ensure that the proposed legislation covers patients who move between various sectors—independent hospitals, care homes or NHS hospitals—in all scenarios. There is a feeling that there is a gap that still needs to be bridged and perhaps that could be considered in Committee.

I want to make a final point, Madam Deputy Speaker, on what I know is not the responsibility of UK Government Ministers. I sit on the Northern Ireland Affairs Committee. Only last week, the Committee heard evidence from mental health professionals about people who lack capacity in Northern Ireland. There is actually no legislation in Northern Ireland, compared to the rest of the UK, on mental capacity. While there is no Northern Ireland Assembly and no Northern Ireland health Minister, that will remain the case. It is a huge concern that while

UK Ministers are amending current legislation to make it more adaptable and responsive to patients' needs, vulnerable patients in Northern Ireland have no legislation to cover them. There are healthcare professionals working in Northern Ireland who do not have safeguards to protect them. I urge Ministers to have discussions with the Northern Ireland Office and Northern Ireland Ministers to see whether something can be done until the Northern Ireland Assembly is up and running.

As a healthcare professional who has used the existing legislation, I am encouraged by the changes proposed in the Bill. I welcome the reform of the legislation to protect the most vulnerable, to protect healthcare workers in that setting, and to protect family and friends. I welcome further debate in Committee.

6.6 pm

Norman Lamb (North Norfolk) (LD): I want to start by reinforcing the point that the Bill deals with an issue of profound importance: the deprivation of a citizen's liberty and the circumstances in which that can be done. That is why it is so vital that the measures are properly and closely examined and scrutinised. This is particularly important when dealing with people who potentially cannot object to the deprivation of their liberty. There is a real need for robust safeguards to be in place to ensure the least restrictive care possible in all cases and to restrict liberty only if that is genuinely in the best interests of that individual.

The system that the Bill seeks to reform is clearly not fit for purpose. The Joint Committee on Human Rights reached that clear conclusion. After the Cheshire West ruling, which actually happened during the period when I was a Minister, we have seen the development of a massive backlog, in particular because of the broadening of the definition of what constitutes the deprivation of liberty. It is therefore imperative that we sort that out. If we think about it, here and now we are routinely flouting people's human rights. All those people on the backlog waiting list are being deprived of their liberty without proper authorisation. That is intolerable and it is why I resist the idea that we should just stop this process and leave in place the current wholly imperfect system.

When we think about reform, it is vital that we replace a flawed bureaucratic system with an effective robust system with proper safeguards, not another flawed system. It is very important to recognise what turned up in the House of Lords. My colleague Baroness Barker commented:

"This is one of the worst pieces of legislation ever brought before this House."—[*Official Report, House of Lords*, 11 December 2018; Vol. 794, c. 1247.]

That was the view of many peers when the Bill first appeared in the House. I pay tribute to peers on all sides. I know my Liberal Democrat team did an incredible amount of work, but they worked with Labour colleagues and, I should say, the Minister Lord O'Shaughnessy. He collaborated with peers on all sides to improve the proposed legislation.

Barbara Keeley: The comment from Baroness Barker, who did some great work in the House of Lords, was made on Third Reading; she still described it then as one of the "worst pieces of legislation" that they had seen in the House of Lords.

Norman Lamb: I am grateful to the shadow Minister for her intervention, because I was just coming on to the comments that Baroness Barker added on Third Reading. She said that although it had become better legislation, it was still

"highly deficient, but not as bad as it was."—[*Official Report, House of Lords*, 11 December 2018; Vol. 794, c. 1247.]

That, Minister, is not a ringing endorsement of this legislation. That is why it is critically important that the Government do what they say they will and collaborate to improve it, because improvements are absolutely necessary. Our assessment will be at the end of the process: is it workable? Does it genuinely respect and safeguard individuals' human rights? Does it result in very vulnerable people being better protected than they are under the existing, highly flawed system? On those tests will we decide whether to support the Bill on Third Reading.

My plea to the Minister is, as we have discussed, to meet us well before the Committee stage. Do not rush headlong into the Committee stage. I am alarmed that we are talking about that happening at the end of January, given what else is going on then. Be in no doubt that if we do not sort out the flaws that still exist, I will work with others across the House to make sure that the Bill is defeated on Third Reading, because the stakes are so important.

I want to end by highlighting some of the key issues that need to be sorted out. First, many viewed the impact assessment that was presented to the House of Lords as based on fantasy, even before all the amendments were made there. I understand that it is being updated, but it is really important that it is a credible and robust document and, critically, that, along with the impact assessment, the new system is properly resourced. If it is not properly resourced, people's human rights will continue to be flouted.

Secondly, there needs to be a published equality impact assessment. There has not been one yet. That is not acceptable. The Government need to get on and publish anything that they have produced. If they have not done the work on it, they need to get on and do that.

Thirdly, there are continuing concerns about really important conflicts of interest of independent hospitals and care home managers, who will still carry out consultations. Independent hospitals, as I understand it, are still able to authorise the deprivation of liberty within the hospital. When financial interests are at stake, there will be those who behave badly and who are prepared to act to keep a bed filled to earn the money from that individual—the "cash cow", as the shadow Minister suggested. That is why robust safeguards are absolutely critical.

Fourthly, we need a clear definition of the "deprivation of liberty", and the Minister has indicated that that will be forthcoming.

Fifthly, there are the renewal periods. I understand—the Minister made this point to me yesterday—that we do not want a tick-box exercise when it is clear and obvious to everyone that the arrangements are in that person's interest, but there is something very concerning about our moving in the opposite direction to what Simon Wessely's review said should happen with regard to the Mental Health Act 1983, where we would see improved

[Norman Lamb]

safeguards. Here, however, we are talking about a longer period between reviews and renewals, and that seems to me to be a real concern.

Sixthly, there is the interface with the Mental Health Act—please get this right, because if we legislate and repent later, it will be too late and people will lose out as a result. My final comment is: listen to us, talk to us and talk to the interest groups to make sure that we get this right.

6.14 pm

Helen Whately (Faversham and Mid Kent) (Con): It is a pleasure to follow the right hon. Member for North Norfolk (Norman Lamb), who has such expertise in this area and brought such valuable content to this debate as well as a valuable tone, which was very good to hear. I want to say a few things, first, in support of the Bill. As the right hon. Gentleman said, it is very important that we take a moment to reflect on the significance of getting this right.

Depriving someone of their liberty is a very significant act. Liberty is a fundamental right and freedom. We must take it seriously, and we must get this right. It is clear that the current system is not working. The fact that between 100,000 and 200,000 people are waiting because of an applications backlog is clearly unacceptable and cannot continue, given the consequences for individuals who have been deprived of the safeguards to which they are entitled, and the impact on their families and on care homes in which they may be residing.

Jim Shannon (Strangford) (DUP): Earlier today I had a chance to speak about this matter to the Minister and some of her officials. Is it the hon. Lady's understanding that the issue of human rights has been included in legislation that has been endorsed by Age UK, the Law Commission and Simon Wessely? If that is the case, the action that the Minister and the Government are taking this year is right, because it brings everyone together and ensures that there is legislation that everyone in the House can support.

Helen Whately: The hon. Gentleman has made a good point about the support for the Bill. Some Opposition Members have suggested that there is not much support for it, but it is, in fact, widely supported. Yes, there are concerns, with which I shall deal shortly, but, as the hon. Gentleman has said, there is widespread support for improvements in the current system. Those improvements include simplification—less bureaucracy and fewer administrative burdens—and the critically important representation of individuals through the independent mental capacity advocates, which will give them a voice. The frequency of assessments will become more appropriate; as my hon. Friend the Member for Berwick-upon-Tweed (Anne-Marie Trevelyan) said earlier, timings can be inappropriate and excessively burdensome. There is a better choice of language: the Bill removes the term “unsound mind”, which is very stigmatising and completely unnecessary. I am also pleased that the Government have listened to the concerns expressed by some of my constituents about, for instance, potential conflicts of interests for care home owners when a financial interest may be involved.

However, I have three outstanding concerns. First, there is the question of how the amended Act will work for people with severe mental illnesses. The Bill clearly focuses on those who lack capacity because of, for instance, dementia, learning difficulties, autism or brain injuries, but, if I understand it correctly, it could be applied to people with severe mental illnesses. Figures suggest that the current Act is applied to a significant number of people in such circumstances. We know that such illnesses—bipolar disorders, for example—are likely to fluctuate, and that as a result people's capacity may also fluctuate. That could cause them to be detained and deprived of their liberty when, in fact, they have regained capacity. The Minister in the Lords, Lord O'Shaughnessy, gave a commitment that that would be addressed in the code of practice, but may I press this Minister to ensure that there are sufficient safeguards in the Bill?

Norman Lamb: Does the hon. Lady agree that, given the cohort that could be covered by both pieces of legislation, it is particularly important that the approach be consistent?

Helen Whately: I completely agree, and that relates to my second concern, which others have mentioned and which relates to the interaction between the Bill and the 2005 Act. In his review, Sir Simon Wessely suggested that there should be a new dividing line between the two. I hope the Minister will explain how that will work.

My third concern is whether the Bill will address a situation that I suspect many of us have encountered, when elderly people are locked into their homes. When I have been knocking on doors, I have sometimes been told, “Do not knock on that door, because the lady there has been locked in by her family, and she becomes very distressed and upset if someone rings the doorbell because she cannot answer the door and she does not understand why.” This is clearly a completely inhumane way to treat people, but it is happening. People are being detained at home without appropriate safeguards for their safety as much as anything, so I ask the Minister to say whether the Bill can address this problem, or are there any other steps we might take to deal with the issue of people being inappropriately locked in at home and deprived of their liberty?

I appreciate the spirit in which this Bill has been presented to the House, and the willingness of the Government to listen, as they have already shown as the Bill has been going through the Lords. I have listened to Opposition Members, but think there is widespread support for the Bill among interest groups and experts. I look forward to the Government continuing to listen and improve the Bill so that we have a better system sooner rather than later.

Several hon. Members rose—

Madam Deputy Speaker (Dame Rosie Winterton): Order. I am anxious to make sure everybody gets in so I must now reduce the time limit to five minutes.

6.20 pm

Mr Kevan Jones (North Durham) (Lab): We judge a civilised society by how it treats its most vulnerable citizens, so getting this legislation right is vital. My hon. Friend the Member for Stockton North (Alex Cunningham) said, “There by the grace of God go we all,” and I agree:

we could all find ourselves or family members involved in this. The right hon. Member for North Norfolk (Norman Lamb) raised the issue of the Cheshire West case, which demonstrates that we do need change because we have got people whose human rights are being denied at the moment. It is not the case, therefore, that we can just do this at our leisure.

Is the Bill flawed? Yes, in its current state it is, but change needs to happen among the voluntary sector and others and we need to put some principles behind this, and one of them must be putting the person at the centre of the legislation. We should also only use these measures where there are no alternatives; they should not be used as a recourse of first resort or for financial or convenience reasons.

The review of the Mental Health Act 1983 introduced the least restriction principle and that should be written into this Bill. It is also key to ensure that individuals and families not only know their rights, but have access to them. Also, the length of detention should be kept to a minimum, and certainly kept under regular review. The care plans of individuals must be kept up to date with the individual's situation, too. The access of individuals and families to independent medical advocates must be a central part of this Bill as well, and if people do not have family or relatives an independent advocate should be appointed to them automatically. The possibility of conflicts of interest has been raised and I am not yet happy that this Bill addresses that. There are issues that need to be looked at. Referring to the Mental Health Act again, having second opinions is important; we must tighten that up in this Bill.

A lot of this could be covered in the code of practice. The Government have not yet produced that, and it needs to be produced before the Bill goes any further. It would also be important for it to be incorporated into the Bill.

Reference has been made to the interface with the review of the Mental Health Act. I have read it and know Simon Wessely, and he is clear in that report that he does not want this legislation held up, and he does not think that fusing the two Acts would be a way forward. He makes a suggestion on how to use the two Acts: for objection we use the Mental Health Act, and for not having capacity we use this mental capacity Act. He also deals with the issue of cases that cover both, offering some ideas around tribunals and judges and court protection. I would also like the Minister to address the issue around 16 and 17-year-olds and how this interplays with the Children Act 1989 which gives certain rights to parents.

The right hon. Member for North Norfolk said that the situation needed to change, because people are now being detained who are not having their human rights observed. I have to say that I agree with him, and that is why I cannot support the reasoned amendment. Throwing the Bill out at this stage would be a huge mistake. I plead with the Minister to look at a number of things. The delaying of the Committee stage that the right hon. Gentleman mentioned would be important, and I believe that we should extend the sittings of the Committee if we need to. We ought to take as much time as possible in Committee. With good will, we can get there.

Is the Bill perfect? No, it is not, and I am not happy with it as it is outlined, but we can get some changes into it. I know that the Minister is an advocate for the

sector and that she is passionate about doing the right thing, and it is not beyond the wit of man or woman to get to where we should be. To throw the Bill out at this stage would be a mistake, because my fear is that it would not come back, owing to a lack of legislative time. That would mean that the legal crisis would continue. Also we would be missing an opportunity to change the legislation. We can make the necessary changes if the good will is there.

6.25 pm

Jeremy Lefroy (Stafford) (Con): I speak as a member of the Joint Committee on Human Rights. We looked at this whole issue generally in our report in June, and we looked more specifically at the Bill in October, so I declare that interest. Article 5 of the European convention on human rights sets out the right to liberty and security. It says that no one shall be deprived of their liberty "save...in accordance with a procedure determined by law".

That essential safeguard applies to all those who are deprived of their liberty, not just people in the criminal justice system, and so it should. The previous system involved the deprivation of liberty safeguards, which were criticised by the House of Lords Committee on the Mental Capacity Act 2005. The Committee found that "far from being used to protect individuals and their rights, they are sometimes used to oppress individuals, and to force upon them decisions made by others without reference to the wishes and feelings of the person concerned."

So reform is most definitely needed.

The only guidance that the Mental Capacity Act 2005 gives to the courts is that

"references to deprivation of a person's liberty have the same meaning as in Article 5(1) of the Human Rights Convention."

The Supreme Court, as has been mentioned, has defined deprivation of liberty in an "acid test" that covers all those who are under "continuous supervision and control" and "not free to leave", regardless of their condition or contentment. It was logical of the Supreme Court to do that, but it has none the less meant that hundreds of thousands of people who were not previously considered as being deprived of their liberty may now be so considered, and 125,630 people have been unlawfully deprived of their liberty between 2017 and 2018.

Just as importantly, this definition causes real anguish to many people and their families. We heard evidence from parents whose children are now considered to be deprived of liberty, despite being content and cared for in their own home by devoted family members. I shall give the House a couple of examples. Mark Neary told us that his son Stephen was

"very much king of his castle in his own place. He requires 24/7 support, which is either me or a member of the support team. It was decided last week that Stephen is being deprived of his liberty in his own home on the basis that, first, he is not free to leave, because you need support workers to go with him when he goes to the shop or goes swimming, and secondly, that he is under constant supervision."

Graham Enderby told us that we had

"gone so overboard after this judgment it is ridiculous".

Keeping to the current definition will mean that any system of authorisation would have to be either extraordinarily expensive or minimal. As we said in our second report on this issue,

"a scheme which applies too widely will be so light touch as to reduce protection for those who truly need it."

[Jeremy Lefroy]

For those reasons, the Committee recommended that Parliament use this opportunity to give the courts guidance about an article 5-compliant definition of liberty that will ensure that the safeguards are focused on those who need them. We noted two possible ways in which that might be tackled. The first was to focus on whether the deprivation of liberty was the result of an underlying condition, or whether it was caused by continuous supervision and control. The alternative was to revisit the whole notion of valid consent. Those who lack mental capacity cannot, by definition, give legal consent, but as we have heard, in practice it is possible in many cases to tell whether a person is content with his or her support.

We were disappointed, when the Bill was introduced, that the Government had not tackled that issue. We were also disappointed that the scheme that was initially proposed did not have sufficient safeguards for people who were going to be the subject of the new liberty protection scheme. However, I am pleased to see that the Government have listened, and that during the Bill's passage through the House of Lords it has been amended to make it explicit that there is a duty to consult the cared-for person about their care arrangements. There were many other amendments that I do not have time to go into now. I am also pleased that the Government have now undertaken to bring forward an article 5-compliant definition of liberty, and we look forward to that extremely important step.

Some concerns remain, however. We must consider whether people should be able to give advance consent to care arrangements. I understand the Government's position is that advance consent could date from many years before care was put in place, that people may "give up" their human rights in long-stay settings, and that people could feel pressurised into making advance consent arrangements when they did not wish to do so. We understand those concerns, but they can be mitigated with sufficient safeguards to enhance the personal autonomy of cared-for persons. I also remain concerned that the right to advocacy is not robust enough. The provision of advocacy is essential for ensuring that cared-for persons can exercise their right to challenge authorisations, and article 5 guarantees everyone the right to challenge their deprivation of liberty before a court. I am pleased that amendments strengthening the right to advocacy were made in the Lords, but they may not go far enough.

This important Bill needs careful and thorough consideration, so I fully support the recommendation that the Bill's Committee stage be extended.

6.30 pm

Geraint Davies (Swansea West) (Lab/Co-op): I speak as the chair of the all-party parliamentary group on speech and language difficulties, so my primary concern is that people will have their freedom taken away simply because they cannot be understood rather than due to a mental capacity problem. The Minister will know that this is a big problem, with something like 10% of children entering school having a speech or language difficulty. Some 60% of young people in the criminal justice system have a speech or language difficulty, and yet speech and language therapy reduces reoffending from 39% to 26%, so it is a cost-effective intervention at

that stage and would be even more cost-effective beforehand. Some 81% of children with emotional and behavioural disorders have unidentified language difficulties. Left untreated, 33% of children with speech and language difficulties develop a mental illness, and half of them commit crimes.

In other words, it is important to identify and provide support for people in such situations because, as we have already heard, it can cost £13,000 a week to keep someone incarcerated, but that may be happening simply because they have not been properly understood and have not received the support they needed. There is therefore a financial and moral onus on us to identify and provide therapy to reduce and reverse the development of mental health problems linked to speech and language difficulties.

The situation at the moment—it will be the same under the Bill—is that assessors often will not and do not recognise speech and language difficulties or cannot differentiate between them, and they often do not know how to support the client and communicate their needs.

Rebecca Pow: I support all the hon. Gentleman's comments. He is making a strong case. Does he believe that staff training on communication ought to be included in the Bill, and that speech therapists should be included in the list of approved mental capacity professionals?

Geraint Davies: I was going to make precisely that point. The Royal College of Speech and Language Therapists has said that the list of professionals should include such therapists and that all professionals carrying out assessments should have speech and language training so that they can identify the issues that they currently do not identify and provide clients with support. I ask the Minister to consider the Mental Capacity Act (Northern Ireland) 2016, which requires that support must be provided for communication.

When people are deprived of their liberty, that comes through their lack of capacity to consent, which is questionable if there has been no proper assessment of speech and language difficulties. The person may have a mental disorder, and the action that is taken must be necessary and proportionate. If they object, a review is carried out, but there is no requirement that a speech and language therapist should be involved in the review, which is another change that needs to be made.

The central point is that speech and language problems do not mean a problem with mental capacity, but they are commonly misread as such, which obviously costs the public sector a fortune and costs thousands of people their liberty. As has already been asked, I ask the Minister to look carefully at these issues over a longer timeframe, because we are in danger of rushing this through under the heat and smoke of Brexit, and everything else, and we risk denying the liberty of people whose liberty should not be denied and costing the public sector a fortune when that money would be better invested in preventive treatment such as early intervention for speech and language problems.

6.35 pm

Gareth Snell (Stoke-on-Trent Central) (Lab/Co-op): I will be brief, as I am aware that others wish to speak.

The privilege we have as a Parliament is to defend liberty, so any action we take to seek to deprive a person of their liberty should always be weighed against their best interest. I was not greatly aware of the deprivation of liberty safeguards until the Bill was tabled and I received lots of representations from constituents who work in the social work sector. They are concerned that, although the Bill may be well meaning, it does not necessarily have at its heart protections for the best interests of the people to whom it might apply. I have always listened when a doctor tells me something is not right and I am unwell, and we should listen when a social worker tells us that the Bill's provisions for depriving a person of their liberty fall short of their expectations.

My hon. Friend the Member for Worsley and Eccles South (Barbara Keeley) made two excellent points. First, if we are to take away a person's liberty, there has to be no possibility that the process could be abused for whatever purpose. I fear that, in some of the arrangements for moving away from a local authority-based system to a responsible body, the potential exists, however small that potential may be, for an unscrupulous person who is not necessarily working in the best interest of an individual to exercise that power simply to maintain a business model in their own facility or care home. Such cases may be few and far between, but we have seen many situations across the country where one or two individuals have taken advantage of people in vulnerable situations, and I am not convinced that the Bill, as currently written, goes far enough to provide safeguards. *[Interruption.]* The Minister shakes her head, and it would be wonderful if she could address that in her summing up.

Mr Kevan Jones: Will my hon. Friend give way?

Gareth Snell: I am sorry, but I cannot give way.

My other area of concern is the independence of advocates. I am fortunate to have a family who can speak up if a relative were ever in such a situation, but there are countless people across the country who do not have somebody who can stand up for their best interest and represent what might be right for them. The Bill contains no provision properly to strengthen the independent advocacy rights and make them robust so that everybody who might be subject to the liberty protection safeguards is able to be represented and have their views considered, which is important. *[Interruption.]* The Minister is nodding, and I would welcome it if she offered some sort of guidance and further clarity on how the Bill will deliver that. From where I sit, from what I have read and from the evidence given to me by social workers, there are several holes in the Bill that do not stand up to scrutiny.

I suspect the Bill will get its Second Reading, and I hope several of those holes will be identified and considered in Committee. At the moment, my fear is that the Bill is well intentioned but simply does not bear scrutiny. There is therefore a potential for exploitative people to take advantage of vulnerable people and, as a Parliament, we must make sure to address that.

6.39 pm

Anneliese Dodds (Oxford East) (Lab/Co-op): It is a pleasure to follow my hon. Friend the Member for Stoke-on-Trent Central (Gareth Snell), who spoke with characteristic concern for his constituents and characteristic courtesy. I am grateful to him.

In the brief time available, I will argue why it is inappropriate for the Government to be rushing this Bill through Parliament. There are three reasons: the potential for an under-scrutinised Bill to have unintended consequences; the Bill's lack of clarity on responsibility and resourcing; and the lack of calibration between this Bill and the much more carefully thought through and inclusive approach of the recent review of the Mental Health Act. As I detail those objections, I will refer to the specific concerns mentioned to me by my constituents.

I am well aware, as is everyone who has spoken on this Bill, that the current system is not functioning appropriately, but there has been a need for change since at least 2014. The question is whether we have had sufficient time to consider whether these measures are the appropriate ones, and I would argue that we have not. We had a discussion about the equalities impact assessment just now. I saw that a webpage was produced just yesterday with an equalities impact assessment allegedly produced in December—presumably giving the impression that it was produced yesterday. It refers to the independent review of the Mental Health Act being sure to report at the end of this year, but it has already reported. This is a dog's dinner, and we cannot have it in relation to such a significant piece of legislation. We know about all the amendments made in the other place, which we have discussed. In that context, the time allocated to this Bill is just insufficient.

Even in this debate, we have seen the lack of clarity. The Secretary of State, who is no longer in his place, seemed to be unaware of expert calls for advocates being available to all, not just those objecting. He also did not agree with a comment made by a colleague who said that the new approach would potentially allow the deprivation of liberty for three years. However, the equalities impact assessment I just referred to, albeit that it is a flawed one, says that the Bill provides that authorisations could last up to three years where appropriate—after two initial authorisations of up to one year—compared with a maximum of one year under the existing DoLS system. The Government seem to be rushing this new approach in because of the existing backlog of DoLS cases dating from 2014, but it is not clear to me that the new measures will deal with that.

The Secretary of State said earlier that there would be a larger role for healthcare providers, but that seems to contradict what was stated in the other place. I am confused, and I think others are too, and that ambiguity is leading to the significant concerns expressed by many stakeholders about the potential for a conflict of interest. He said he would deal with that by tabling amendments in Committee, but in my experience we have not always seen that collaborative approach in Committee from the Government. I hope we will see a change, but presumably others can understand why there might be concerns about that.

It is unclear how local authorities and clinical commissioning groups will be able to perform their role expeditiously under these measures in the current financial climate. No fewer than 38% of assessments under DoLS in Oxfordshire required more than a year to be performed, according to the latest statistics. That is not just because of the regime; it is also because of funding constraints. Oxfordshire County Council has just announced that it will be cutting its contribution to mental healthcare funding. It has one of the lowest levels of mental health

[Anneliese Dodds]

funding in its budget compared with other healthcare funding. Just as with lengthening waiting lists for accessing mental health provision, if we do not deal with this resource issue we will only hit the brick wall of inadequate funding.

Lastly, I wish to say that that review of the Mental Health Act involved thousands of service users from the off. In fact, it had someone who had been sectioned as a vice-chair. We have not had that level of inclusion in respect of this Bill.

6.43 pm

Steve McCabe (Birmingham, Selly Oak) (Lab): Coming here tonight, I thought that this was in origin a well-intentioned but flawed Bill, but after listening to the Secretary of State I am not sure we are discussing the same legislation. It is hard to believe that in a free society such as ours, probably more than 125,000 people are currently denied their lawful liberty because of failings in the system. We need to improve the situation, not make it worse.

As with much of this Government's legislation, the Bill seems to be more about reducing costs than protecting and promoting the rights of vulnerable people. As we have heard, the impact assessment was produced before a raft of Government amendments were made, so there is now a clear argument for producing an updated assessment before we proceed. The attempts to transfer some of the responsibilities set out in the Bill just do not make sense. I am not sure it is wise to transfer any responsibilities for things such as liberty to bodies such as CCGs. They are already very stretched and prone to questionable judgments on delivering equality and fairness in the NHS.

There are real doubts about the protections in the Bill. Access to legal aid is a Catch-22 if a person qualifies for it only after they have been deprived of their liberty. How can that be fair? There is also concern about the length of detentions and authorisations. Sir Simon Wessely recommended that initial detention should be reduced to three months, with a three-month renewal and six-month periods thereafter. Under the Bill, despite what the Secretary of State claims, a person can be subject to an order for three years.

The Bill does not put the interests of the cared-for person at its heart. The existing arrangements explicitly state that deprivation of liberty may be granted only where it is in the best interests of the cared-for person. The Government should make it clear on the face of the Bill that depriving a person of their liberty must be in their best interests, and should come only after the consideration of less restrictive options.

Proposals must ensure the right of a person to object to and challenge arrangements if they so wish, and that they have appropriate support and representation to do so. Access to an approved mental capacity professional is currently available only in limited circumstances. That is wrong; access should be made available in all cases. Scrutiny for pre-authorisation reviews should be extended to all situations in which a person might be considered vulnerable.

All cared-for people in private hospitals should have an independent mental capacity advocate appointed, and all authorisations must be carried out with approved

mental capacity professional oversight. Independent oversight is essential in all cases, as cared-for people may not be able to object in the formal sense. Appropriate advocacy must therefore be available. The Royal College of Psychiatrists rightly draws attention to its concern that no one should have their liberty denied because of a mental disorder without first being seen by a qualified doctor.

It is essential that these matters are dealt with properly, which is why there are real concerns about the role of the care home manager. It is wrong that they should make the decision on independent representation. As drafted, the Bill makes the care home manager responsible for carrying out the consultation with the cared-for person, when the main purpose of that consultation is to ascertain that person's wishes. Nor can it be right that the choice of assessor should lie with the care home. There is an obvious conflict of interest if independent health and care providers are responsible for both providing a service and deciding on that service's suitability. The Bill allows for managers of independent hospitals to authorise deprivation of liberty when care is being delivered in their hospital. That is plain wrong.

6.48 pm

Paula Sherriff (Dewsbury) (Lab): I thank all right hon. and hon. Members who have participated in this important debate. There have been many worthwhile and thoughtful contributions from all parts of the House, including from my right hon. Friend the Member for North Durham (Mr Jones), the right hon. Member for North Norfolk (Norman Lamb), the hon. Member for Berwick-upon-Tweed (Anne-Marie Trevelyan), my hon. Friend the Member for Stockton North (Alex Cunningham), the hon. Member for Stafford (Jeremy Lefroy), my hon. Friends the Members for Swansea West (Geraint Davies) and for Stoke-on-Trent Central (Gareth Snell), the hon. Member for Lewes (Maria Caulfield), and my hon. Friends the Members for Oxford East (Anneliese Dodds) and for Birmingham, Selly Oak (Steve McCabe).

The Bill was supposed to be a welcome proposal to simplify a complicated system, but what is before us is equally problematic and will not fix the fundamental challenges that it was supposed to fix. That point was eloquently articulated by my hon. Friend the Member for Stockton North. Put simply, the Bill has been rushed from start to finish. It has not received the meticulous and careful planning that befits legislation about the human rights of the most vulnerable people in our society.

The Government have shifted the goalposts. First, they agreed with the recommendations of the Law Commission's draft Bill, but the Bill before us has only five clauses, compared with the Law Commission's 15 clauses. The Law Commission consulted widely with stakeholders over a two-year period, but the Government did not consult those stakeholders even once before developing their much-changed Bill. Do they think they know better than the Law Commission, which spent years developing its draft legislation? I know from my own discussions with those stakeholders the serious concerns about how the Bill has proceeded. Surely the Government should have started consulting them at an early stage rather than proceeding at what Mencap, the National Autistic Society and many others have called "a breakneck speed".

There are other examples of the Government acting hastily. There has still been no code of practice, and no definition of “deprivation of liberty”, on which much of this whole debate hinges. As we have heard, the Bill’s equality impact assessment was published only yesterday—that is not good enough—and despite what the Government say, it was not simply an update of a previous impact assessment in the House of Lords. That impact assessment, which is now completely out of date, discussed only the savings that the new system would make for the taxpayer. This process has been bungled to the point that Baroness Barker called the Bill the worst piece of legislation ever to have come before the House of Lords. It was clearly designed with one thing in mind: to save money on dealing with the backlog of DoLS applications.

We accept that the backlog that has arisen since the Cheshire West judgment, which widened the scope for what constitutes a deprivation of liberty, needs dealing with. That could be done through properly resourcing local authorities to deal with the problem, as my hon. Friend the Member for Worsley and Eccles South (Barbara Keeley) pointed out earlier. We know that the Government initially intended to solve the problem by foisting this responsibility on care home managers. Leaving aside the massive pressure that this would add to already overstretched care home managers and the worryingly high vacancy rate of care home managers, this would have created a dangerous conflict of interest. Thankfully that was amended in the House of Lords, but an equally dangerous conflict of interest remains in the role that has been given to independent hospitals. It simply cannot be right that this House legislates to give independent hospitals, so many of which are detaining people for years on end under the Mental Health Act, a similar ability under the Mental Capacity Act. It is totally unacceptable to enable them to determine whether appointing an independent mental capacity advocate is in someone’s best interest. It could create the very conditions that my hon. Friend described so harrowingly earlier. We could see even more Bethanys, and that would be a truly horrifying prospect for this House.

It is only down to the tenacity of the noble Lords, including my colleagues on the Labour Benches in the other place, that vital concessions to address some serious problems with this Bill. However, this Bill still falls far short of what is required. This debate has discussed the concept of an individual’s best interest, which should be at the heart of this Bill. If that were the case, the Government would have implemented the Law Commission’s recommendations in full. There are still several areas where the Government have diverged fatally from the Law Commission’s recommendations.

This Bill did not adopt the Law Commission’s recommendation that independent mental capacity advocacy should be available on an opt-out basis and not dependent on a best interest test. There are still worrying shortcomings in the arrangements for approved mental capacity professionals, and there has been no consideration of the interface between the Mental Capacity Act and the Mental Health Act, which has recently been the subject of review by Sir Simon Wessely. Sir Simon made important recommendations about the overlap between those Acts. The hon. Member for Central Suffolk and North Ipswich (Dr Poulter) suggested a pause to consider that interface, and I concur with him on that.

This Bill is simply not fit for purpose. We cannot and must not rush legislation that deals with fundamental human rights. The Government must pause and take stock of the concerns that are being raised by so many voices urging them to revise these disastrous proposals. Some excellent suggestions have been made in this debate this afternoon. It is time to stop and think again.

6.53 pm

The Minister for Care (Caroline Dinenage): Our liberty is one of the most fundamental of our human rights. Depriving people of that liberty is something that must be done with the greatest of care and with respect for individuals, and not as a tick-box bureaucratic process—a one-size fits all—that leaves vulnerable people without protections and in an unspeakable backlog. That is what we are facing today.

I thank all hon. Members for their contributions today. I will aim to cover all the questions that have been raised and will write to anybody whose points I do not get to. I start by stressing from the outset that liberty protection safeguards are not about detainment, but about appropriate arrangements being in place for the purposes of care and treatment.

We have heard it argued that the Bill has been rushed through. The Law Commission looked at this issue for three years, and the Joint Committee on Human Rights has looked at it. The Department of Health and Social Care has spoken endlessly to stakeholders. We are determined to get this right, but we continue to consult people across both Houses in order to do so.

Let me address the issue of three-year authorisations. This was a Law Commission recommendation, and the provision is geared towards people like my grandmother who live with dementia—people with long-term progressive conditions from which they are unlikely to recover. Their families tell us that they are part of an unnecessary and intrusive measure that they have to repeat every single year, when there is essentially no way that their loved one’s condition will improve. It is in such scenarios that the Bill allows the flexibility to deliver tailored protections that best support the individual depending on their needs.

The three-year renewal can be used only after two one-year renewals. Furthermore, the responsible body is required to specify a continuous programme of reviews if a person’s circumstances will change. That will address the issue of fluctuating conditions that was raised by my hon. Friend the Member for Faversham and Mid Kent (Helen Whately). We will also set out further details of fluctuating conditions in our code of practice.

The right hon. Member for North Durham (Mr Jones) talked about the code of practice, which will be a statutory document. It will be co-produced in consultation with the sector, the Local Government Association, the Association of Directors of Adult Services and the third sector, and it will be laid before both Houses. It will not be in the body of the Bill, because the problem at the moment is that there is a one-size-fits-all process in legislation, but people will have to pay regard to this statutory document.

The right hon. Gentleman also mentioned 16 and 17-year-olds. We have given very careful thought to how to include 16 and 17-year-olds and to how the Bill will interact with other legislation including the Children

[Caroline Dinenage]

Act 1989, and we are very comfortable that it works alongside existing legislation. It is also a Law Commission recommendation to bring the provisions in line with the Mental Health Act, as he will be aware.¹

Under the Bill, every authorisation must be reviewed by somebody who does not deliver the day-to-day care and treatment of the person. That is how we will avoid a conflict of interest for care home managers and independent providers. We want to drive a culture where independent hospitals are considering appropriate arrangements and where there are less restrictive alternatives available. This was also one of the Law Commission's recommendations. However, we need to ensure that there are sufficient safeguards, which is why, in addition to introducing the consultation duties and the role for appropriate persons or independent mental capacity advocates, we will be tabling an amendment to ensure that every individual in an independent hospital setting will be assigned an approved mental capacity professional to complete the pre-authorisation review. That is regardless of whether the individual or their family object to the deprivation of liberty.

The hon. Member for Swansea West (Geraint Davies) talked about speech and language. It is vital that communication needs are considered where relevant, and we would expect that a speech and language therapist will be consulted in order to establish the individual's wishes and feelings. It is really important that those wishes and feelings are very much at the centre of the process.

Members have spoken about the interface with the Mental Health Act. We have broadly recreated the current interface with that Act. The Mental Health Act review did make recommendations on that interface, but Sir Simon Wessely himself said that the Government need to consider the implications of the interface as part of the consideration of that Act. He said that the reform of DoLS cannot wait when there are 48,000 people waiting more than a year for protections to which they are entitled.

If the Opposition's amendment succeeded, we would be stuck in a broken system with a bureaucratic backlog, in which 125,000 people are waiting for protections. Professor Simon Wessely said that this Bill strikes

"a better balance between the importance of care planning and the provision of (all too often) perfunctory and box-ticking procedural safeguards around that care."

That makes it clear that action must be taken.

Through this Bill, we are ensuring that people's wishes are always considered and respected, and that people are safe, cared for and looked after. We are talking about changing a system that is currently not fit for purpose. We have attempted to be collaborative at every stage of the Bill so far. We are driven by a relentless desire to make it as strong and effective as possible and worthy of the vulnerable people we are seeking to protect. We want their loved ones and healthcare professionals to have faith in it, and we will never swerve from our commitment to what is necessary, proportionate and in the best interests of the individual. We commit to working with individuals across this House to make sure that this Bill is in the very best possible shape.

Question put, That the amendment be made.

The House divided: Ayes 229, Noes 304.

Division No. 282]

[6.59 pm

AYES

Abbott, rh Ms Diane	Fletcher, Colleen
Abrahams, Debbie	Flint, rh Caroline
Ali, Rushanara	Foxcroft, Vicky
Allin-Khan, Dr Rosena	Frith, James
Amesbury, Mike	Furniss, Gill
Antoniazzi, Tonia	Gaffney, Hugh
Ashworth, Jonathan	Gapes, Mike
Bailey, Mr Adrian	Gardiner, Barry
Barron, rh Sir Kevin	George, Ruth
Benn, rh Hilary	Gill, Preet Kaur
Betts, Mr Clive	Glendon, Mary
Blackman-Woods, Dr Roberta	Goodman, Helen
Blomfield, Paul	Green, Kate
Brabin, Tracy	Greenwood, Lilian
Bradshaw, rh Mr Ben	Greenwood, Margaret
Brown, Lyn	Griffith, Nia
Brown, rh Mr Nicholas	Grogan, John
Bryant, Chris	Gwynne, Andrew
Buck, Ms Karen	Haigh, Louise
Burden, Richard	Hamilton, Fabian
Burgon, Richard	Hanson, rh David
Butler, Dawn	Hardy, Emma
Cadbury, Ruth	Harman, rh Ms Harriet
Campbell, rh Mr Alan	Harris, Carolyn
Campbell, Mr Ronnie	Hayes, Helen
Carden, Dan	Hayman, Sue
Champion, Sarah	Hendrick, Sir Mark
Chapman, Jenny	Hepburn, Mr Stephen
Charalambous, Bambos	Hill, Mike
Clwyd, rh Ann	Hillier, Meg
Coaker, Vernon	Hodgson, Mrs Sharon
Cooper, Julie	Hollern, Kate
Cooper, Rosie	Hopkins, Kelvin
Cooper, rh Yvette	Howarth, rh Mr George
Corbyn, rh Jeremy	Huq, Dr Rupa
Coyle, Neil	Hussain, Imran
Creasy, Stella	Jarvis, Dan
Cruddas, Jon	Johnson, Diana
Cryer, John	Jones, Darren
Cummins, Judith	Jones, Gerald
Cunningham, Alex	Jones, Graham P.
Cunningham, Mr Jim	Jones, rh Mr Kevan
Daby, Janet	Jones, Sarah
Dakin, Nic	Jones, Susan Elan
David, Wayne	Kane, Mike
Davies, Geraint	Keeley, Barbara
De Cordova, Marsha	Kendall, Liz
De Piero, Gloria	Khan, Afzal
Dent Coad, Emma	Killen, Ged
Dhesi, Mr Tanmanjeet Singh	Kinnock, Stephen
Dodds, Anneliese	Kyle, Peter
Doughty, Stephen	Lake, Ben
Dowd, Peter	Lammy, rh Mr David
Drew, Dr David	Lavery, Ian
Duffield, Rosie	Lee, Karen
Eagle, Ms Angela	Leslie, Mr Chris
Eagle, Maria	Lewell-Buck, Mrs Emma
Edwards, Jonathan	Lewis, Clive
Efford, Clive	Lewis, Mr Ivan
Elliott, Julie	Lloyd, Tony
Ellman, Dame Louise	Long Bailey, Rebecca
Elmore, Chris	Lucas, Caroline
Esterson, Bill	Madders, Justin
Evans, Chris	Mahmood, Mr Khalid
Farrelly, Paul	Malhotra, Seema
Fitzpatrick, Jim	Mann, John

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Marsden, Gordon
 Martin, Sandy
 Maskell, Rachael
 Matheson, Christian
 McCabe, Steve
 McCarthy, Kerry
 McDonagh, Siobhain
 McDonald, Andy
 McDonnell, rh John
 McFadden, rh Mr Pat
 McGinn, Conor
 McGovern, Alison
 McInnes, Liz
 McKinnell, Catherine
 McMahon, Jim
 Mearns, Ian
 Moon, Mrs Madeleine
 Morden, Jessica
 Morgan, Stephen
 Morris, Grahame
 Nandy, Lisa
 Norris, Alex
 Onasanya, Fiona
 Onn, Melanie
 Onwurah, Chi
 Osamor, Kate
 Owen, Albert
 Peacock, Stephanie
 Pearce, Teresa
 Pennycook, Matthew
 Perkins, Toby
 Phillips, Jess
 Phillipson, Bridget
 Pidcock, Laura
 Platt, Jo
 Pollard, Luke
 Pound, Stephen
 Powell, Lucy
 Qureshi, Yasmin
 Rashid, Faisal
 Rayner, Angela
 Reed, Mr Steve
 Rees, Christina
 Reeves, Ellie
 Reeves, Rachel
 Reynolds, Emma
 Rimmer, Ms Marie
 Rodda, Matt
 Rowley, Danielle
 Ruane, Chris
 Russell-Moyle, Lloyd

Ryan, rh Joan
 Saville Roberts, Liz
 Shah, Naz
 Sharma, Mr Virendra
 Sheerman, Mr Barry
 Sherriff, Paula
 Shuker, Mr Gavin
 Skinner, Mr Dennis
 Slaughter, Andy
 Smeeth, Ruth
 Smith, Angela
 Smith, Eleanor
 Smith, Laura
 Smith, Nick
 Smith, Owen
 Smyth, Karin
 Snell, Gareth
 Sobel, Alex
 Spellar, rh John
 Starmer, rh Keir
 Stevens, Jo
 Streeting, Wes
 Stringer, Graham
 Sweeney, Mr Paul
 Tami, rh Mark
 Thomas, Gareth
 Thomas-Symonds, Nick
 Thornberry, rh Emily
 Timms, rh Stephen
 Trickett, Jon
 Turley, Anna
 Twigg, Stephen
 Twist, Liz
 Umunna, Chuka
 Vaz, Valerie
 Walker, Thelma
 West, Catherine
 Western, Matt
 Whitehead, Dr Alan
 Whitfield, Martin
 Williams, Hywel
 Williams, Dr Paul
 Williamson, Chris
 Wilson, Phil
 Yasin, Mohammad
 Zeichner, Daniel

Tellers for the Ayes:
Thangam Debbonaire and
Jeff Smith

NOES

Adams, Nigel
 Afolami, Bim
 Afriyie, Adam
 Aldous, Peter
 Allan, Lucy
 Allen, Heidi
 Amess, Sir David
 Andrew, Stuart
 Argar, Edward
 Atkins, Victoria
 Bacon, Mr Richard
 Badenoch, Mrs Kemi
 Baker, Mr Steve
 Baldwin, Harriett
 Barclay, rh Stephen
 Baron, Mr John
 Bebb, Guto
 Bellingham, Sir Henry

Benyon, rh Richard
 Beresford, Sir Paul
 Berry, Jake
 Blackman, Bob
 Blunt, Crispin
 Boles, Nick
 Bone, Mr Peter
 Bottomley, Sir Peter
 Bowie, Andrew
 Bradley, Ben
 Bradley, rh Karen
 Brady, Sir Graham
 Braverman, Suella
 Brereton, Jack
 Bridgen, Andrew
 Brine, Steve
 Bruce, Fiona
 Buckland, Robert

Burghart, Alex
 Burns, Conor
 Campbell, Mr Gregory
 Cartlidge, James
 Cash, Sir William
 Caulfield, Maria
 Chalk, Alex
 Chishti, Rehman
 Churchill, Jo
 Clark, Colin
 Clark, rh Greg
 Clarke, Mr Simon
 Cleverly, James
 Clifton-Brown, Sir Geoffrey
 Coffey, Dr Thérèse
 Collins, Damian
 Costa, Alberto
 Courts, Robert
 Cox, rh Mr Geoffrey
 Crabb, rh Stephen
 Crouch, Tracey
 Davies, Chris
 Davies, David T. C.
 Davies, Glyn
 Davies, Mims
 Dinage, Caroline
 Djanogly, Mr Jonathan
 Docherty, Leo
 Dodds, rh Nigel
 Donaldson, rh Sir Jeffrey M.
 Donelan, Michelle
 Double, Steve
 Dowden, Oliver
 Doyle-Price, Jackie
 Drax, Richard
 Duddridge, James
 Duguid, David
 Duncan, rh Sir Alan
 Duncan Smith, rh Mr Iain
 Dunne, Mr Philip
 Ellis, Michael
 Ellwood, rh Mr Tobias
 Elphicke, Charlie
 Eustice, George
 Evans, Mr Nigel
 Evennett, rh Sir David
 Fabricant, Michael
 Fallon, rh Sir Michael
 Ford, Vicky
 Foster, Kevin
 Fox, rh Dr Liam
 Francois, rh Mr Mark
 Frazer, Lucy
 Freeman, George
 Freer, Mike
 Fysh, Mr Marcus
 Gale, Sir Roger
 Garnier, Mark
 Gauke, rh Mr David
 Ghani, Ms Nusrat
 Gibb, rh Nick
 Gillan, rh Dame Cheryl
 Girvan, Paul
 Glen, John
 Goldsmith, Zac
 Goodwill, rh Mr Robert
 Gove, rh Michael
 Graham, Luke
 Graham, Richard
 Grant, Bill
 Grant, Mrs Helen
 Gray, James

Grayling, rh Chris
 Green, Chris
 Green, rh Damian
 Greening, rh Justine
 Grieve, rh Mr Dominic
 Gyimah, Mr Sam
 Hair, Kirstene
 Halfon, rh Robert
 Hall, Luke
 Hammond, rh Mr Philip
 Hammond, Stephen
 Hancock, rh Matt
 Hands, rh Greg
 Harper, rh Mr Mark
 Harrington, Richard
 Harris, Rebecca
 Harrison, Trudy
 Hart, Simon
 Hayes, rh Sir John
 Heald, rh Sir Oliver
 Heapey, James
 Heaton-Harris, Chris
 Heaton-Jones, Peter
 Henderson, Gordon
 Herbert, rh Nick
 Hinds, rh Damian
 Hoare, Simon
 Hollingbery, George
 Hollinrake, Kevin
 Hollobone, Mr Philip
 Holloway, Adam
 Howell, John
 Huddleston, Nigel
 Hughes, Eddie
 Hurd, rh Mr Nick
 Jack, Mr Alister
 James, Margot
 Javid, rh Sajid
 Jayawardena, Mr Ranil
 Jenkin, Sir Bernard
 Jenkyns, Andrea
 Jenrick, Robert
 Johnson, Dr Caroline
 Johnson, Gareth
 Jones, Andrew
 Jones, rh Mr David
 Jones, rh Mr Kevan
 Jones, Mr Marcus
 Kawczynski, Daniel
 Keegan, Gillian
 Kennedy, Seema
 Kerr, Stephen
 Knight, rh Sir Greg
 Knight, Julian
 Kwarteng, Kwasi
 Lamont, John
 Lancaster, rh Mark
 Leadsom, rh Andrea
 Lee, Dr Phillip
 Lefroy, Jeremy
 Leigh, Sir Edward
 Letwin, rh Sir Oliver
 Lewer, Andrew
 Lewis, rh Brandon
 Lewis, rh Dr Julian
 Liddell-Grainger, Mr Ian
 Lidington, rh Mr David
 Little Pengelly, Emma
 Lopez, Julia
 Lopresti, Jack
 Lord, Mr Jonathan
 Loughton, Tim

Maclean, Rachel
Main, Mrs Anne
Mak, Alan
Mann, Scott
Masterton, Paul
Maynard, Paul
McLoughlin, rh Sir Patrick
McPartland, Stephen
McVey, rh Ms Esther
Menzies, Mark
Mercer, Johnny
Merriman, Huw
Metcalfe, Stephen
Miller, rh Mrs Maria
Milling, Amanda
Mills, Nigel
Milton, rh Anne
Mitchell, rh Mr Andrew
Moore, Damien
Mordaunt, rh Penny
Morgan, rh Nicky
Morris, Anne Marie
Morris, David
Morris, James
Murray, Mrs Sheryll
Murrison, Dr Andrew
Neill, Robert
Newton, Sarah
Nokes, rh Caroline
Norman, Jesse
O'Brien, Neil
Offord, Dr Matthew
Opperman, Guy
Paisley, Ian
Parish, Neil
Paterson, rh Mr Owen
Pawsey, Mark
Penrose, John
Percy, Andrew
Perry, rh Claire
Philp, Chris
Pincher, rh Christopher
Poulter, Dr Dan
Pow, Rebecca
Prentis, Victoria
Prisk, Mr Mark
Pursglove, Tom
Quin, Jeremy
Quince, Will
Raab, rh Dominic
Redwood, rh John
Rees-Mogg, Mr Jacob
Robertson, Mr Laurence
Robinson, Gavin
Robinson, Mary
Rosindell, Andrew
Ross, Douglas
Rowley, Lee
Rudd, rh Amber
Rutley, David
Sandbach, Antoinette
Scully, Paul
Seely, Mr Bob
Selous, Andrew

Shannon, Jim
Shapps, rh Grant
Sharma, Alok
Shelbrooke, Alec
Simpson, David
Simpson, rh Mr Keith
Skidmore, Chris
Smith, Chloe
Smith, Henry
Smith, rh Julian
Smith, Royston
Soames, rh Sir Nicholas
Soubry, rh Anna
Spelman, rh Dame Caroline
Spencer, Mark
Stephenson, Andrew
Stevenson, John
Stewart, Bob
Stewart, Rory
Streeter, Mr Gary
Stride, rh Mel
Stuart, Graham
Sturdy, Julian
Sunak, Rishi
Swayne, rh Sir Desmond
Swire, rh Sir Hugo
Syms, Sir Robert
Thomas, Derek
Thomson, Ross
Throup, Maggie
Tolhurst, Kelly
Tomlinson, Justin
Tomlinson, Michael
Tracey, Craig
Tredinnick, David
Trevelyan, Anne-Marie
Truss, rh Elizabeth
Tugendhat, Tom
Vaizey, rh Mr Edward
Vara, Mr Shailesh
Vickers, Martin
Villiers, rh Theresa
Walker, Mr Charles
Walker, Mr Robin
Wallace, rh Mr Ben
Warburton, David
Warman, Matt
Watling, Giles
Whately, Helen
Wheeler, Mrs Heather
Whittaker, Craig
Whittingdale, rh Mr John
Wiggin, Bill
Williamson, rh Gavin
Wilson, rh Sammy
Wollaston, Dr Sarah
Wood, Mike
Wragg, Mr William
Wright, rh Jeremy
Zahawi, Nadhim

Tellers for the Noes:
Wendy Morton and
Iain Stewart

Question accordingly negated.

Question put forthwith (Standing Order No. 62(2)),
That the Bill be now read a Second time.

Question agreed to.

Bill accordingly read a Second time.

MENTAL CAPACITY (AMENDMENT) BILL [LORDS] (PROGRAMME)

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

That the following provisions shall apply to the Mental Capacity (Amendment) 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 Thursday 24 January 2019.

(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.—(Mike Freer.)

MENTAL CAPACITY (AMENDMENT) BILL [LORDS] (WAYS AND MEANS)

Motion made, and Question put forthwith (Standing Order No. 52(1)(a)),

That, for the purposes of any Act resulting from the Mental Capacity (Amendment) Bill [Lords], it is expedient to authorise the charging of fees.—(Mike Freer.)

MENTAL CAPACITY (AMENDMENT) 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 Mental Capacity (Amendment) Bill [Lords], it is expedient to authorise the payment out of money provided by Parliament of:

(1) any expenditure incurred under or by virtue of the Act by the Secretary of State, and

(2) any increase attributable to the Act in the sums payable under any other Act out of money so provided.—(Mike Freer.)

Business without Debate

DELEGATED LEGISLATION

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

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES)

That the draft Markets in Financial Instruments (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 17 October, be approved.—(Mike Freer.)

The Deputy Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 19 December (Standing Order No. 41A).

Madam Deputy Speaker (Dame Rosie Winterton): We now come to motions 7 and 8, which, with the leave of the House, I will take together.

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

BETTING, GAMING AND LOTTERIES

That the draft Gaming Machine (Miscellaneous Amendments and Revocation) Regulations 2018, which were laid before this House on 15 November, be approved.

EXITING THE EUROPEAN UNION (POSTAL SERVICES)

That the draft Postal and Parcel Services (Amendment etc.) (EU Exit) Regulations 2018, which were laid before this House on 29 October, be approved.—(*Mike Freer.*)

Question agreed to.

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

EXITING THE EUROPEAN UNION (COMPANIES)

That the draft Accounts and Reports (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 31 October, be approved.—(*Mike Freer.*)

The Deputy Speaker's opinion as to the decision of the Question being challenged, the Division was deferred until Wednesday 19 December (Standing Order No. 41A).

Madam Deputy Speaker (Dame Rosie Winterton): With the leave of the House, I will take motions 10 to 13 together.

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

ELECTRONIC COMMUNICATIONS

That the draft Privacy and Electronic Communications (Amendment) (No. 2) Regulations 2018, which were laid before this House on 1 November, be approved.

EXITING THE EUROPEAN UNION (MERCHANT SHIPPING)

That the draft Merchant Shipping (Recognised Organisations) (Amendment) (EU Exit) Regulations 2019, which were laid before this House on 12 November, be approved.

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES AND MARKETS)

That the draft Capital Requirements (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 15 November, be approved.

EXITING THE EUROPEAN UNION (FINANCIAL SERVICES)

That the draft Bank Recovery and Resolution and Miscellaneous Provisions (Amendment) (EU Exit) Regulations 2018, which were laid before this House on 23 October, be approved.—(*Mike Freer.*)

Question agreed to.

Madam Deputy Speaker (Dame Rosie Winterton): We now come to motions 14, 15, 16 and 17, which, with the leave of the House, I will take together.

CHURCH OF ENGLAND MEASURES

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

ECUMENICAL RELATIONS MEASURE

That the Ecumenical Relations Measure (HC 1687), passed by the General Synod of the Church of England, be presented to Her Majesty for her Royal Assent in the form in which it was laid before Parliament.

CHURCH OF ENGLAND (MISCELLANEOUS PROVISIONS) MEASURE

That the Church of England (Miscellaneous Provisions) Measure (HC 1688), passed by the General Synod of the Church of England, be presented to Her Majesty for her Royal Assent in the form in which it was laid before Parliament.

CHURCH PROPERTY MEASURE

That the Church Property Measure (HC 1689), passed by the General Synod of the Church of England, be presented to Her Majesty for her Royal Assent in the form in which it was laid before Parliament.

CHURCH OF ENGLAND PENSIONS MEASURE

That the Church of England Pensions Measure (HC 1690), passed by the General Synod of the Church of England, be presented to Her Majesty for her Royal Assent in the form in which it was laid before Parliament.—(*Dame Caroline Spelman.*)

Question agreed to.

PETITIONS

UK arms export to Saudi Arabia

7.16 pm

Daniel Zeichner (Cambridge) (Lab): I rise to present this petition on the Government's sale of arms to Saudi Arabia on behalf of my constituents in Cambridge. It was set up by OxCam, the University of Cambridge's—*[Interruption.]*

Madam Deputy Speaker (Dame Rosie Winterton): Order. Will hon. Members leaving do so quietly? We want to hear the petition from Daniel Zeichner.

Daniel Zeichner: The petition was set up by OxCam, the University of Cambridge's Oxfam group. I was approached by Thea Augustidis, the OxCam campaigns officers, who asked me to present this petition to Parliament, bringing this important issue to the attention of MPs across the House.

The petition states:

The petition of residents of the United Kingdom,

Declares that the government's sale of arms to Saudi Arabia is unacceptable, as there is substantial evidence that these arms are being used to kill innocent civilians in Yemen. This is in direct breach of the UK arms export policy, which states that the licenses cannot be granted if there is a "clear risk" the arms might be used in a serious violation of international humanitarian law.

The petitioners therefore request the House of Commons to urge the Government to: suspend all arms transfers to members of the Saudi coalition carrying out attacks in Yemen, including weapons, arms, munition and ammunition, parts and components and other equipment that pose a substantial risk that they could be used to commit or facilitate serious violations of international humanitarian law in this conflict.

And the petitioners remain, etc.

[P002305]

Funding for mental health provision in Cumbria

7.18 pm

Tim Farron (Westmorland and Lonsdale) (LD): I seek to present a petition signed by 2,500 of my constituents that condemns the fact that only 75p per child is spent in Cumbria each year on preventive mental health care.

[Tim Farron]

The petitioners therefore

request that the House of Commons urges the Government to end the 75p per head allocation and give Cumbria the money it needs to keep our young people mentally healthy and support those who are in the early stages of experiencing mental health problems

specifically by funding a mental health worker for every school and college in Cumbria.

Following is the full text of the petition:

[The petition of Residents of the United Kingdom,

Declares that huge Government cuts to the public health budget have left Cumbria being able to spending £75,000 on Tier 1 preventative health measures for young people which works out at just 75p per head; further that back in 2015, the coalition Government made a spending promise of £25m per year for Cumbria's public health budget, but the Conservative Government broke this promise and now allocates £7m less than originally promised for the county.

The petitioners therefore request that the House of Commons urges the Government to end the 75p per head allocation and give Cumbria the money it needs to keep our young people mentally healthy and support those who are in the early stages of experiencing mental health problems.

And the petitioners remain, etc.]

[P002300]

Green Deal Scheme

7.19 pm

Ged Killen (Rutherglen and Hamilton West) (Lab/Co-op): I rise to present a petition on behalf of my constituents who have been affected by Green Deal mis-selling. This was a Government-backed scheme that my constituents believed they could trust. However, many of them were conned by unscrupulous installers and rogue salespeople, including HELMS—Home Energy and Lifestyle Management Ltd—based in my constituency, which was approved under the scheme. This was through no fault of my constituents and the Government must act to resolve this injustice. The petitioners therefore urge the House of Commons to ensure that the Government will compensate and protect people who have found themselves suffering a detriment because of this Government-backed scheme, and take steps to ensure that this cannot happen in the future.

The petition states:

The petition of residents of Rutherglen and Hamilton West,

Declares that the Government-backed Green Deal Scheme has adversely affected residents of Rutherglen and Hamilton West both financially and psychologically; further that many residents have, in good faith, invested their life saving or accrued several thousands of pounds of debt to pay for work that was carried out by companies approved by the Green Deal Scheme; further that in some cases the work including the installation of insulation and of solar panels, was incomplete; further that some were

sub-standard and in many cases residents were given incorrect information which led them to believe that they would save or make money when in fact they have simply lost money; and further that in other cases the installer did not apply for building warrants and as a result they are unable to sell their properties, or have the peace of mind that their homes are safe to live in, or that the insurance policies residents continue to pay are valid without a building warrant.

The petitions therefore request that the House of Commons urges the Government to compensate financially and protect people who have found themselves suffering in this way after signing up to this Government-backed scheme using Government-approved installers.

And the petitioners remain, etc.

[P002306]

Green Deal Scheme

7.20 pm

Dr Philippa Whitford (Central Ayrshire) (SNP): Up to 169 households in my constituency of Central Ayrshire may be affected by this mis-selling scandal of Home Energy Lifestyle Management Ltd. Many elderly people were led to believe they were receiving insulation and solar panels free, provided by the Government, under the Green Deal scheme, only to find they were tied into long-term financing. In some cases they were even tricked into signing away their electricity feed-in tariff, meaning they have received no benefit, only debt. In addition, some installations were faulty, causing roof damage. The failure to secure building warrants means they cannot even sell their homes. The petitioners therefore request that the House of Commons urges the Government to financially compensate and protect people who have found themselves suffering in this way after signing up to this Government-backed scheme using Government-approved installers.

The petition states:

The petition of residents of Central Ayrshire,

Declares that the Government-backed Green Deal Scheme has adversely affected residents of Central Ayrshire both financially and psychologically; further that many residents have, in good faith, invested their life saving or accrued several thousands of pounds of debt to pay for work that was carried out by companies approved by the Green Deal Scheme; further that in some cases the work including the installation of insulation and of solar panels, was incomplete; further that some were sub-standard and in many cases residents were given incorrect information which led them to believe that they would save or make money when in fact they have simply lost money; and further that in other cases the installer did not apply for building warrants and as a result they are unable to sell their properties, or have the peace of mind that their homes are safe to live in, or that the insurance policies residents continue to pay are valid without a building warrant.

The petitions therefore request that the House of Commons urges the Government to compensate financially and protect people who have found themselves suffering in this way after signing up to this Government-backed scheme using Government-approved installers.

And the petitioners remain, etc.

[P002307]

Democratic Republic of the Congo: Presidential Elections

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

7.21 pm

Mr Ivan Lewis (Bury South) (Ind): The Democratic Republic of the Congo is scheduled to hold a presidential election in only five days' time, on 23 December. This historic election could see the country's first-ever democratic transfer of power, or bring further instability and violence to a country riven with human tragedy and despair. It is essential that this House and the Government send the strongest possible message today that we will settle for nothing less than a free and fair election, and that working with our international allies we will take punitive action against the regime should they attempt to steal the election. Conversely, as the DRC's second largest bilateral donor, in the event of a free and fair election, we stand ready to support a new democratically elected President to face up to the mammoth challenges that lie ahead.

The country will only move forward with new leadership committed to a vision rooted in economic growth and poverty reduction. That will only be possible with better governance and a plan to end horrendous levels of violence and endemic corruption.

John Howell (Henley) (Con): How will this election affect the endemic corruption in the DRC, which is even worse than in Nigeria where I am a trade envoy, and how will it deal with the 2.7 million internally displaced people?

Mr Lewis: I agree entirely with the hon. Gentleman's concerns. The international community has poured billions of pounds into the DRC over many, many years. Until the leadership of that country changes so that it is transparent, open and accountable to the people, and free of corruption, we will not see the kind of changes that the people of the DRC have a right to expect. That is why this presidential election is so crucial. Without a change of leadership, we will not see the kind of changes that are so necessary and which the hon. Gentleman articulates.

Jim Shannon (Strangford) (DUP): I congratulate the hon. Gentleman on bringing forward this matter for an Adjournment debate. I have always had an interest in the politics of Africa, in particular the DRC. He knows that the level of violence against those who are eligible to vote, in particular women, is very high. How does he see the elections taking place when that violence is being targeted at voters? How does he feel the Government can ensure that people are safe to vote? The democratic process must go ahead and the voters must be safe. How will that happen?

Mr Lewis: My hon. Friend is absolutely right to raise the question of violence. As any Member of this House who has visited the DRC and spoken directly to victims of violence—particularly, women who have been victims of sexual violence—will know, there is not a more horrendous or horrific example anywhere in the world of rape being used as a weapon of war. Therefore, the

ability—I will come to this later—of that country to protect voters from the threat of violence is central to having free and fair elections.

As hon. Members have alluded to, it is important to understand the scale of the challenge. The DRC is a country of some 80 million people and has a landmass the size of western Europe. According to the World Bank, with its 80 million hectares of arable land and over 1,100 minerals and precious metals, the DRC has the potential to become one of the richest countries on the continent and a key driver of African growth. That is almost the irony of the Democratic Republic of the Congo. Between 2005 and 2012, the poverty rate has decreased only from 71% to 64%, and the DRC ranks among the poorest countries in the world. It was 176th out of 187 countries on the UN human development index. As of 11 December, as hon. Members will be aware, there have been 505 suspected cases of Ebola, including 457 confirmed cases, and at least 296 people have died. I know that this country has made a tremendous contribution to trying to contain the outbreaks of Ebola that we have seen.

UNICEF said that the humanitarian situation in the DRC has deteriorated dramatically just over the past 12 months. That is from an incredibly low base. A surge in violent conflict in the Kasai and eastern regions has forced more than 1.7 million people from their homes. The number of internally displaced people has more than doubled since January 2017, reaching 4.1 million, the highest number in Africa. More than 13 million will need humanitarian assistance this year alone, including 7.8 million children, and 13.6 million people are in need of safe water and adequate sanitation and hygiene facilities. Some 7.7 million people are facing severe food insecurity, which represents a 30% increase since 2016, and a shocking estimated 2.2 million children will suffer from severe acute malnutrition this year alone.

The country continues to experience frequent and deadly disease outbreaks, including measles and malaria, and is undergoing one of the worst cholera outbreaks of the decade—that is in addition to Ebola. Grave violations of children's rights, including forced recruitment, killing, maiming and sexual violence, are key features of the conflict. Violence and insecurity are seriously impeding access to basic education for 3.4 million children across the country.

Recent UNICEF data show that more than 3,000 children have been recruited by militias and armed groups over the past year alone. According to an April 2014 UN report, sexual violence remains “extremely serious due to” its

“scale...systematic nature and the number of victims.”

Human Rights Watch talks about the “horrific levels of rape” and other forms of sexual violence used by all armed groups in the conflict, which has been destabilising the country for several decades. Unfortunately, members of the country's armed forces are among the main perpetrators of this violence.

As the hon. Member for Henley (John Howell) suggested, as the DRC goes to the polls, the stakes have never been higher. This election will decide who succeeds President Kabila, whose second and final term expired on 20 September 2016. The promised elections have been delayed until now. Kabila has been in power since 2001. Many had feared that he would never relinquish

[Mr Ivan Lewis]

power, but largely as a result of pressure from the international community, he reluctantly agreed to step down. However, he has nominated a chosen successor, Emmanuel Shadary, who, due to his actions as a member of the Kabila Government, is currently subject to European Union sanctions. Opposition parties in the country fear that the electoral process will be a sham, orchestrated by Kabila, who wants to stay in power at any cost. They believe that the regime will do whatever is necessary to steal this election.

Kris Berwouts, of the African Studies Centre, wrote only last month:

“If the Congolese government manages to organise the elections in time, it will organise them in order to win them. It will deploy all the pressure, fraud, intimidation and violence necessary to do so. The chances of free and fair elections are nil. That is why the authorities are deploying heavy repression against any potential watchdogs. Congolese journalists and observers bear the brunt of this, but foreigners are also targeted.”

If the international community is serious about its commitment to peaceful, credible elections, it would be wise not to ignore the wisdom of the Congolese people regarding the conditions needed for legitimate elections.

In that context, I should like the Minister to address a number of specific concerns. I thank him in advance for his politeness in contacting me today to discuss some of them.

Electronic voting machines will be used for the first time in these elections, and civil society groups fear that they are not secure enough and there is a possibility of the results being rigged. The United States ambassador to the United Nations, Nikki Haley, has affirmed the US belief that the DRC should stick to the tried and tested method of paper ballots. The technology for the machines was created by a South Korean company which built similar machines for elections in Argentina last year, but the devices were subsequently rejected because of security issues that made them vulnerable to hackers.

In fact, Congolese law does not provide for the use of voting machines, although that has been denied by the electoral commission in the DRC. I should add that there is a question mark over the commission's independence in the entire process. It has also claimed that changing the system would mean delaying the election. According to a review of the devices by the Westminster Foundation for Democracy, they have not been thoroughly tested, and there is a potential for long delays and also, crucially, for abuse and misuse.

Earlier this month, 7,000 of 10,000 voting machines in an electoral commission warehouse in the capital, Kinshasa, were destroyed in a fire. The Kabila Government blamed unidentified “criminals” for the blaze, but the warehouse was being guarded by their army. The destruction of the machines is therefore highly suspicious, and, obviously, reinforces the concerns about the use of such machines. There are also concerns about the voters' roll, which has revealed that 6 million voters have not been fingerprinted. It would aid transparency, and would be incredibly helpful, if the UK Government could argue that the electoral commission should publish the names of the people concerned and the areas in which 50% of fingerprints have not been obtained. That would establish whether it was a case of random distribution or evidence of dubious practices.

It is also essential, even at this very late stage, for the international community to seek an agreement between the armed forces and the United Nations Organisation Stabilisation Mission in the Democratic Republic of the Congo—or MONUSCO—for a MONUSCO brigade to be deployed to guarantee safe, free voting in eastern and central parts of the country. That point was made by the hon. Member for Strangford. If such an independent force is not deployed, there is a real risk that people will be intimidated by the threat of violence. There are also concerns about the lack of observers. Analysts and activists have warned that if polls are seen as fraudulent, the country could face years of protests. Civil society organisations are operating in a highly restrictive political environment, with regular threats to employees and their families.

Finally, should the outcome of the elections become a matter of intense dispute, that could lead to further upsurges in violence across the country, some parts of which, especially the east, are seriously affected by intractable conflicts. Africa Confidential reports—this is shocking—that some national army officers are even talking in terms of a “third Congolese war”, with troops from neighbouring countries potentially becoming drawn into the DRC once again. Although the international community has poured much money and effort into the DRC over the last 20 years, there are justified fears that, in the end, a Shadary victory could be met with international acquiescence.

Let me make this point very strongly to the Minister. In the past, our Government and others of successive political persuasions have chosen perceived stability over democracy and free and fair elections, and, on those grounds, have often not called out elections as being illegitimate when they clearly have been. This country's last best chance for the next decade, in the context of the human tragedies that I have described, is to determine whether the result of these elections demonstrates that they were free and fair. I call on the Minister, and the UK Government—who, because of their donor status and their diplomatic reputation, still have a tremendous amount of influence in that country—to take a very tough line, even at this late stage, in putting pressure on the DRC Government.

7.34 pm

The Minister for Europe and the Americas (Sir Alan Duncan): I am grateful to the hon. Member for Bury South (Mr Lewis) for securing this timely debate and I know he has considerable expertise on the DRC. He is a long-standing advocate for the Congolese people, and I think I am right in saying that he has visited the DRC very recently. The Minister for Africa, my hon. Friend the Member for West Worcestershire (Harriett Baldwin), would have been delighted to respond on behalf of the Government tonight, but unfortunately she is unavailable and it is my pleasure to take her place.

I note the concerns expressed about the presidential elections that we hope will take place on Sunday and whether they will lead to the first peaceful and democratic transfer of power in the country's history, and about whether the UK is doing enough to help ensure that they are free, fair and credible. We of course want an election result that is all of these things, and most of all we want a result that can be readily accepted by the

people of the DRC, and over the next few minutes I hope to reassure the House that we are doing all we can to help to bring this about.

The Congolese people are understandably impatient for stability and security, and this Government agree, and this is important not only for the DRC but for the region as a whole. We have always been clear in our messaging that only credible and inclusive elections will deliver that long-term stability, and indeed the prosperity, that the DRC desperately needs. So this Government will always condemn acts that hamper democratic processes wherever they take place, but it would be wrong to prejudge these elections before they have happened, and the UK's approach will be informed by reports from local and international observers, who must be allowed the space to make a full assessment.

Members might recall that in 2016 the UK joined the international community in condemning President Kabila for holding on to power after the expiry of his second presidential term, contrary to the country's constitution.

Tim Loughton (East Worthing and Shoreham) (Con): I declare my interest as the Prime Minister's trade envoy to the DRC. What assurances has the Foreign Office received about the impact of the warehouse fire and the destruction of voting machines in Kinshasa in a strong opposition area? The Minister referred to the observers, who have largely been paid for by Her Majesty's Government; we have recruited some 22,000. What assurances has the Foreign Office got that those observers will be doing an entirely independent and effective job?

Sir Alan Duncan: I will come on to the issue of electronic voting in a moment, and if my hon. Friend has further concerns I will ask my hon. Friend the Minister for Africa to write to him.

In order to prevent Mr Kabila from amending the constitution to permit himself a third term, the international community pressed him to sign the Saint-Sylvestre accord, setting out the terms for establishing a transitional Government which would work towards elections in 2017. Since the accord was signed in December 2016, the UK has repeatedly called on Kabila to honour both the DRC constitution and the Saint-Sylvestre accord, and to enable a peaceful transfer of power through credible elections. Our then Minister for Africa made these points directly to the President when he visited Kinshasa in November last year.

The UK continues to work with the international community, including the African Union and the Southern African Development Community, to press the DRC authorities to meet the democratic aspirations of the Congolese people by electing a new president.

Jim Shannon: I understand that this is not the Minister's portfolio, but I want to ask again about something the hon. Member for Bury South (Mr Lewis) mentioned and I referred to in my earlier intervention. We were very clear that we are having all the observers there but it is also important to have security so that people can physically go to vote; has an assurance on that been sought and given?

Sir Alan Duncan: I totally accept that someone can only be an effective observer if they have the security around them, so the hon. Gentleman makes an important point.

With our regional and international partners, and through a variety of channels, including our seat on the UN Security Council and our embassy in Kinshasa, we have continued to impress upon the DRC authorities the importance of adhering to their commitments. I am pleased to say that this concerted pressure has helped to persuade Kabila to agree to hold elections this month, in which he will not be a candidate. This is welcome news, but we remain concerned about the credibility and openness of these elections. My hon. Friend the Minister for Africa raised these concerns with two of the three main presidential candidates in telephone conversations this week. She discussed the need for the parties to engage fully in the electoral process and to condemn any violence or incitement to violence. She hopes to speak to further candidates in the coming days.

In addition to engagement at ministerial level, the UK has committed significant resources towards practical support for the electoral process. This totals nearly £19 million, and it includes support for voter education programmes, for election observations and for strengthening institutions such as the justice and peace commission. UK-funded civic education programmes have reached nearly 3 million people through face-to-face campaigns and over 10 million more through various media campaigns. We have also trained 425 long-term observers to help to ensure the credibility of the elections, and we have funded 20,000 local observers through the local Catholic Church's committee for justice and peace. This represents one third of the anticipated number of local observers.

Jeremy Lefroy (Stafford) (Con): I am most grateful to my right hon. Friend and to Her Majesty's Government for all their support. Will he particularly commend the role played by the Catholic Church and other Churches in the Saint-Sylvestre accord of 2016, and also their continued striving for peace and democracy in the DRC?

Sir Alan Duncan: My hon. Friend has an amazing reputation for his interest in Africa, and I totally share his judgment. I agree with what he has just said.

We are concerned that some candidates have been prevented from moving and campaigning freely around the country, that activists from all sides have been subjected to violence, and that some candidates have used inflammatory language. The UK issued a joint statement with the American, Canadian and Swiss ambassadors in response, which condemned all forms of violence as well as expressing regret at the news of the recent fire at an electoral commission warehouse in Kinshasa, to which the hon. Member for Bury South referred.

The hon. Gentleman mentioned the fact that electronic voting machines were being used for the first time in this poll. The DRC electoral commission—known as CENI—will be responsible for their operation. In response to a request from CENI in February, we funded the Westminster Foundation for Democracy to carry out a technical analysis of the electronic voting machines. The WFD's report is publicly available on CENI's website, and it notes that it is not best practice to introduce the machines on this scale without a pilot. However, it does not endorse or reject their use, because this is a sovereign decision for CENI and the DRC. The report provided a number of recommendations to mitigate the risks associated

[*Sir Alan Duncan*]

with using the machines, many of which have been adopted by CENI. All the major presidential candidates have now indicated that voters should use the machines.

In addition to our support for the electoral process, we also run an extensive programme to alleviate the humanitarian situation in the DRC. This includes our support for the World Health Organisation-led response to the Ebola outbreak in the east of the country, where we are the second-largest bilateral donor. More broadly, we are working to improve the humanitarian and human rights situation in the DRC through advocacy work, through bilateral projects and programmes and through our support of multilateral interventions such as the UN peacekeeping mission, MONUSCO.

We help to fund a programme run by the UN's Joint Human Rights Office to document human rights abuses. We continue to call on the DRC Government, as a member of the UN Human Rights Council, to demonstrate their commitment to the highest standards of human rights and to take decisive action against abuses and violations. With the EU, we have established a sanctions regime against members of the Government responsible for the violation of human rights. We have made it clear that we are prepared to take further action as necessary, including against those who seek to obstruct the democratic aspirations of the Congolese people. We will continue to use all channels available to us to end human rights abuses in the DRC, to press for accountability, and to demand a better future for the Congolese people. I hope I have shown that the UK is engaging closely

with the electoral authorities and civil society in the DRC to support free, fair, safe and credible elections on Sunday.

Mr Ivan Lewis: Given that this is not the Minister's portfolio, I thank him for giving such a comprehensive response. Will he make it clear today to the current regime that if there is strong evidence that the elections were not free and fair as a consequence of its actions, there will be accountability through whatever measures the UK and the international community deem fit, including the potential for further sanctions?

Sir Alan Duncan: We want to see the highest standards applied to these elections, and we will monitor them very closely. If we feel the need to express a view afterwards, we will of course do so both in this House and more widely.

I hope that what I have said on the Government's behalf tonight shows that we hope that everything we are doing helps to address some of the root causes of the DRC's many problems and that the elections provide the political stability the country needs in order to build the secure and prosperous future that the Congolese people rightly crave. That stability is vital not only for them, but for the region. This Government are clear that we will continue to provide support to help the DRC to achieve that longed-for stability and prosperity.

Question put and agreed to.

7.46 pm

House adjourned.

Westminster Hall

Tuesday 18 December 2018

[MR PHILIP HOLLOBONE *in the Chair*]

Traidcraft and Fair Trade

9.30 am

Liz Twist (Blaydon) (Lab): I beg to move,

That this House has considered Traidcraft and the future of fair trade.

It is a pleasure to open this debate under your chairmanship, Mr Hollobone. I start by thanking my right hon. Friend the Member for East Ham (Stephen Timms) and the hon. Member for Colchester (Will Quince), who chairs the all-party parliamentary group for Fairtrade, for their support in making the application to the Backbench Business Committee.

In one of those strange coincidences, when I was thinking about my Christmas card competition for local primary schools last summer, an officer from Gateshead Council—my local authority—telephoned the office and suggested that this year the theme should be fair trade. That seemed an excellent idea to me. Gateshead prides itself on being a Fairtrade authority. In Traidcraft, a Fairtrade company and charity based on the Team Valley trading estate, we had a real local connection and a topic that would get pupils thinking about just what fair trade means for us here in the UK and for producers who grow, create and supply fair trade goods and products, especially in the lead up to Christmas, when we think of gifts and rich food.

I was shocked to hear in September that Traidcraft was in difficulty, facing potential closure and consulting its 60-plus staff based in its Team Valley warehouse and offices on potential redundancies. Traidcraft has a personal significance to me. Over many years I have been a Traidcraft customer, and its craft products are scattered around my home. Some may even have appeared as raffle prizes over the years. Indeed, I have been a trader, although sadly not a very successful one.

Mary Glindon (North Tyneside) (Lab): I congratulate my hon. Friend on securing this debate. I could share many happy memories of buying Traidcraft goods from the late 70s. My sister used to run a stall for Traidcraft in her church, St Robert's in Morpeth. She ran an evening at the place where I worked in North Shields. It is not just about getting gifts and helping people to have nice things from abroad; what was crucial was the raising of awareness for people who otherwise would not be aware of the need for fair trade.

Liz Twist: My hon. Friend is absolutely right that Fairtrade traders, through Traidcraft, have worked to sell goods and, importantly, to raise the social and fair trade issues around those goods.

Catherine McKinnell (Newcastle upon Tyne North) (Lab): I, too, congratulate my hon. Friend on securing this debate. Last month, I attended an event hosted by Traidcraft in Newcastle entitled, "Who picked my tea?" It is a brilliant campaign that has resulted in Yorkshire Tea, Twinings, Tetley and Clipper all publishing who is picking their tea and their list of suppliers. That should

help drive up the standards for those tea plantations in Assam. Does my hon. Friend share my view of the importance of Traidcraft's work? Will she join me in calling on PG Tips and Typhoo to publish that information as well?

Liz Twist: I most certainly do agree with my hon. Friend. Traidcraft and the Fairtrade Foundation have played a huge part in ensuring that producers are accountable and that those principles are applied fairly.

My mother loved to look at the Traidcraft catalogue, find out what was going on from the Traidcraft bulletins and buy products—mostly chocolate, it should be said—from the back of her church. Churches have played a hugely important part in selling Traidcraft goods. She would get me to buy products either from the Traidcraft shop in Team Valley or on the internet.

Apart from my personal reasons for feeling sad at the news of possible closure and the loss of 60 jobs from our local economy in Gateshead, there are much more serious reasons why so many people were sad to hear of Traidcraft's difficulties. As the company has said, it was "overwhelmed by the outpouring of public concern and offers of support which demonstrates that the mission of Traidcraft still matters to many, many people".

That is absolutely right. Next year marks the 40th anniversary of Traidcraft plc. Established as a Fairtrade enterprise, it initially provided a market for handcrafted items from Bangladesh at a time of great political turmoil there. Handicrafts, because they required minimal capital outlay for women in affected communities and could be produced alongside farming activities, provide an additional income source while preserving food security. Those values of supporting women, developing resilience and environmental concern have been recurring themes for Traidcraft over the years.

From its creation in 1979, the company developed into a public limited company with 4,500 individual shareholders and shares traded on the ethical stock exchange. It buys groceries and craft items from more than 70 producer groups in around 30 countries. Goods are sold through community resellers, online and through specialist fair trade shops. Traidcraft has pioneered fair trade products such as wine, charcoal and rubber gloves, alongside more familiar products such as tea, coffee, chocolate and biscuits. It has reached into thousands of homes—including my mum's—and communities through its community sales force. What is more, it has had a real impact on the lives of countless producers and their families, delivering real social change.

Traidcraft was at the forefront of the Fairtrade movement and was a founder member of the Fairtrade Foundation along with Oxfam, the Catholic Agency for Overseas Development, Christian Aid, the Women's Institute and the World Development Movement. The Fairtrade movement developed the Fairtrade certification system, which enabled those same fair trade principles to be applied by mainstream businesses. That was a vital tool for those businesses wanting to establish fairer and more just trading relationships and provided an independent guarantee for consumers.

Jeremy Lefroy (Stafford) (Con): I congratulate the hon. Lady and the others on securing this important debate. I declare an interest, having been a member of the board of Twin, a fair trade organisation. I have been

[Jeremy Lefroy]

involved in fair trade for well over 20 years. The point that she makes about mainstream organisations is absolutely right. Does she agree that without the work of Traidcraft and others, such as CAFOD and Twin, fair trade would not have been taken up by the mainstream supermarkets, resulting in the enormous boost to fair trade that means that the UK has, I believe, the largest fair trade market in the world?

Liz Twist: The hon. Gentleman makes an excellent point. I sincerely believe that without the input of those organisations and Traidcraft, we would not be in the position where we now take it for granted that we can obtain fairly traded goods in mainstream supermarkets and other shops. I most certainly agree with him on that point.

The Fairtrade Foundation has recognised that Traidcraft plc's approach has been an inspiration to many and that the approach it pioneered in 1979 is now also being taken forward, as the hon. Gentleman said, by other brands and businesses that choose to trade fairly. Traidcraft also established a separate development charity, Traidcraft Exchange—thankfully, it is not under threat—which is supported by individual donations and institutional donors including the Department for International Development, Comic Relief and the Big Lottery Fund. The charity works with farmers and artisans who are not part of fair trade supply chains and campaigns for justice in international trade.

So, what happened to Traidcraft? Just as for many other UK businesses, life has been difficult. The retail environment has been particularly challenging. The success of fair trade products in mainstream suppliers and their availability in supermarkets is welcome, but that challenges fair trade enterprises such as Traidcraft on price and scale.

Much as we might like to escape the B-word, it is simply not possible. Currency fluctuations immediately after the EU referendum and uncertainty about Brexit continue to affect Traidcraft. Traidcraft estimates that the drop in the value of the pound within a week of the referendum cost the company £350,000. With most of the company's £2.4 million of purchases from suppliers in developing countries paid in dollars, that early 15% currency drop meant that Traidcraft had less to spend, and holding true to its long-held fair trade principles meant that it could not, as others might, exert downward price pressure on its suppliers.

Catherine McKinnell: I share my hon. Friend's concern about the impact on Traidcraft, and its need to reduce operations, because I, too, am proud of the fact that it has such strong roots in the north-east, in our region. Does she share my concern that the implications are not short term? Does she agree that we need to ensure that not only Traidcraft but all businesses that want to trade ethically can do so, and that that is not affected in any way by our departure from the EU?

Liz Twist: I thank my hon. Friend for that intervention. From our experience in the north-east, we know that a great many companies—not just Traidcraft, which we are discussing today—continue to feel the impact of the current uncertainty and fluctuations.

Mr Adrian Bailey (West Bromwich West) (Lab/Co-op): I congratulate my hon. Friend on securing the debate and emphasise its importance for future world development. Traidcraft appears to have been hit by a perfect storm in so far as Brexit and currency fluctuations have damaged its business model, and uncertainty in world markets and trade agreements, and changes in consumer purchasing behaviour, have conspired to undermine it. Does she agree that, given the importance of Traidcraft's small businesses in taking people in the most vulnerable countries out of poverty, there is a strong case for the Department for International Trade and DFID to look at developing a model of support that will ensure that such businesses survive in a very difficult international environment?

Liz Twist: I thank my hon. Friend for that intervention, and I will touch on some of those points later.

Brexit, as we have said, continues to affect the company's trading. When I spoke to Traidcraft's chief executive, Robin Roth, shortly after the announcement of a potential closure, I asked what I could do to help to secure Traidcraft's future. He told me that the best thing that I could do would be to encourage people to buy from Traidcraft in the run-up to Christmas, as a strong Christmas—the Christmas catalogues were nearly ready—would allow Traidcraft to look to a future for the organisation.

That is what I have tried to do locally, and—with the help of my right hon. Friend the Member for East Ham—in this House. I hope that many hon. Members will have bought at least some of their Christmas gifts from the Traidcraft catalogue, which we sent to all Members some weeks ago. Traidcraft do a fine line in quality socks as well as more decorative crafts, and they have certainly featured on my Christmas list.

I am glad that Traidcraft supporters have, I am told, responded magnificently. That has meant that the company has been able to put together a plan for the future that will see the company refocus and survive. Sadly, many of the jobs in Gateshead will be lost, the warehousing will be outsourced and there will be a focus on food and related goods and a very much narrower range of crafts, together with a new emphasis on consumers buying co-operatively. I look forward to seeing the new "Traidcraft 2" develop and grow, and will continue to support it.

Traidcraft, as part of the fair trade movement, has some asks of the Government. I thank the Minister for inquiring in advance whether there were any particular issues for which he could prepare. I do not believe that any of the asks will come as surprises to the Minister, although I was unable to give him that notice.

First, the Government need to reassure the many producers and farmers in vulnerable developing countries that the UK will put in place measures to preserve market access—if necessary, unilaterally—to avoid disruption. They urge the Government to provide reassurance that the needs of poorer countries and vulnerable stakeholders will be taken into consideration as future trade policy is developed and implemented.

Jeremy Lefroy: Does the hon. Lady agree that one of the great benefits of the work of Traidcraft, and others, has been that it works on the ground with producers and farmers, and enables them not only to increase their incomes, but to improve their quality and so much else? That engagement on the ground with producers and

small-scale farmers, with whom I have worked for 30 years or more, is vital, because it means that money gets to the grassroots. So often, money does not seem to trickle down. This is money, support and agricultural extension work going in at the grassroots.

Liz Twist: I thank the hon. Gentleman, and I agree with him on all those points. One of the important things about Traidcraft has been that personal connection through the “meet the producers” tours, and being able to see in the catalogue who produces the goods. We must never forget the impact on individuals of the work of Traidcraft and other fair trade organisations. I hope that the Minister will reassure us that DFID will play its part in continuing that work.

The UK has a strong record of using its aid programme to support business development. The Government should continue their development work in that area and re-emphasise the inclusive approach that we have talked about within that, through a clear gender focus and support for small and medium-sized enterprises, ensuring that the trade and business environment enables them to voice their needs and to thrive.

As Traidcraft goes forward, it will look to offer consumers even greater transparency. As part of the review of the Modern Slavery Act 2015, the Government should update the official guidance to encourage companies to publish where they buy their goods from and the wages of their supply chain workers. The Government should consider legislation to make human rights due diligence mandatory, so that we can have that transparency and see exactly what is being done.

Finally, Parliament is considering the Agriculture Bill, which is perhaps not in the Minister’s immediate purview, although I am sure that he can have some input.

The Minister of State, Department for International Development (Alistair Burt): I have a lot of farming constituents—trust me.

Liz Twist: Yes. As Parliament considers the Agriculture Bill, the Government could table amendments that establish more comprehensive regulation, supporting fairer purchasing practices all the way along agricultural supply chains.

Earlier this month, I went to the Traidcraft warehouse sale in Team Valley and, yes, picked up some bargains, although it feels wrong to do that knowing the difficulties that the company has faced. While there, I spoke to a member of staff who was tidying up the shelves and said how sad I found it. He surprised me by saying that it was not sad; Traidcraft plc has a plan and a future to look forward to, although there will not be the same range of crafts.

Although I was surprised, I am sure that his was the right attitude, and it will ensure that the company has a long and sustainable future—different from what it has been, but still upholding and strengthening the fair trade principles that it has been instrumental in developing, and continuing to work with like-minded organisations in the Fairtrade Foundation. I wish it every success.

Several hon. Members *rose*—

Mr Philip Hollobone (in the Chair): Order. The debate can last until 11 o’clock. I have to call the Front-Bench spokespeople no later than 10.28 am, and the guideline limits for the Front Benchers are 10 minutes for the Scottish National party, 10 minutes for Her Majesty’s Opposition, 10 minutes for the Minister, and then we will hear again from Liz Twist to wind up. Until 10.28 am, it is Back-Bench time. Our first contributor will be Jim Shannon.

9.49 am

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for Blaydon (Liz Twist) on securing this debate and on succinctly setting the scene. We are here because we have an interest in fair trade and Traidcraft and the good that they bring to those who produce the products that we use in the United Kingdom of Great Britain and Northern Ireland. I pay special tribute to the hon. Member for Stafford (Jeremy Lefroy), who has a deep interest in this matter—a practical, physical interest—from his past work. He has hands-on knowledge of how it can benefit people.

We live in a dog-eat-dog world, to use terminology that we have in Northern Ireland. I frown upon it, but it is sought after by some. There seems to be no shame in doing someone over as long as you come out on top. To succeed, people are expected to trample on other people, instead of working with them. Traidcraft and Fairtrade are essential, because they bring us back to where we should be. All of us in this Chamber are people of faith and understand what it means, and therefore we have an interest in people. That is one of the reasons why we are here to participate in this debate. We also have an interest in people across the world.

I think it was Margaret Thatcher who referred to us as a nation of shopkeepers. Well, my family were shopkeepers. My dad was a shopkeeper—he was one of the first to go into the grocery trade. At that time it was VG—it is now Spar—and it was one of the first grocery groups in Northern Ireland. He had a wee shop in Ballywalter. I call it a wee shop—it was a big shop in those days, but it is probably a wee shop today. He was known as a man who operated with fair pricing. I want to make this illustration, because it is important. There was always the ability to take advantage by putting the prices up, as we lived in a rural community and not many people had their own cars, so they could not get to the big towns easily. That is how it was in the ’60s and early ’70s. My dad could have hiked the prices, but he chose not to. I remember him saying, “James”—everybody else calls me Jim, but my dad christened me James—“we may never be rich, but we will always have enough. We will never put someone in need as a sacrifice to our greed.” He had a very clear message as a shopkeeper. It was not about excessive profits, his grandeur or his lifestyle; it was about producing things for other people.

My dad ran another business that I remember very well. He probably supplied furniture, carpets, lino and blinds to every house in the villages of Ballywalter, Greyabbey, Carrowdore, Kircubbin, Ballyhalbert and Portavogie. He did what we called “cuff” in those days—a form of borrowing, with so much paid back per week. He was a very generous person. His ethic of fairness to people is one that Fairtrade and Traidcraft share. It is so important.

Jeremy Lefroy: Does the hon. Gentleman agree that one of the great supporters and promoters of fair trade in retail over the past 30 years is the co-operative movement? Alongside Traidcraft and others, it has really taken forward fair trade and made it a household name in the United Kingdom.

Jim Shannon: I wholeheartedly agree. The hon. Gentleman brings wisdom and knowledge to this type of debate—to every debate, but to this one in particular. I thank him for that.

Unfortunately, that school of thinking has been somewhat lost, as some of the big companies look to the dividends of their shareholders and do not concern themselves with how suppliers lower the bottom line to meet their profit margin need. It is good that some companies have realised that they have to adhere to a moral compass. That is why Fairtrade and Traidcraft exist. I thank everyone who works in those wonderful organisations and takes part in what they do.

I am given to understand that there has to be a cut in staff numbers. That is unfortunate, and I encourage the venture to hold fast and keep doing good. There is a verse in scripture that always encouraged me: it says that we should not be weary in doing good, for we shall reap what we diligently sow. It is my belief that there are countless families in communities throughout the world who are reaping the benefits of what these organisations sow in fairness, respect, hard work and honesty.

Before making this contribution, I was thinking of the advert on TV for Fairtrade coffee, which tells the story of the young boys in the fields. If they were not doing that farming and that work, the alternative would be to go into criminal activity. By buying Fairtrade and Traidcraft goods, we enable people in other parts of the world to gain a wage, to have families and to grow, and we also keep them away from criminality.

Mr Gregory Campbell (East Londonderry) (DUP): My hon. Friend is taking about the short-term difficulties that Traidcraft faces. The decline in the pound has hit Traidcraft for obvious reasons, but does he agree that, beyond the next 12 to 18 months, there should be more stability in the economy and the financial markets? It is essential that, in the interim, we keep supporting organisations such as Traidcraft through this type of debate and our physical support on the ground, as we buy their products?

Jim Shannon: My hon. Friend is absolutely right. We should not be inhibited in supporting Fairtrade and Traidcraft. I was going to say at the end of my speech—he may have gone through my notes—that even if it means paying an extra 50p or £1 for a product just to keep it all going while the pound strengthens again, we should do that. I thank him for that comment. As always, he brings knowledge and wisdom to the debate.

I read a briefing by Traidcraft that said that, as Traidcraft plc goes forward, it will be striving to offer consumers ever greater levels of transparency about where its products come from and where its money goes. Hon. Members in this Chamber probably know where the products come from and the benefits of them, but it is important that others see that too. Fair trade is increasingly seen as the norm for all businesses. Traidcraft Exchange is also encouraging mainstream businesses, through its “Who picked my tea?” campaign, to know

and make public information about their suppliers. There are small things we can do to assist that. I believe that that is vital in providing workers and community groups in supplier companies with the information and opportunity to hold companies to account for the standards that are expected in their supply chains—for example, with reference to working conditions and vulnerability to modern slavery.

There is a real need to ensure that workers’ conditions are at a good standard. Traidcraft has said:

“We urge Government as part of the review of the Modern Slavery Act to update the official guidance to encourage companies, as part of their reporting, to publish where they buy their goods from and the wages of their supply chain workers. We also encourage Government to consider legislation that would make Human Rights Due Diligence mandatory.”

I am my party’s human rights spokesperson, so like all hon. Members in this Chamber and others outside it, I have a deep interest in this issue. Therefore, the issue of fair wages and good working conditions are important to me.

I am pleased that, in this debate, we have a shadow Minister who has a deep interest in this issue and a Minister who understands it better than most. I know that both their contributions will be worth listening to, and that they will respond to our concerns. I have no doubt that they will both reply very positively and supportively.

I support Traidcraft in what it is asking the Government to do. There is an onus on us to ensure that we do not support the trafficking and ill-treatment of children or adults throughout the world. I sincerely believe that we must do more and be more for those who have no voices and no one willing to stand up for them. As often happens in this House, we are the voice of the voiceless. This debate gives us the opportunity to do just that.

I say well done to all in Traidcraft and Fairtrade for how far they have brought us. It heartens me that my own grandchildren—those who have children and grandchildren have probably found the same—already know what the Fairtrade symbol is. It is encouraging that grandchildren remind people of what the Fairtrade symbol is and what it means. Perhaps their parents or grandparents do not know, but it is good to know that the children of today—in both primary school and secondary school—know about the Fairtrade symbol. That encourages us to buy things with the symbol. That needs to continue. We need to teach a generation to be cognisant of the fact that an extra 50p or £1 on an item could make the difference between a child slave and a paid wage. That is the importance of what we are doing. We encourage people to purchase Traidcraft and Fairtrade items.

I offer my full support to those who wish simply to do the right thing, and to do all in their power to ensure that the people they buy from also do the right thing. We need to make people aware legislatively that “see no evil, hear no evil, speak no evil” in the process of their purchases will no longer be possible or, indeed, acceptable.

I again apologise, Mr Hollobone. I have asked your permission to leave early, because I have a meeting with a Minister. I apologise that I will not be here at the end of the debate for the contributions of the shadow Minister, the Minister and the mover of the debate.

10 am

Stephen Timms (East Ham) (Lab): I am delighted to serve under your chairmanship, Mr Hollobone. I congratulate my hon. Friend the Member for Blaydon (Liz Twist) on the initiative to secure this debate and on what she said. I also very much agree with what the hon. Member for Strangford (Jim Shannon) said.

I draw attention to my entry in the Register of Members' Financial Interests, where it is recorded that I am the unpaid chair of the Traidcraft Foundation trustees. I will say a little more about the work of that body later in my remarks.

In 2007, Sainsbury's announced that it would in future sell only Fairtrade bananas, a commitment that it has maintained to the present day, with 100 million a year of those bananas coming from St Lucia. At the time, a press article described the impact of that decision, under the headline, "Saving St Lucia: UK supermarket sweeps up 100m bananas":

"Just seven years ago the banana farmers of the Caribbean island of St Lucia were hanging up their machetes and ready to turn their steep hillsides back to forest. UK subsidies for their fruit were doomed, they couldn't compete with giant 'dollar' bananas from South American plantations, and a dying industry seemed to provide only back-breaking work for scant reward.

Today, the island where bananas are not so much a crop but a way of life is celebrating. Just about every St Lucian banana sold for export now commands a premium price and European supermarkets are queuing for more. Money is going into run-down schools, the banana sheds are being repaired and the farmers can scarcely believe the turn round in their fortunes."

A remarkable change had taken place. The article went on:

"In a reversal of the situation nine years ago where only the Co-op was prepared to stock fair trade products"—

I join the hon. Member for Stafford (Jeremy Lefroy) in paying tribute to its role—

"the big supermarkets now openly compete with each other to be socially conscious."

How did that turnabout occur? What was it that changed the retail market in the UK to deliver such huge benefits to struggling farmers in the developing world growing bananas, coffee, tea, cocoa and other products? In a word, it was Traidcraft.

Traidcraft, as my hon. Friend the Member for Blaydon said, was established 40 years ago. It described itself as a "Christian response to poverty". It started with hand-crafted items from Bangladesh, and still sells those. Together with the chair of Traidcraft, Ram Gidoomal, my wife and I visited some of those producers in Bangladesh in 2012. Traidcraft has always had a focus on support for women producers as the most effective way to raise family incomes.

Traidcraft started with those craft products. In the 1980s, the idea of fair trade was pioneered in the Netherlands with coffee, and Traidcraft brought the idea to the UK. What happened, in effect, was that people who ran church bookstalls were persuaded to offer some crafts and fair trade items for sale on the edge of their collections of books. You might be forgiven, Mr Hollobone, for thinking that a few bookstalls in draughty church halls around the country were never going to change anything much but, ultimately, they brought about that change of fortune for the banana farmers of St Lucia, even though neither they nor Traidcraft ever sold any bananas.

Voluntary, community-based support, initially in churches and then increasingly elsewhere—for example, Fairtrade schools—enabled the fair trade movement to get a foothold to start with, to survive and to go on to flourish. Today, fair trade has a large niche in the UK retail market—Fairtrade sales volumes rose 7% last year.

Traidcraft established itself as a plc. As my hon. Friend pointed out, it has 4,500 individual shareholders, buys groceries and craft items from more than 70 producer groups in some 30 countries, and sells them through community fair traders online, dedicated fair trade shops and mainstream retailers. To secure Traidcraft's focus on its core mission, as a Christian response to poverty, it established the Traidcraft Foundation, which I chair. It has a golden share in the plc to ensure that the initial focus is maintained.

Traidcraft Exchange, the sister charity which does a lot of the producer support work that the hon. Member for Stafford rightly highlighted in his intervention, was established in 1986. It continues to thrive, to support low-income producers in Africa and Asia to grow their business, and to campaign in the UK. For example, a few years ago it played a key role in the campaign to establish the Groceries Code Adjudicator to secure fairer access to the retail market. My hon. Friend the Member for Newcastle upon Tyne North (Catherine McKinnell) in her intervention mentioned the "Who picked my tea?" campaign that it led, drawing the attention of consumers to questions about the working conditions and circumstances of those who pick the tea that we all enjoy.

Traidcraft played a key role in the establishment of the Fairtrade Foundation in 1992. It also developed the Geobar, which proved to be a phenomenally successful product, I am pleased to say. The Geobar generated substantial commercial success for the company and underpinned its activities for a long time. In recent years, however, as my hon. Friend the Member for Blaydon pointed out, Traidcraft has struggled to make a profit for the reasons that she set out: the wider challenges in the UK market, Brexit and the fall in the value of the pound.

Traidcraft had quite a specific role as a pioneer in fair trade and, with fair trade being taken up widely by retailers—supermarkets have lots of their own-brand fair trade products these days—the position of Traidcraft in establishing its own niche and commercially viable market has been a difficult one. It struggled to make profits. Last summer, Traidcraft under its then recently appointed chief executive, Robin Roth, after some disappointing sales figures, took the view that things could not carry on. It was decided to rethink the business model, to downsize radically—losing more than 60 jobs, as my hon. Friend pointed out—and in the new year to go forward with only 12 staff, outsourced warehousing and a focus on the grocery business. I am pleased to say that Traidcraft has had a good autumn of sales. There has been tremendous support from the community in my hon. Friend's constituency and in the north-east more generally, which has helped to buoy it as well.

Fairtrade continues to do well in the UK. I have referred to the fact that its sales volumes rose by 7% last year. It is important to recognise that, notwithstanding the difficulties that Traidcraft has been through, fair trade continues to enjoy strong consumer support.

[Stephen Timms]

Traidcraft has a remarkable story. Its pioneering role helped to create fair trade as an enduring segment of the retail market. Committed volunteers in churches led the way, but the support for fair trade is now very widely based, placing it squarely in the mainstream of today's retail marketplace. Polling shows that awareness of and trust in the Fairtrade mark are at the highest level they have ever been since the Fairtrade Foundation was established in 1992 and started polling on the views of the Fairtrade mark a couple of years later.

Traidcraft has been through a difficult phase—hopefully, it will emerge leaner and stronger with new investment in the new year—but the values that Traidcraft has championed enjoy greater support than ever in the UK. I hope that in his remarks, the Minister—I am pleased to see him in particular in his place for this debate—will confirm that the Department for International Trade will want to uphold those values as it develops future trade policy. Such decisions are crucial for farmers and producers in the least developed countries and in other developing countries around the world.

10.11 am

Drew Hendry (Inverness, Nairn, Badenoch and Strathspey) (SNP): It is a pleasure to serve under your chairmanship, Mr Hollobone. I congratulate the hon. Member for Blaydon (Liz Twist) on securing this important debate on a subject that I am sure we all have a great level of agreement about. She talked about the personal significance of Traidcraft to her as a customer, the future of fair trade and the importance that Traidcraft has had for women in affected communities. The lives that have been changed in those communities show how important it has been.

The hon. Lady also talked about the ability of the products to reach thousands of homes and communities, and the sense of the overarching campaign for justice that is included in fair trade. Very importantly given the situation at Traidcraft, she talked about encouraging people to buy from Traidcraft in the run-up to Christmas, and the fact that it need not be a time of real darkness because there are hopes that, through restructuring, it can look to a brighter future.

The hon. Member for Strangford (Jim Shannon), who is no longer in his place—he explained that he had to leave—talked about companies such as Traidcraft bringing some light into a highly competitive, sometimes uncaring market. He spoke about his father and the need to think about the needs of others—the importance of an ethical approach to retail that sometimes becomes a bit lost in society these days. The hon. Gentleman mentioned the importance of fair wages and working conditions, wherever those people may be—something we should all keep working together on. He talked about the need to challenge the “see no evil, hear no evil, speak no evil” approach to retail that can sometimes pervade.

The hon. Member for Stafford (Jeremy Lefroy) talked about fair trade being brought to supermarkets and the role—repeated by others—of the co-operative movement in facilitating that. The right hon. Member for East Ham (Stephen Timms) made an interesting speech about the fact that St Lucia's economy was, in effect, saved by Sainsbury's decision to sell only its bananas. He also paid tribute to the co-operative movement for leading

the way and talked about the gradual expansion of fair trade and Traidcraft's role in that expansion throughout the nations of the UK. He asked the Minister to uphold the values that have been set for the future in his work. I am sure we will hear about that.

Scotland is a fair trade nation. I proudly represent a fair trade city in a region with a fair trade local authority. Inverness became a fair trade city in 2006 and is proudly joined by the highland fair trade communities of Skye, Broadford, Ullapool, Strathpeffer, Dornoch and Dunvegan. As a good global citizen, Scotland has always been committed to playing its part in addressing poverty and fair trade at home and afar, and was one of the first countries in the world to be named a fair trade nation. However, I must give a special mention for Wales, which was the first ever fair trade nation, gaining its accreditation in 2008.

In Scotland, the Scottish Fair Trade Forum has been particularly instrumental in driving forward our fair trade nation agenda. We believe in encouraging business to play its part in promoting and respecting human rights, working with partner countries to support development through trade. Transparency is vital to ensure that our trade policy is carried out in a way that is beneficial to all nations of the UK and consistent with international development goals.

It takes serious commitment for a nation to achieve fair trade nation status. In Scotland, those commitments included all seven Scottish cities and at least 55% of local authority areas having fair trade status; all 32 local authority areas and at least 55% of towns with a population of 5,000 or more must have active fair trade groups working towards fair trade status. The percentage of those with fair trade status is now at 80%. Similarly, at least 60% of higher education institutions must have active fair trade groups working towards fair trade status.

In addition, the Scottish Parliament and Government must use, promote and make available Fairtrade products internally, and actively promote Fairtrade fortnight each year. Fair trade has to be promoted in schools through the curriculum, procurement and other possible means. Schools, further education institutions, faith groups, trade unions, business networks and voluntary and youth organisations must pledge to use and promote fair trade; finally, 75% of people must buy a Fairtrade product every year, and 40% of people must regularly buy Fairtrade products.

A commitment to fair trade is not about just qualifying for a status; it is an ongoing commitment to tackling poverty across the world and support those worse off than ourselves through the promotion of Fairtrade products. In Scotland, the drive to become a fair trade nation took commitment from people, Government, businesses, public bodies and community, and cross-party work from politicians across Scotland to promote fair trade. It is organisations such as Traidcraft, as we have heard, that have led the way to allow that to happen, which is why we are all deeply saddened by the difficulties it has been going through.

In a briefing for this debate, the Fairtrade Foundation described the Traidcraft plc. approach to fair trade as:

“an inspiration to many and the approach that it pioneered in 1979 is now also being taken forward by other brands and businesses that choose to trade fairly. The wider Fairtrade sector, owes a great debt to Traidcraft and their many volunteers, especially

within the faith communities, and the Fairtrade Foundation wishes them every success with the plan proposed last month for a slimmed-down Traidcraft with fair trade, community buying, transparency and 'market disruption' at its heart".

I am sure we all share those sentiments. Traidcraft's contribution to fair trade has been wide reaching and felt across the world. As we have heard, it was one of the founding members of the Fairtrade Foundation, which was established in 1992 with a vision to make trade fair and to secure a better deal for farmers and workers. It has educated us, enabled us and ensured that fair trade has remained on the political agenda in all the nations of the UK.

Others have mentioned that Traidcraft, which is based in Gateshead's Team Valley, put 67 of its 68 staff on notice of redundancy in September after a series of factors caused it to lurch into a financial crisis. In early November, it announced a rescue plan in which the company will slash its product lines and keep just 12 employees to stay afloat. I wish, as I am sure everyone here does, the management all the success with the recovery plan. I hope—and believe—that this iconic organisation can have better times ahead. I also hope that in his response, the Minister will share the action that his Government are taking to support Traidcraft through these extremely trying times, especially given that the chief executive officer cited Brexit as one of the main factors in its recent difficulties.

10.19 am

Preet Kaur Gill (Birmingham, Edgbaston) (Lab/Co-op): It is a pleasure to serve under your chairmanship, Mr Hollobone, in this important and timely debate. I congratulate my hon. Friend the Member for Blaydon (Liz Twist) on securing it, and I associate myself with her comments and concerns. I thank the other Members who spoke. The hon. Member for Strangford (Jim Shannon) mentioned having derived his fair trade values from his father, who was a shopkeeper, and urged us to do more to be a voice for the voiceless. My right hon. Friend the Member for East Ham (Stephen Timms) spoke of retailers committing to sell Fairtrade items in the UK and Traidcraft's role in making that happen. I also thank him and the hon. Member for Colchester (Will Quince) for the work they do through the APPG for Fairtrade. It was a pleasure to hear the strength of support among all Members for just and fair trade in which workers and countries are not exploited.

Let me start by welcoming the work that Traidcraft—and, indeed, everyone who buys Fairtrade—does to ensure justice in the consumer-producer relationship. Fair trading initiatives have led the way in ensuring that the true costs of produce are not paid by people living in poverty and insecurity through exploitative and dangerous working conditions, being ripped off by powerful global agribusinesses, or environmental destruction and degradation. However, fair trade must be just the start of a broader move towards more just global trading relationships, so it is deeply disappointing to learn that many social businesses and smaller fair trade companies are struggling as they absorb the hit of the pound's depreciation as a result of the Brexit negotiations. They have been unable and unwilling to pass those costs down the supply chain as many larger companies have done.

A bad deal for Traidcraft would not only be damaging for its workers in the UK but contribute to worsening the position of vulnerable people around the world. If

the Government continue to flounder in their attempt to finalise a Brexit deal, developing countries will face an estimated £1 billion in additional taxes on imports. That will foster poverty and inequality, burden already struggling countries with further debts, and deny workers their rightful access to living wages and robust labour rights. Will the Minister say what steps the Government are taking to ensure that those social businesses are able to continue to produce and sell Fairtrade products? Why did the Government see fit to reduce funding to promote and encourage ethical and fair trading?

The Fairtrade market in the UK is worth more than £1.6 billion, so it is clear that it is not a niche movement. Rather, it is a powerful example of the British public's support for the benefits of trade being shared with workers around the globe, not funnelled into a narrow pool of corporations. That is further emphasised by the breadth of support for fair trade across the United Kingdom. Hundreds of individual businesses across the UK help to empower fair trade farmers and workers in developing countries. There are more than 10,000 local campaigning groups, including more than 600 towns and 1,000 schools as well as universities and faith groups, boosting awareness and understanding of international trade issues up and down the country.

Fair trade and its supporters in the UK are part of a global fair trade system that supports 1.66 million fair trade workers in 73 countries around the world. The UK should be proud of its role in the formation of that movement, which has become truly global. We need to uphold that legacy, and we should use those groups and the practical and real successes of the fair trade movement to drive wider reform of international trade conventions so they are built on equality and justice.

It is important to remember that what we are talking about goes beyond what can be achieved by the fair trade movement alone. Trade relationships between the richest and poorest countries are at the heart of uneven global economic development. We in the Labour party want to introduce long-term structural change to the global economy to eradicate poverty and inequality. We want to work hand in hand with the world's poorest countries to ensure that trade works for them and us, rather than forcing them to be beholden to corporate interests or always to give British companies an advantage regardless of whether that is good for domestic development strategies.

We know that, when done justly, economic development initiatives can lift people out of poverty, tackle inequalities and help to change lives. However, the Department for International Development's economic development strategy fails to do that, instead falling back on old, discredited tropes about free trade alone succeeding in addressing those problems. Will the Minister explain why DFID's economic development strategy does not recognise fair and ethical trade as a cornerstone of economic policy?

The Government know full well that when the UK and other countries industrialised, they used the kinds of industrial development strategies that are now withheld from the poorest countries. Will the Minister tell us what impact assessments are done on trade deals, and will be done on any future deals, to ensure that they support development targets, the national development strategies of southern countries and poverty reduction?

[Preet Kaur Gill]

Rather than having trade deals that require Governments to cut corporate taxes, increase privatisation and promote deregulation of our social and environmental protections—all policies that increase inequalities and push already vulnerable people into more precarious situations—why do we not ensure that our trade deals act as positive incentives to foster equality, in particular gender equality? We must end the model whereby the UK dominates economically weaker nations and insists on policies and agreements that weaken workers' rights and protections, remove or undermine environmental standards and reinforce a world of "winners" and "losers". We know from the example of the fair trade movement that trade can have a positive impact for the world's poorest nations, but only when it is done right.

The Taxation (Cross-border Trade) Act 2018 outlines the Government's plan to roll over the EU's existing "Everything but Arms" scheme, ignoring calls from the Labour party, the Fairtrade Foundation, Global Justice Now and the Trade Justice Movement to introduce a UK preferential treatment scheme that covers a greater number of vulnerable economies. Considering the transformative potential of fair trade for people's lives, will the Government commit to developing unilateral UK preferential access schemes for developing countries?

People in the UK want to be paid a fair wage for the work they do, to be protected from malicious or irresponsible employers and to live secure lives. Everyone the world over should have those rights, and trade that is ethically and fairly driven is vital to achieving them.

10.26 am

The Minister for the Middle East (Alistair Burt): It is a pleasure to serve under your chairmanship, Mr Hollobone. As we have heard, there is a huge amount of common ground on this topic. I congratulate the hon. Member for Blaydon (Liz Twist) on securing this debate on both Traidcraft and the future of fair trade generally, and I thank other colleagues for their contributions. I congratulate her in particular on the way she set out the relationship between Traidcraft and her constituency and those around it, and how Traidcraft's values have infused people in her constituency and beyond. That shone out from the debate generally.

I suspect very few Members have not had a connection with Traidcraft and fair trade over the years we have been engaged in public life. I am sure many of us have been in draughty church halls and seen the work that is done. The right hon. Member for East Ham (Stephen Timms) illustrated vividly how we can turn those draughty church halls and book stalls into policy change in relation to fair trade. What he said about Sainsbury's in St Lucia is a dramatic demonstration of what can be done when people set their minds to something. A thousand different opportunities picked up around the country can make a significant change. It was wonderful to hear that example. I think some people still feel as though all the big decisions in the world are made by remote organisations and worry about whether they can influence things. That is at the heart of queries about democratic practices, not only in this country but throughout the western developed world. That is an example of something good that can happen very much at grassroots level.

I am pleased also that tribute was paid to my good friend, Ram Gidoomal, who has been an influence on a variety of positive issues in this country for many years. I am delighted that such a friend of many decades is able to listen attentively to this debate. We certainly appreciate his relationship with Traidcraft and all he has done with it over the years. In my constituency, I have been to St Andrew's Church many times with the Fairtrade group in Biggleswade, and churches throughout north Bedfordshire—particularly North Bedfordshire Methodist Circuit—have been very involved. We can pay tribute to those who have acted locally and nationally on this.

Let me proceed with my remarks, into which I will incorporate some of the comments made by colleagues. When Traidcraft was created in 1979, we undoubtedly lived in a very different time. Today's hyper-interconnected world was just emerging, and more business was carried out using locally sourced products. Now companies operate through a complex and sophisticated web of supply chains that span the planet. Products are created and assembled across multiple jurisdictions, and delivered to our front doors within hours of us purchasing them online. We have much more understanding of who is creating the things we buy, and about the lives they live and the challenges they face. At the sharpest end, that leads to images of children working in sweatshops, or the appalling Rana Plaza tragedy in Bangladesh.

Today, ethically minded consumers shop in line with their values in numerous ways, for example by following a vegan diet, buying organic cotton or using social enterprises. The ethical market in the UK is now worth £81.3 billion per annum. Millennials, in particular, are spearheading the idea that companies should operate in a responsible way, and 66% say that they would pay more for sustainable brands—that paragraph was undoubtedly written by one of my millennials, but those of us who are older also recognise that we played our part in the past by supporting Traidcraft and Fairtrade, and the way they got going. There is no doubt, however, that that pioneering work by the previous generation has been well picked up by the millennials of today, and we congratulate them on taking it forward. In the late '70s, Traidcraft was one of the first organisations to shine a light on the working conditions of those who made our products. That is a vital legacy, and a theme that continues through the work of commerce today.

Stephen Timms: I am enjoying the points the Minister is making. Will he also pay tribute to the role of Traidcraft in establishing standards for corporate reporting? I think Traidcraft was the first plc to publish a proper social impact report, which was very influential across the entire plc sector.

Alistair Burt: I will indeed. Such reporting has increased the sense of responsibility not only of companies, but of consumers who ask the right questions and ensure that those delivering products recognise the need to respond to their concerns. Those reporting changes were fundamental.

The influence of Traidcraft and Fairtrade is felt not just in hundreds of churches and community centres across the country where their products are a mainstay, or in the growth of the wider fair trade market, but across millions of consumer decisions in the UK that

are made with sustainability in mind. The hon. Member for Strangford (Jim Shannon) spoke about values, and it is no surprise to those of us who have had contact with him to learn where his values come from. I cannot think of a better fit between an individual Member talking about his upbringing and the values he incorporates into his life, and what he does constantly in this House through his remarks and determination to secure the best of human rights, tolerance and fairness. It is a great mix, and I am not surprised at his connection with Fairtrade.

As the hon. Member for Blaydon said, Traidcraft has reached a crossroads in its journey, and with so many ways for consumers to express their values, it is rightly looking to explore new ways to improve the lives of poor people across the world. We wish Traidcraft well. The hon. Lady concluded her remarks by speaking of the ray of hope mentioned by the worker who also spoke of a new challenge, and undoubtedly that challenge will be faced with the same degree of determination that was possessed by those who set off on this course in the first place. I therefore hope we can have confidence for Traidcraft in future.

Wherever this challenge leads the organisation, it is important that the rest of us continue to strive for the principles that shine through its work—to ensure that trade is inclusive and sustainable, that any jobs created are quality ones, and that developing countries can truly grasp the opportunities of trade to reduce poverty and build a safer, healthier, and more prosperous world. In that, the work of the Department for International Development, alongside the Department for International Trade, is key, particularly at this critical moment in our history. DFID initiatives, such as the responsible, accountable and transparent enterprise programme—I will say more about that later in my remarks—work to promote responsible and sustainable business standards, and to identify and tackle modern slavery and child labour in global supply chains. With more than 40 million men, women and children trapped in modern slavery around the world, that is vital work. We must continue to tackle permissive environments that enable the criminality of modern slavery to thrive, which includes supporting businesses to clean up supply chains in key sectors where slavery persists.

Let me turn to some of the questions raised during the debate. The hon. Member for Birmingham, Edgbaston (Preet Kaur Gill) and other colleagues spoke about the impact on this issue of our leaving the EU. As we leave the EU, the UK has a unique opportunity to shape our trade and development work for the benefit of developing countries, and I am proud of the work taking place across the whole of Government to ensure that development and global prosperity are at the heart of future UK trade.

Stephen Timms: Will the Minister give way?

Alistair Burt: I will, although I have more to say.

Stephen Timms: I am grateful. The Minister may well have been about to answer this point, but the Government have confirmed that they will continue to provide the poorest and least developed countries with quota-free, duty-free access to the UK market, which I welcome. Can he give any reassurance to producers in other countries—not the least developed, but poorer countries—

that EU-negotiated economic partnerships and free trade agreements will be rolled over so that after Brexit, producers in those countries will continue to have the access to the UK market that they currently enjoy?

Alistair Burt: Clearly the right hon. Gentleman has had prior sight of my remarks if he is asking such a perceptive question at this time. I will come to that issue in a moment.

Our immediate priority on leaving the EU is to deliver continuity in our trading arrangements, so that developing-country firms exporting to the UK do not face new and damaging trade barriers—that is one benefit of securing a deal on leaving the EU, rather than no deal, and the Government will determinedly strive for that, as will all Ministers. To that end, we will put in place a UK trade preferences scheme that will, as a minimum, provide the same level of access as the current EU scheme by granting duty-free, quota-free access to 48 least developed countries, and generous tariff reductions to around 25 other developing countries. We will also seek to replicate the effects of the EU's economic partnership agreements, which are development-focused trade deals with African, Caribbean and Pacific countries. We aim to maintain the preferential access to UK services markets for least developed countries that is guaranteed through the LDC services waiver—that, I was pleased to note, is a better deal than the one currently offered through the World Trade Organisation, which is an important consideration.

As well as maintaining preferential trade access for around 100 developing countries, those trade arrangements also embed the principles of inclusive and sustainable trade that Traidcraft and others have long argued for. For example, the UK's trade preferences scheme will include an enhanced tier similar to that of the EU, which grants special tariff reductions to developing countries in return for progress against ratifying and implementing international conventions on human rights, labour rights, the environment and good governance.

More trade does not have to come at the expense of workers, the environment, human rights or the growth of least developed countries, and the Government firmly believe that it is in everyone's interest to avoid any kind of race to the bottom on standards. That point was at the heart of the remarks by the hon. Member for Birmingham, Edgbaston when she asked what more might be included in deals, and my sense is that as these opportunities evolve, we should all press for the highest standards. As I said earlier, we have a minimum baseline, but that is not where the United Kingdom should be. We should be able to operate to higher standards, and we should work through them. My sense is that DFID and the Department for International Trade recognise that and wish to ensure it is the case. There is much work to do for these new agreements, and the House would not be fair if it took the bottom line minimum standard that we “must” have in place as our intention or ambition, because I am sure we will be keen for it to be developed.

The hon. Member for Strangford asked about modern slavery, and I shall say a little more about that. At last year's UN General Assembly the Prime Minister launched the “Call to Action” to end forced labour, modern slavery and human trafficking, in which specific commitments are set out, to address modern slavery at the national and international level. It has been endorsed

[Alistair Burt]

by 43 countries¹ so far. On the International Day for the Abolition of Slavery, my right hon. Friend the Secretary of State for International Development announced a £40 million package of new funding, forming part of the overall £150 million spend that the Prime Minister committed the Government to at the UN. That package of support will help more than 500,000 vulnerable men, women and children, and includes £13 million for the second phase of the work in freedom programme, the UK's £20 million contribution to the global fund to end modern slavery, and the £7 million of DFID support to Nigeria.

That is all in addition to existing DFID programmes such as the £8 million regional women and girls protection programme operating in Greece and the Balkans, protecting girl and women refugees by providing shelters and strengthening national counter-trafficking mechanisms, and the £22 million¹ responsible business programme, which is spreading responsible business approaches. That international strategy, overseen by the Prime Minister's taskforce, has the aim of driving down slavery in source countries to the UK, and others of high prevalence, and effecting change through multilateral channels.

Liz Twist: A specific request to the Government was to update the official guidance to encourage companies to publish where they buy their goods from and the wages of their supply chain workers, and to consider legislation to make human rights due diligence mandatory. Are the Government prepared to make that commitment?

Alistair Burt: My remarks have gone even wider than the copy that was obviously supplied to the right hon. Member for East Ham. DFID has recently updated its supplier code of conduct to require companies to sign up to the UN global compact, thereby promoting responsible businesses and committing companies to take action to address such issues. Responsible business is about more than just small or one-off projects that create win-win outcomes for business and society; it is the expansion of firms' core business in developing markets, embracing socially and environmentally positive conduct through supply chains. That is why we have updated the code. We are encouraging businesses to contribute to economic development in ways that are socially responsible and environmentally sound, and that help to defeat modern slavery.

Hon. Members raised the question of gender focus, and all DFID private sector work goes through a gender lens. We recognise the changes that have taken place, as well as the particular pressures on women when working through these issues. The Commonwealth Development Corporation has a gender strategy, and DFID has its Work and Opportunities for Women programme. As I have explained, there are specific programmes directed at supporting women.

The hon. Member for Blaydon asked us to consider legislation to make human rights due diligence mandatory. That is a matter on which we must encourage, rather than legislate. We are encouraging better reporting on human rights, through grants to Shift and the Ethical Trading Initiative. We also rank human rights performance through corporate human rights benchmarking. We do not have plans at present to make that mandatory through legislation. It would be difficult to enforce.

However, the question of how to promote that and to work with others on it is much on our minds. I think that is important.

There is more we must do to ensure that the benefits of trade are spread widely, levelling the playing field for those on the margins. That is important between countries, which is why the Government have a range of programmes to support the least developed countries to benefit from global trade, including our flagship trade facilitation programme TradeMark East Africa, and the recently launched Commonwealth Standards Network.

Stephen Timms: The Minister is being generous in giving way. May I press him a little further on the question of access to the UK market for developing countries other than the least developed? I think what he has said to us is that the Government's aim is to make sure that after Brexit, access will be available to other developing countries at least at the level provided by EU-negotiated economic partnership and free trade agreements. Can he confirm that that is their intention?

Will the Minister also tell us a little more about what the Government are doing to ensure that that aim can be delivered? For example, why can they not simply announce, "Yes, everyone is going to carry on with the access they have at the moment"? Perhaps he can tell us a little more about the mechanics of what needs to be done to deliver on the aim he set out, which I very much welcome.

Alistair Burt: What we have been able to say publicly is what I stated just now about the bottom line and the roll-over of existing agreements. As to the aspiration, plainly that must come through the work that will be done to develop individual arrangements with states post Brexit. I am not sure there is any more detail that I can provide at this stage. If there is on reflection, I will write to the right hon. Gentleman and make it clear.

The hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) and the hon. Member for Birmingham, Edgbaston asked what DFID already does, why we do what we do and whether we could do more. Perhaps I may take colleagues through the responsible, accountable and transparent enterprise programme that I mentioned earlier. RATE is our primary mechanism for promoting responsible and sustainable business standards. It works through providing accountable grants to organisations such as Fairtrade, the Ethical Trading Initiative and the ISEAL Alliance to work with businesses to improve their performance on the relevant issues. RATE also delivers DFID's main offer on identifying and tackling modern slavery and child labour in global supply chains.

To go into some of the details, through Humanity United's Working Capital fund we are providing seed funding to early-stage technology initiatives aimed at increased transparency in supply chains, including Provenance, an app that tracks the journey of a product from the source to the shelf. We are also partnering with ShareAction on the Workforce Disclosure Initiative, a global coalition of investors with more than \$13 trillion of assets under management, which is demanding better data from its portfolio companies on workforce practices. DFID is also a founding donor of the World Benchmarking

1.[Official Report, 7 January 2019, Vol. 652, c. 2MC.]

Alliance, the world's first publicly available set of corporate benchmarks—to reinforce a point made by the right hon. Member for East Ham—that will rank multinational companies on their contribution to the sustainable development goals. Through our grant to the Ethical Trading Initiative, we are helping companies such as Tesco and ASOS to uphold the ETI base code to eradicate modern slavery in their supply chains and ensure that purchasing practices are fair. We are ensuring that workers at the bottom of the supply chain know their rights and can exercise their voice through worker participation mechanisms.

In all those ways, DFID is working to deliver what has been called for in this debate, and we intend to continue to do so. New opportunities are coming in the future. As the House will know, I am very much in favour of a deal—an agreement—that means that if we are to leave the EU, we leave it on good terms that are beneficial to us and to those we work with, and that maintain the highest standards. It should not be impossible to do that. The United Kingdom, both within the EU and outside it, will not get involved in a race to the bottom—or certainly not with the support of the Government and the vast majority of Members. Fair trade, and the work that is done on it, will be a good test of how the UK of the future moves forward and meets the challenges.

A thought has come to me about the question raised by the right hon. Member for East Ham. I assure him that we are maintaining access and considering opportunities to make improvements once we have left the EU. As I mentioned, I may write to him and clarify the matter further.

More trade on fair terms is a key engine of poverty reduction. The Government will build on their track record on trade for development, we will continue to be a champion of free and inclusive trade when others may have turned their backs on it, and we will not shy away from issues of injustice or exploitation where they arise in the system. We cannot do that alone, however. Real progress will be based on partnership between Government, business, and, of course, movements such as fair trade that focus public attention where it is needed. We must all work together to create a trade system that works for everyone, including the poorest, and that eliminates poverty through inclusive economic growth.

10.49 am

Liz Twist: It seems to me that there has been a good deal of agreement on the issue of fair trade from all sides in this debate. All hon. Members who have taken part, whom I thank, have recognised the social impact and significance of fair trade standards and the use, as the Minister said, of fair trade as a key tool in poverty reduction.

It is amazing that, as many hon. Members have said, those fair trade volunteers standing in draughty church halls up and down the nation should have produced a real blast that has changed things for the better, leading to big business adopting fair trade standards and affecting producers in faraway countries, such as those banana producers in St Lucia mentioned by my right hon. Friend the Member for East Ham (Stephen Timms). It has been a real turnaround.

Another issue that was picked up widely in the debate is the importance of inclusivity, of helping women and recognising their importance in trading and eradicating poverty. That is a key message that we must not forget: enabling women to trade and to support their families for a fair reward, and pursuing, as the hon. Member for Inverness, Nairn, Badenoch and Strathspey (Drew Hendry) said, the overarching campaign for justice. We have heard about the importance of the co-operative movement and its role in fair trade, which we must certainly recognise; the impact that not only Traidcraft—although most definitely Traidcraft—but many other members of the Fairtrade Foundation have had on big business; and consumers' enthusiasm to follow fair trade, with a 7% increase in Fairtrade sales last year.

I welcome the Minister's comments in response to the specific queries from Traidcraft. While his comments are very welcome, I am sure that Traidcraft and other fair trade producers will continue to push the Government to go one step further to ensure that we really can pursue fair trade, with an emphasis on gender focus and poverty reduction. Traidcraft has had a difficult time, but it has a plan and it will survive. It is not too late, by the way, to order for Christmas: we have until the 21st, so I encourage everyone to look out their catalogues and order. I wish Traidcraft well in its new role.

Question put and agreed to.

Resolved,

That this House has considered Traidcraft and the future of fair trade.

Govia: Moorgate to Welwyn Garden City Railway

10.53 am

Grant Shapps (Welwyn Hatfield) (Con): I beg to move,

That this House has considered the performance of Govia on the Moorgate to Welwyn Garden City railway line.

It is a pleasure to start this debate under your chairmanship, Mr Hollobone. I am pleased to have the opportunity to discuss an issue that, although I suspect it will not fill this second Chamber, is none the less of enormous concern to my constituents and thousands, perhaps even millions, of people along the line from Moorgate to Welwyn Garden City. I should say that, although the title of the debate is the train service from Moorgate to Welwyn Garden City, there is also an impact from other services that run along the same line, specifically and in particular the King's Cross service toward Cambridge and through my constituency.

Unfortunately, although the problems are in no small part to do with changes that were made, rather infamously, to the timetabling in May this year, that is not the whole story. I see that I first raised my concerns about the quality of this service all the way back in December 2016, when I called for a much improved service from Govia. It is most certainly the case, however, that since the May timetable change services have gone from pretty bad to disastrously awful. I will take a few moments to highlight some of the things that have gone wrong.

It cannot be right, in a timetable change intended to add 6,000 additional carriages to the train network and the services enjoyed by everybody, that in my constituency the service provided went backwards, in terms of not just the number of trains, but the speed of those trains. In a café that I am sure is frequented by many of my constituents, I came across a poster from the 1930s about coming to live in Welwyn Garden City—the second and, I should say, the best garden city in the country—boasting that people can get from Welwyn Garden City to King's Cross in just 23 minutes. Here we are in 2018, about to go into 2019, and we can no longer make the journey at that kind of speed. It now takes seven minutes longer to get into London from that station, Welwyn Garden City. The speed of service is certainly a problem, but the problem is not just the speed of service.

We also now have fewer trains, particularly off peak, such that some stations—for example Welham Green and Brookmans Park, stations that I use regularly—have gone from having three trains an hour off peak to only two. The service has become less frequent. In other places in my constituency, particularly Welwyn North and particularly at the weekend, that drops back to one train an hour—a completely unacceptable level of service.

The problem is not only slower trains and those missing trains, but a poorer service all round, particularly from the larger stations, Hatfield and Welwyn Garden City, which are suffering. I have been inundated—and I mean inundated—with correspondence from my constituents, who are upset and concerned. At the height of the timetabling problems in the summer, some even had to give up their jobs as a result of this appalling level of service. While I accept that the Minister—

who by the way I consider entirely blameless in all this, since he has only been in the job for a few weeks—will get to his feet and reassure me that things are improving, I must say that my patience has already given way and I have been looking for a suitable alternative.

Fortunately, there is an example of an alternative that could be put in place to resolve many of the problems. I have been in continuous discussion with Transport for London, which is keen to take over the service. I know that TfL has been in contact with the Minister's predecessor, if not the Minister as yet, and certainly with the Secretary of State for discussion, and has written a detailed note in which it points out that if it were to run the service from Moorgate to Welwyn Garden City as a London Overground service, it could offer us better integration into the railway network, faster trains, more trains, cleaner platforms and a service integrated across the entire information system—in other words, when we are looking at information for the reliability of services, we are looking at the entire TfL system in one go.

I think that would make a significant impact on the quality and level of services to my constituency. It is of course the case that to get to my constituency, those services must run through several other stations along the line that are outside my patch, so I have been in active conversation with and writing to Members of Parliament across parties and right down the track from Moorgate to Welwyn Garden City, to seek their opinions. It is probably true to say that the concerns that have been raised in the past have been about where the Transport for London services would run outside London boroughs. That actually occurs in only two constituencies—that of my hon. Friend the Member for Hertsmer (Oliver Dowden) and mine. The concern is effectively that TfL would be in charge of services over which our constituents would have no democratic control.

Would it be the case that TfL running that line would somehow remove from my constituents the ability to hold both the franchiser and the franchisee—the organising department, in the case of TfL—to account? Not in my view. We are more than happy to take on the small risk that, because we are not Greater London taxpayers, the Mayor's office might attempt to totally ignore our views. I simply do not accept that that would be the case, and I bring evidence.

London Overground lines run by TfL and Arriva Rail London already go into my county of Hertfordshire and elsewhere. I have taken the time and trouble to speak to Members for and residents of those areas, and none have said that they somehow feel ignored because they happen to be just outside London. Many report a quite dramatic increase in service quality as a result of the lines switching to TfL. I have some figures that back that up.

The lines that TfL has taken over and changed to London Overground lines have seen an increased frequency of trains, from 400 per day in 2007 to 1,500 per day 10 years later. Ridership has increased by 650%, delays have decreased by 30% and customer satisfaction has increased by 18%. In other words, I am more than convinced that switching the distinct Moorgate to Welwyn Garden City line to London Overground would increase customer satisfaction, improve the quality of our services and make our services far more integrated.

However, there is yet another reason why I believe that the Moorgate to Welwyn Garden City line should be run by London Overground—the heritage of the line

itself. As I am sure only railway geeks will be aware, a section of the line actually operated as part of the London Underground until the 1970s. That section was from Moorgate to, I think, Drayton Park, where observers will find that the lights on the Govia Great Northern trains still flicker as they switch from the different electrics that were used on the London Underground. We already have the heritage of being a London Underground line. I argue that it is high time to convert the whole line to a London Overground line, which has only been available since the 2007 innovation.

The case is convincing indeed, but the question is how we get to that situation. I have met the deputy Mayor, the Secretary of State and the former Rail Minister; indeed, I have met every former Rail Minister from before the former Rail Minister. The Secretary of State has already said that this part of the Govia franchise needs splitting out, which, as hon. Members will imagine, I am very keen to see happen. In any case, the franchise is up for renewal in 2021.

I do not think that there is any principled objection to TfL managing that line, which I argue should be along the same basis as the other London Overground lines, with TfL procuring a service from Arriva Rail London. However, in order for that to happen, I need ministerial action almost immediately, and it is for that reason in particular that I secured the debate. As the Minister will know from his limited time in the job, these things do not happen overnight; the procurement process takes a couple of years.

Specifically, TfL now needs research and data that only Govia can provide in order to fully model this replacement service, with a deadline of February 2019. In other words, we have only a couple of months for that information to be passed across. How does that happen, in practical terms? It is straightforward: the Secretary of State needs to request that Govia shares that information.

At the risk of boring the Minister with details of woe and appalling service and the heartbreak of the problems over the summer, I put on the record my thanks to the Department for Transport for responding to my calls for additional compensation for commuters who were unable to travel during that period of enormous disruption. It was always the case, particularly for Southern, that compensation was offered if services completely fell apart, and in this case I think a month's free travel was offered to season ticket holders.

However, the problem for my constituents was that many travel slightly less frequently. They do not know what time of day they might travel—perhaps after dropping the kids at school—and some days they might work at home. I came to a deal, after being very insistent with the Secretary of State in a meeting very early during the disruption post May, that additional compensation should apply not only to those who had season tickets but to everybody else who used the line on a regular basis. We agreed in the end that commuters who could demonstrate that they travelled on three days or more per week should be compensated.

I have to say that there was a bit of an internal, behind-the-scenes battle involving the Treasury. A couple of times it said it could not do it, which I said was unacceptable. I am pleased and grateful that the Minister's Department ensured that compensation was offered. Constituents now regularly come up to me and tell me

that they have had back £200 or £300 of compensation in addition to the delay repay scheme, which is far too fiddly to use and which I know the Minister has plans for.

Lilian Greenwood (Nottingham South) (Lab): The right hon. Gentleman makes a compelling case on behalf of his constituents for looking at the management of the service. Does he agree with the Transport Committee that season ticket holders and others who were so badly affected by the timetable changes on Great Northern should receive a discount on their 2019 season tickets, in order to protect them from the fare increase due in January? That might provide some more immediate relief than the longer term changes that he seeks.

Grant Shapps: Yes, I agree. Commuters on our line from Moorgate to Welwyn Garden City have suffered unbelievable disruption. It would be right for the Minister and the Department to look at how they could compensate those commuters, which could perhaps be with a discount on the fare increase that has been mentioned for the new year.

I support that call, although I accept at the same time that, while being given £200 or £300 does not in any way compensate for the appalling disruption, it is at least a recognition of it, since it comes on top of the delay repay scheme. I put on the record that commuters should not be put off if they have already gone online and claimed their £3 back for a late train using the delay repay scheme. I am assured by Govia that they can now also claim compensation, whether they are a season ticket holder or not, using whatever means of proof they can provide. That can be a bank or credit card statement or tickets. I know some people will have bought carnets rather than tickets. Govia is prepared to be very flexible.

I will mention one other matter before I sit down. I have for a long time called for Oyster cards to be accepted along the distance of the line. I think it is currently accepted only from Moorgate to Hadley Wood, which means that ticketing is a complicated business. A person has to get an overground ticket. Then, at some point when they come off the train—at Finsbury Park or Highbury & Islington—they have to switch to paying by Oyster. The position at the moment is very unsatisfactory, so I am really delighted, on behalf of my constituents, that the Government and the Minister have announced that Oyster will come into play next year—I understand that that will be at some point in the autumn—meaning that the Oyster network will extend right out to Welwyn Garden City, along the length of that line. I would like to push it further—of course everyone will say that—because Welwyn North is also in my constituency and I must make reference to that. However, I will be very pleased to see this innovation. It will help tremendously: it will speed up ticketing times at the station dramatically. The innovation of not just Oyster but contactless payment—the ability to use phones and credit cards—makes travelling a lot easier.

Therefore I really have two specific requests: one simple and one on which I hope that the Minister will equally be able to reassure me, either today or very soon—ideally before Christmas. It will be his Christmas present to my commuters and, I suspect, commuters right the way along the line if he can provide clarification

[Grant Shapps]

on the first point, and a yes on the second. The clarification is on the date on which the Oyster card will actually be introduced in our area. I very much hope that the Minister has available the date of its introduction next year. If not, I just seek clarification that it will certainly be introduced next year.

If my second point is not resolved as we go into the new year, the Minister will find me, rather annoyingly, on his shoulders about it. I am talking about the provision of data from Govia to TfL so that we can start the process of matching a London Overground service to the line and not miss the 2021 deadline. I am reliably informed that that must be done by the end of February next year to meet the deadline. I invite the Minister to make my constituents' Christmas.

11.11 am

The Parliamentary Under-Secretary of State for Transport (Andrew Jones): It is always a pleasure to serve under your chairmanship, Mr Hollobone. I thank my right hon. Friend the Member for Welwyn Hatfield (Grant Shapps) and congratulate him on securing the debate. I recognise that he is a very long-standing campaigner on rail for his constituents; he detailed some of the things that he has achieved. I think that his constituents are incredibly well represented and I hope that they fully show their appreciation of that to him, because he has delivered improvements for them.

My right hon. Friend has focused today on the quality and quantity of the rail service and particularly how that has faltered in the course of this year. The timetable change on 20 May caused an unacceptable level of delays and cancellations on Great Northern services through the Welwyn Hatfield constituency. That was not the only constituency affected; the May timetable change was a very major fail from the industry as a whole, and there were multiple causes of it. I hope that the amount of investigation and change to procedure that we have seen from that—people trying to learn the lessons—will have been noted as well.

Theresa Villiers (Chipping Barnet) (Con): First, Mr Hollobone, I apologise for being a minute or two late. Given the debate's very prompt early start, I missed the first part of the speech from my right hon. Friend the Member for Welwyn Hatfield (Grant Shapps). Does my hon. Friend the Minister agree that it is vital that both Govia Thameslink Railway and Network Rail learn lessons from what went wrong in May and ensure that they very significantly improve the quality of service that constituents receive on this rail line? I say that because what commuters have had to put up with over the last few months has been totally unacceptable, and the responsibility lies with both GTR and Network Rail. They both have to do a great deal better in the future if they are to provide an acceptable service for my constituents.

Andrew Jones: My right hon. Friend is as wise and experienced in this matter as we would expect, and she is right to say that there was not a single cause of the failure from the timetable change in May. Everybody should be taking some responsibility for that, and my right hon. Friend is correct to highlight the franchise operator and Network Rail.

We have of course had the Glaister review, which looked at the underlying causes. I will come on to some of the things that have changed as a result of that. The key point was to ensure that lessons were learned and that we do not have a repetition of what was a complete failure. It was very frustrating because across the country as a whole, some really impressive things have been delivered—things that were started and taken forward, indeed, by my right hon. Friend. I am thinking of such things as, in the north, the Ordsall Chord and work at Liverpool Lime Street. The timetable change was to bring some of the new interventions and upgrades into service for passengers, but that has not happened yet, so it did not just cause disruption; it was a real missed opportunity as well. I will come on to that in a moment.

Since the interim timetable was introduced on 15 July, we have seen improved performance on the Great Northern line. In the most recent figures, the public performance measure for these services was around 83%. I completely understand that that is not good enough; we are obviously aiming for vast improvement, but it is still an improvement compared with 74%, which was the equivalent last year. Yes, there clearly remains room for improvement, and we continue to push GTR to improve reliability across its network.

Grant Shapps: I just caution the Minister on quoting statistics, because the trouble is that it is 80-whatever per cent. of fewer trains. The timetable has left my constituents with fewer options, and that means that the percentages, even if the timetable runs perfectly, are actually rather meaningless.

Andrew Jones: I will come on to that point. I would not go so far as to say that the statistics are meaningless, because they are part of the measures that we use to measure the performance of train operating companies. They are regularly scrutinised; indeed, I have found myself looking daily at the PPM by individual franchise, which is a habit I must get out of. This is monitored by the regulator and by officials in the Department. I will come on to the quantity of trains, but it does matter. We want to ensure that train operating companies and Network Rail are held to account for a failure to improve.

GTR is working on a range of ongoing schemes designed to improve the underlying performance. There are more fully trained drivers on this route than ever before, and service performance is improving as a result of revised operational plans that make best use of those additional resources. Network Rail continues to deliver improvements designed to combat some of the underlying infrastructure issues on this part of the network. GTR and Network Rail are collaborating more closely to reduce the frequency and impact of trespass, which has been a type of incident affecting this route. The rail industry is implementing new solutions to reduce that risk, including by focusing, through social media channels, on the target demographic.

One question raised repeatedly by colleagues across the House has been this: what is being done to hold the operators to account? We have seen some improvement in performance. We have always been clear that GTR would be held to account for its role in the disruption earlier this year. It will make no profit in this financial year, and we have capped the profit that the operator

can make for the remaining years of the franchise. It will contribute £15 million towards tangible improvements for passengers and work with local rail user groups representing the passengers most affected by the disruption in determining where the money is spent. That is in addition to the £15 million that the operator has already contributed towards compensation for passengers since the May timetable disruption. I am pleased that those steps will hold GTR to account appropriately and will directly benefit the passengers who were most affected during the disruption.

There was a timetable change last week. The December 2018 timetable change was a scaled-back one, but it was nevertheless significant because it was implemented using changed procedures, in the light of the learnings from May. Compared with the 15 July interim timetable, this new timetable, which has landed well, brings an increase in services for Welwyn Hatfield, focused mainly on the off-peak periods. Compared with before May '18, passengers in my right hon. Friend's constituency now see an extra service in each off-peak hour from Welwyn Garden City and Hatfield to Moorgate, additional peak services between Welwyn North and King's Cross, and additional peak services between Brookmans Park, Welham Green and Moorgate.

Grant Shapps: Briefly, I do not want the House to be misled in any way by those numbers. It is certainly true and very welcome that the additional service is being laid on. The Minister mentions Welwyn Garden and Hatfield. It would be unreasonable to expect the Minister and others to know the full layout of stations, but there are other stations along this line in my constituency. Curiously, two of the smaller stations have been removed from the daytime off-peak stops entirely, whereas nearly everywhere else along the line to Moorgate is included. That is an unacceptable position.

I have been working with some of the rail user groups, which point out that it is possible to stop those trains at those stations and—particularly using the new 717 trains with the faster speed-up and slow-down times—still meet the timetable, without preventing other trains from running along the line. I would be grateful if the Minister would check back on that with his Department, to see whether we can get those other stations included.

Andrew Jones: Of course, I will take a number of points back from this debate, as I do with any debate, and take action to help colleagues to improve their services. I undertake right away to do just that.

We now have a timetable that appears robust and has landed well. We are continuing to monitor performance on a daily basis. My right hon. Friend has expressed concerns that Brookmans Park and Welham Green stations are seeing a reduction in services compared with the level of performance pre the May '18 timetable, from three trains per hour during off peak to two trains per hour. Officials in the Department have discussed the issue with the operator. GTR has been using loading data and passenger count data to check whether that decision was correct. It found that very few passengers boarded at those stations during the day, and there was not the level of demand to justify three trains per hour.

The operator has to provide the timetable that most effectively balances the often competing demands of different passengers at different stations. In the latest

station usage figures published only last week by the Office of Rail and Road, Welwyn Garden City and Hatfield both have more than 10 times as many entries and exits than Brookmans Park and Welham Green. In that context, it seems reasonable for GTR to provide a half-hourly off-peak service at Brookmans Park and Welham Green, and a service every 15 minutes at Welwyn Garden City and Hatfield.

Grant Shapps: I know the Minister has several remarks to make, but I need to challenge him on those figures. At Brookmans Park and Welham Green, passenger numbers have been increasing over a period of time. I have the numbers here, and I will leave them with the Minister. I do not accept that we should accept a worse service than pre May, when the overall purpose of the timetable is to improve the service across the network. I have now spoken to Govia, subsequent to the data that the Minister has, and suggested a system to allow trains to stop there without disrupting the rest of the timetable. If that can be done, I would appreciate the Minister taking a close interest in achieving it, as long as it does not destroy any of the rest of the network.

Andrew Jones: I have been looking through the usage data, so I will look at his data with some interest, because it is not entirely consistent with the picture that I have been considering. Perhaps we are looking at different timescales, but I would be grateful if he would give me the data, so that I can compare and contrast. As it stands, I know that GTR has been in discussion with local rail users and has made some changes. Previously, the two services were at 19 and 37 minutes past the hour. That meant that if a passenger missed the train at 37 minutes past, they had a long wait of 40 minutes for the next train. Now the services are at 19 and 49 minutes past the hour. Therefore, it is a half-hourly service.

My right hon. Friend mentioned weekend services, and I recognise that they remain a significant issue. I understand that the situation will be much improved as part of the next timetable change in May. That is still being worked on, but I will ensure that my right hon. Friend and colleagues along the line are kept informed of the change. In May, when there will be a bigger timetable change, more services will come online and more of the planned enhancements will become available for passengers.

Bringing Transport for London services to Welwyn Garden City was a key part of my right hon. Friend's speech, and I know that he has campaigned for services between Welwyn and Moorgate to be transferred to TfL. I am very glad that the announcement of the Oyster and contactless extension has landed well. I am afraid I cannot give him exactly the Christmas present he asked for—the date when it will land—but I can confirm that it will happen next year. At the moment, our target date is no more specific than the autumn. If it can be brought forward, I will do that, because I recognise that it is of benefit, but it has taken a significant amount of work to get to this point. Again, I will keep him posted on progress. I know that this has been a long piece of work that he has focused on, but it is coming good for his constituents. It will allow commuters and other passengers to have seamless journeys into the capital. It is an early step in the Department's commitment to expanding the availability of pay-as-you-go ticketing.

[Andrew Jones]

Customers like it, it boosts usage and it makes it easier to manage peak-time flows through busy stations, so this is an important positive.

On the transfer of services to TfL, the Department is actively considering the future of the Thameslink, Southern and Great Northern franchises. We are working closely with the Williams Rail Review, which is examining the most appropriate organisational and commercial models for the future of the rail industry. This work is at an early stage, but it is fair to say that nothing is off the table. It is a very wide-ranging review. It is an important review, because although our current system of privatisation has led to a fantastic burst of investment and passenger growth across our network, and has taken us from A to B with 1 billion more passenger journeys per year, are we really set up to take the rail industry from B to the future? How do we cater for future growth, and what is the right kind of structure for achieving that? That is what Keith Williams's review is about, and nothing is off the table. It is a very big piece of work, and I will ensure that my right hon. Friend's concerns and questions are fed into it.

I must mention that we will see some new trains on this route—brand new trains will enter passenger service on the Moorgate route. The class 313s that currently operate on the Great Northern line were built in the 1970s, but passenger numbers have increased substantially in the decades since, so there is a need for new trains that can meet current capacity demands. The new trains have been designed to provide much more capacity to meet the demand on the busy suburban Moorgate line. The new trains carry 943 passengers, compared with 640 for the old trains. That is automatically a significant increase in capacity.

However, it is a question not just of capacity, but of quality—a point made by my right hon. Friend. The quality of the new trains is much higher. They come with air conditioning, plug sockets, wi-fi and real-time passenger information screens. They are also designed for the improved modern safety and accessibility standards. I believe these trains will substantially improve the

quality of service on the line, while addressing the core underlying need to put more capacity into the network, to serve his constituents.

I will follow up with the Department on my right hon. Friend's point about data, and I will keep him posted. I am aware of the pressing nature of it, which he has highlighted. I thank my right hon. Friend for securing this debate.

Grant Shapps: I notice that the Minister is wrapping up a minute early, so I just want to press him on this point. I did not hear a commitment there, but I heard about a long, wide-ranging review with nothing off the table. However, as I pointed out, we need a decision on data provided by Govia to TfL by the end of February next year. Therefore, a long and wide-ranging review does not sound entirely hopeful. I would like to press him, if I may, a little bit harder on that. Is he saying that a long-winded review would miss that timetable?

Andrew Jones: The Williams review is a bigger piece of work, but I also said that I would take back the points about Govia and TfL and keep my right hon. Friend informed. That is what I was referring to, so I have not missed it. Let me just finish by saying that the performance on Great Northern after May was unacceptable. Action has been taken against GTR in respect of that, and we continue to monitor performance closely. Additional Moorgate services were introduced last week, providing additional capacity in Welwyn Hatfield. I hope that 2019 will see further improvements, including the very popular introduction of pay-as-you-go ticketing. I will follow up all the points raised by my right hon. Friend and keep him posted.

Mr Philip Hollobone (in the Chair): I am pleased to say that this debate does not qualify for delay and repay, and we have arrived at our destination on time.

Question put and agreed to.

Resolved,

That this House has considered the performance of Govia on the Moorgate to Welwyn Garden City railway line.

11.30 am

Sitting suspended.

Firefighters: Mental Health Support

[SIR ROGER GALE *in the Chair*]

2.30 pm

Emma Dent Coad (Kensington) (Lab): I beg to move,

That this House has considered mental health support for firefighters.

I am grateful for the opportunity to speak out on behalf of members of the fire service. In so doing, I do not wish for a moment to minimise the effect of shock and trauma on our other emergency services, or on the victims, the bereaved and survivors, for whom I hope to speak out at a future date.

We must never underestimate the potential danger of untreated or poorly treated mental health issues. Nearly half the 39 people who died in an accidental fire in 2017, excluding Grenfell, had mental health issues. I am personally devastated to have to report that very recently, a member of our community in north Kensington has sadly taken their life. We have all failed that person, their family and their friends.

I was acquainted with several firefighters before the terrible events of 14 June last year, and since then I have spoken to many others. As a councillor in Kensington and Chelsea, I was active during a cross-party campaign in 2012-13 against the fire service cuts of the previous Mayor of London. I visited our fire stations and spoke to their teams. I analysed breakdowns of response times to specific fires from specific fire stations. I looked in detail at fire deaths statistics, which, though diminishing, reflected a new method of calculation that meant that only those poor souls who died on the scene of a fire were counted, not those who died subsequently in hospital.

In submissions to the then Mayor, we demanded that particular stations under pressure were not closed and that staff budgets were not cut. Most of our demands fell on deaf ears, although it seems that our campaign to save north Kensington fire station from closure was heard, as it was saved. The red watch from that station was first on the ground at the Grenfell Tower fire.

Following the cross-party work I carried out in the Royal Borough of Kensington and Chelsea, I was appointed by the current Mayor of London to the London Fire and Emergency Planning Authority. During my time there, we monitored pilot schemes on co-responding, whereby firefighters respond to medical emergencies, particularly cardiac arrests, when an ambulance is not available. Co-responding is unpopular among firefighters, not only because their responsibilities increased as their pay was frozen, but because they were concerned about a lack of training to deal with some of the issues that they were called to deal with.

Some felt it was inefficient to send a fire engine worth half a million pounds to a medical emergency purely because it was equipped with a defibrillator. Many told me that they were emotionally unprepared for some of the things they had to deal with, such as suicides. One told me of an incident where, for 40 minutes, while waiting for an ambulance, they carried out resuscitation on a child who had clearly already died. That officer told me that they had been put on light duties for a long period while they struggled to process what had happened.

I have talked to many of the firefighters who attended Grenfell Tower, many of whom are still struggling emotionally and some of whom may choose to leave active duty altogether. I have had a full briefing from the London fire brigade and I am aware of the new focus on mental health awareness, which is fully supported by the commissioner.

Janet Daby (Lewisham East) (Lab): Do you agree that stress, anxiety and depression are now common features in the fire service—especially the London fire service—according to organisational listings? That should not be the case.

Emma Dent Coad: I concur absolutely with my hon. Friend. The London fire brigade has appointed additional counsellors and set up Mind blue light champions, who are volunteers from within the service who can signpost colleagues to the counselling and trauma service.

John Howell (Henley) (Con): I congratulate the hon. Lady on securing the debate. She raises a pertinent point, which we should all pay attention to. She mentions the appointment of counsellors, which is absolutely crucial. The way to help someone to avoid mental health problems is for them to have somebody to talk to when they are experiencing the problems. There is no point in them just sitting there and experiencing the problems on their own; they need somebody to share them with and to help them.

Emma Dent Coad: I concur absolutely with the hon. Gentleman.

I hear that firefighters who came from fire stations near the fire are getting a higher standard of care than those from further afield. Call centre staff—many of whom spoke to people trapped by the fire, as we heard during the inquiry—are also traumatised, and some are not getting the support they need.

Let us remember that more than 300 firefighters were involved in the rescue attempt at Grenfell, and that it was not one single, terrible, catastrophic event. The fire raged for more than 12 hours, in which firefighters continually risked their lives in their attempt to save the lives of others. Some of the scenes they saw, and the choices they had to make, are with them every day.

Despite that, the psychological help that those brave men and women, including the call centre and support staff, so clearly need is very uneven. Some have received talking therapy. I have previously told the House that I have received that treatment myself, and it did not help me at all, although I accept it may help others. That treatment is available within the fire service.

Some people have been fortunate enough to receive eye movement desensitisation and reprocessing therapy, which I am told has been helpful, but it is usually available only from the Fire Fighters Charity, so capacity is limited—we are dependent on charity. Some have had very little treatment. I am told that many firefighters from stations across London who attended the fire have not had the support they need, and certainly not the emotional support from the community that many local officers have benefited from.

Three days after the fire, I dropped into one of our fire stations late at night. I drank tea and heard their stories. The team, who had fought back-to-back shifts

[*Emma Dent Coad*]

on Tuesday and Wednesday, had had no time off. All leave had been cancelled. They were emotionally drained and physically exhausted. All I could think was, “Where is the back-up they’d need if there was another Ladbroke Grove train crash now?”. The terrible answer is that there is none.

Cuts to frontline staff mean that, even after a disaster such as Grenfell, there may be no capacity for compassionate leave. While nearly 20% of staff have been lost since 2010, incidents have decreased by just 12%, so fewer operational firefighting staff are attending more incidents each.

Janet Daby: Even though the Government continue to state that a decrease in staffing is based on demand, do you agree that incidents have increased by 14% since 2014? We need to invest more in our fire services and our emergency services.

Emma Dent Coad: I concur absolutely with my hon. Friend; thank you.

Pay restraint and a squeeze on pensions mean that many firefighters have to work second jobs on their days off to pay their household bills. My specific experience relates to the London fire brigade, but I am aware that those issues affect fire services across the country.

Dr David Drew (Stroud) (Lab/Co-op): I know my hon. Friend is talking about her own experiences, but when I was first elected in 1997, I visited the fire station in Stroud. Then, their appliances were always staffed by eight members, but they would go out with seven. When I talked to them recently, they were talking about going out with four on an appliance, and sometimes three. That is the result of cuts; they have an immense impact. Does she agree that they really affect the stress that firefighters are under?

Emma Dent Coad: I agree absolutely with my hon. Friend. The cuts and the shortage of staff are huge issues.

Mental health support is still often seen as an afterthought or an add-on and its provision is expected to be funded from the ever-diminishing funding that services receive. The mental health charity Mind tells us that an incredible 85% of fire and rescue personnel have experienced stress and poor mental health at work. That figure has risen by one third in the last six years. Although fire and rescue personnel are more at risk from mental health problems because of the nature of their work, they are less likely to take time off, which can affect their home life as well as their physical health.

Mind also tells us that repeated exposure to traumatic events, physical injuries, increased workload and financial pressures are affecting fire and rescue services personnel more and more. For the first time, the most common cause of absence in the London fire brigade is stress, anxiety and depression. That cannot continue. Surely, we have a duty of care to support those who risk their lives to save ours. It is not enough to expect each service across the country to tackle this growing problem individually with no additional financial support.

Firefighters should be able to rely on us to protect their mental health, so they can be at their best when we need them.

We have seen how firefighters as well as call centre staff have had to relive those hours in painful detail under relentless questioning at the inquiry, and we have heard how that has retraumatised them. We have also heard how retired firefighters watching footage of the Grenfell Tower fire on television or online have also been retraumatised, demonstrating that trauma follows people into retirement unless it is properly dealt with by qualified psychologists.

We depend on firefighters to save and protect the public from flooding, building collapse, road traffic accidents, train crashes, passengers under trains and terrorist attacks, as well as fire. I therefore ask the Minister to increase funding of the fire and rescue services that we depend on, so that support for their mental health can be delivered fairly across the country. We rely on fire and rescue personnel to save and protect us from danger. It is time for them to be able to rely on us, to ensure that they have the help and support they need.

Sir Roger Gale (in the Chair): Just before we continue, may I gently remind Members that we speak in the third person? “You” means me, and I am not a participant in this debate.

2.40 pm

Bill Grant (Ayr, Carrick and Cumnock) (Con): It is a pleasure to serve under your chairmanship this afternoon, Sir Roger.

I thank the hon. Member for Kensington (Emma Dent Coad) for raising this very important issue. I do not have a confession, but from the outset I have to declare an interest—that would be the best phrase—as I served for 31 years with Strathclyde Fire and Rescue Service, and it was a proud journey through my working life. In retirement, I became a local councillor who sat on the fire board, so I continue to have a great fondness and a great respect for the firefighters of today, although I am—quite clearly, for those who can see me—a firefighter from yesterday. I joined in 1974 and served until 2005.

Frontline firefighters—whether they are whole-time, retained or volunteer firefighters—who respond to emergencies, and those with specialist roles within the fire service such as fire investigators, frequently encounter seriously injured or even fatally injured persons in their day-to-day work. Preservation of the scene, particularly if it is a potential crime scene, may mean that anyone who is declared medically deceased must remain in situ, with firefighters having to work in close proximity to them.

Some incidents result in multiple fatalities. I will touch on some in the west of Scotland, but there are many others that I could cite between John O’Groats and Land’s End. For example, there was the Chinook disaster on the Mull of Kintyre, in which 29 individuals died. The first responding appliances to that incident were carrying retained personnel; they were not full-time professionals, but men and women who held down everyday jobs. There was the Lockerbie air disaster, in which 270 persons lost their life, 11 of whom were in the town of Lockerbie, particularly but not exclusively in

Sherwood Crescent. Again, the first responding appliances to that disaster were carrying retained personnel, and I absolutely applaud the work that retained personnel do. There was the Rosepark care home fire in Uddingston not so very long ago, in which 14 residents died, and that was a modern facility, and there was the Stockline plastics factory explosion in Glasgow, which was attended by whole-time personnel; nine people died in that fire. That is to name but a few incidents, none of which I personally attended. However, having been part of the fire service, I have followed the stories about them with great interest.

There are also incidents that firefighters endure in which our colleagues are injured, or even fatally injured, in fires. It does not happen that often, but when it does, what a sad and dark day it is. We can even go way back to the Cheapside disaster in Glasgow in the late 1960s, in which I think 15 firefighters and four salvage personnel lost their life. That was an exceptionally horrific incident, but we have improved safety a lot since then.

Such repeated experiences without appropriate ongoing support from external counsellors or medical professionals may result in some firefighters and other emergency responders—I do not exclude other emergency responders who suffer similar pressures—succumbing to stress-related illness, leading to absence from work and, in the worst cases, to their being medically retired; indeed, as the hon. Member for Kensington said, they may even lead to firefighters taking their own life, which in itself is an absolute tragedy.

Believe me: firefighters give their all at incidents, both physically and mentally. They have to be constantly alert at an ongoing incident—alert for their own safety; for the safety of their colleagues; and for the safety of the general public. If the outcome of an incident is not what firefighters would wish for, their initial adrenalin rush turns to what I would describe as a devastating disappointment that they have not achieved their goal or what they had hoped for. Their bodies and minds must cope with sudden emotional changes.

There are also occasions when the judicial process exacerbates firefighters' exposure to potential stressors, in that the police and, in Scotland, the Crown Office and Procurator Fiscal Service may be reluctant for immediate debriefs of crews to take place until they have met with individuals and taken their statements, to ensure that their evidence is not compromised. It is an added stress when firefighters have to speak to people in authority about what has taken place. We have seen on our televisions the grilling of some of the officers at the Grenfell fire. Those individuals did their very best that night, yet they are being grilled through the courts service and various inquiries.

Debriefs have immense value, not simply so that crews can learn lessons in relation to how an incident went—what they could have done better, and so on—but to provide individuals with the opportunity to express their feelings to their peers. They may not wish to burden—or may not be able to burden—their family and friends with those feelings, or confidentiality might prevent them from offloading those concerns on those outwith the service. All of these things may be worse for retained or volunteer firefighters, who live in the very communities that they serve; on many occasions, they may know the victims of an incident.

I will touch on two poignant road traffic crashes that illustrate that. In one incident, a firefighter said hello to four young individuals at a shopping centre in a small town. He knew the four individuals and their parents. An hour after a courteous conversation with the four individuals, his pager was activated and he responded to a road traffic crash in which two of those young individuals had died. As one would expect, he conducted himself professionally, but weeks, if not months, later that incident came back to haunt him. I am pleased to say that he received assistance from Strathclyde Fire and Rescue Service, and he made a full recovery.

There was another incident that had a good outcome. The driver of a retained appliance approached a road traffic crash and spotted his wife's car; it was his wife who was trapped. As I say, there was a good outcome, as she made a full recovery. I attended that incident and it was quite a tense situation. I give credit again to those who serve their own community.

John Howell: What my hon. Friend is saying is very powerful. Does he believe that there is more that the fire service can do—I encourage my own local fire stations to do this—to have public exhibitions of what they do and show how they go about their work, because once the public understand that, there is a tremendous amount of additional support for the fire service and for the actions that they take? It would help if we gave firefighters a lot more encouragement to do that.

Bill Grant: I thank my hon. Friend for that intervention. Yes, a lot is already being done to encourage people and to raise awareness. The fire service in Scotland used to have an annual event at the old Strathclyde regional station, with the slogan, “Reckless driving wrecks lives”, where we brought along fifth and sixth-year schoolchildren. All the emergency services took part. We also make home safety visits now and we are very much part of the team that tries to prevent these events before they happen, through accident and fire reduction. Also, let us not forget the introduction of a very simple thing in people's homes, which is the smoke detector. In Scotland, we fit them free of charge for anyone who approaches us, and they are worth their weight in gold; they are very effective. A lot has been done on the preventive side. It is a failure if the fire engine goes out; we should prevent all the fires and reduce the number of accidents.

Recently, while out driving in my constituency with a staff member, I turned to them and told them that we had just passed the site of a fatal road accident. The accident had happened 30 to 35 years ago, but decades later I could still vividly envisage the two deceased persons in that vehicle. What triggered that, I really do not know. For some people, there will be no trigger; regrettably, an incident will live with them and haunt them for the rest of their lives constantly. I am able to put such an experience back in the box and reflect on it; perhaps I am very fortunate in that way.

It is so important that rescuers themselves do not become later in life the people who have to be rescued from extensive mental trauma. Let us be proactive and protect, to the best of our abilities, our firefighters from mental trauma or mental harm. The Health and Safety Executive defines stress as

“the adverse reaction people have to excessive pressure or other types of demand placed upon them.”

That can apply to a lot of emergency responders, including the police, but it applies to firefighters in particular.

[Bill Grant]

Most people, including most firefighters, can cope with the challenge of work demands, but when other life pressures are added accumulatively—for example, debt problems or marital problems—sometimes it just gets too much to bear and a tipping point is reached. Many workplaces offer stress management courses. In my time in the service, we introduced welfare officers as far back as the 1990s, along with external counselling. I am sure that continues today, probably in an improved way. Many workplaces also have in-house occupational health staff. The hon. Member for Kensington mentioned the fire service benevolent fund, which has been going for more than 100 years and is now called the Fire Fighters Charity. It offers invaluable support through its psychological rehabilitation service for serving and retired firefighters.

While people may be screened and tested for underlying illnesses, susceptibility to stress, as I understand it, may not be immediately apparent and the individual themselves may not know or wish to admit—that is one of the very sad things, and it was a very male-dominated service when I was in it, although I am pleased to report that that was changing for the better when I left—that their illness may be stress-related, given the previous stigma around mental health issues. To some degree that stigma remains.

When we see someone with an injury to their leg or a broken arm, we can see the physical injury, but we cannot see or feel a mental injury. Firefighters may wrongly perceive such an admission as a weakness on their part. It certainly is not. According to the mental health charity Mind, 37% of firefighters think colleagues would treat them differently in a negative way if they conceded or admitted that they had a mental health issue. The black humour and banter of my days—days gone by, fortunately; it is no longer politically correct, and that is quite right—was once a release valve and coping mechanism behind closed doors for firefighters, but they still have the camaraderie and they still work as a team. That is a form of therapy in itself, and it has immense value. When a whole-time firefighter returns to the station, they have that group. It is different for retained and volunteer firefighters. They return to their partners and wives individually, and that gives a different dimension to the situation.

According to Mind, 85% of people in the fire and rescue services—it is an inordinately high number—experiences stress and poor health at work. They are twice as likely as the wider workforce to identify problems at work as the main cause for their stress. Statistics obtained by Members of the Scottish Parliament through a freedom of information request indicated that in 2016, 137 employees of the Scottish Fire and Rescue Service—firefighters, control room staff and support staff—were recorded as taking sick leave due to stress. Regrettably, those figures appear to be on the rise, as the figure for those recording stress as a reason for absence was 77 in 2015 and only 27 employees in 2014. That is despite an apparent fall in the number of fires and incidents. We are doing well on fires, but we have got road accidents, factory accidents and farming accidents—there is a whole range of special services. We need to discover what has changed since 2014. What are the root causes and contributing factors? Most importantly, we need to address them.

An article in a recent Fire Brigades Union magazine, *Firefighter*—I am an out-of-trade member and I still receive it—highlighted a need for ring-fencing moneys within NHS budgets for mental health. That is a prudent thing to request. The Prime Minister said last year:

“I want to use the power of the government as a force for good to transform the way we deal with mental health problems right across society, and at every stage of life. Tackling the injustice and reducing the stigma associated with mental health conditions is a priority for me, which is why today I set the goal of providing 1 million members of the public with basic mental health awareness and first aid.”

That goal has to be welcomed. I understand that NHS England got a top-up of £50 million over five years, which is most welcome, but I do not know whether that will be enough to address the issues and the incident of Grenfell, the consequences of which will be felt for years to come, sadly.

When we consider how much it costs to train and equip a firefighter, together with the potential costs of their ill-health, such as absence or early retirement—they may even go to the extreme of taking their life—surely it makes economic sense to invest in appropriate support measures. Firefighters are the finest example of an asset to society. They serve it on a daily basis, and they must be properly supported. Should they stretch out their hand for help, we must grasp it and give that help. Better still, let us prevent them from needing to do that in the first place.

2.54 pm

Jim Shannon (Strangford) (DUP): It is a pleasure to serve under your chairmanship, Sir Roger. I thank the hon. Member for Kensington (Emma Dent Coad) for securing this debate, thereby giving us all an opportunity to participate in it. It is always a pleasure to follow the hon. Member for Ayr, Carrick and Cumnock (Bill Grant). He has vast knowledge from his life as a firefighter over the years, and we all appreciate the wealth of experience he brings to these debates.

I want to focus on where we are with mental health support for firefighters and give some examples of what we are doing in Northern Ireland. When we have debates such as this on issues that cross the whole United Kingdom, there is an opportunity to contribute to the wealth of the regions of the United Kingdom of Great Britain and Northern Ireland.

During the worst of the troubles, which went on for 30 years, firefighters worked alongside soldiers, sifting through rubble and making bomb sites safe. They saw sights that they never thought they would have to deal with. Like our soldiers, the sights they have seen and the work they have done can never be rightly understood by anyone who has not done it. The hon. Gentleman has done it. Friends I speak to have done it, too. Like our soldiers, firefighters deserve the utmost respect and support. The terrible danger that they willingly face to save others is incredible. Their efforts, courage and sacrifice deserve the utmost honour to be given to them.

I take this opportunity to think of all the firefighters who have paid the ultimate price for their heroism—some have—and to remind their families that we have not forgotten their sacrifice. I have a very good friend who is a wee bit older than me who was a firefighter during the worst of the troubles. Even today in our discussions he will often tell me stories of what took place. Sometimes he tells the stories because he wants to just talk about

them. Some of those memories are from 30 or perhaps 40 years ago, but they are very real to him on the day he tells them and reminds people of what took place. Often, he will just shake his head when he is asked about his work. Sometimes he cannot talk about it, but the fact is that it is good for people to talk about things. For mental health, it is vital to have an accessible support network in place.

I read a media report recently that stated that the number of firefighters taking long-term sick leave because of mental health problems has soared by almost a third in the last six years. The hon. Gentleman referred to that. The study was carried out in the light of the Grenfell tragedy, which the hon. Member for Kensington referred to, but it is comparable to the situation UK-wide. Indeed, in 2016-17—the hon. Member for Ayr, Carrick and Cumnock had a different figure, but this excludes the back room—97 Scottish fire staff took long-term mental health sick leave. In Northern Ireland, that figure was 111 for active firemen on the frontline.

I always remember another good friend of mine telling me a story. The hon. Members for Ayr, Carrick and Cumnock and for Kensington referred to some of the horrors that firefighters see. The troubles are one part of that, but road traffic accidents are another. The ones that probably leave a lasting mental scar are those that involve children. When my friends tell me their stories, it is heart-rending how the incidents have affected them. Another friend said, “You know, Jim, so-and-so”—I will not mention his name—“just had a total breakdown.” These things affect people in different ways, but what we are really saying is that road traffic accidents, whether it is children, women or men who are killed, can and do leave lasting effects.

There have been many traffic accidents over the years. I remember one very well, where a young boy from my neighbouring village died and another young fellow had life-changing health issues as a result, and still has them today. Whenever it involves local people, we can understand what they are thinking, and we can think about the firemen who have seen horrible things in that road traffic accident and about how it affects them.

There is a feeling within the fire brigades that more must be done to raise awareness of the fact that it is good to talk. One such action is firefighters from Northern Ireland aiming for a Christmas No. 1, after teaming up with colleagues from across the United Kingdom to release a charity single. I am not sure whether hon. Members are aware of that. The group is known as the Fire Tones—what other name could they call themselves? The group has released its version of Band Aid’s “Do They Know It’s Christmas?” to raise money for the Fire Fighters Charity and the Band Aid Charitable Trust. The charity provides physical rehabilitation for firefighters recovering from injury or illness, as well as mental health support for those who have experienced psychological trauma, as many have. The single has been released on iTunes, Spotify and Amazon Music, and can also be purchased from Tesco. I will buy a copy this year, and would urge other Members to get one as well and, by doing so, to help the charity.

In 2017, the Government provided an additional £1.5 million to pay for mental health support through Mind’s blue light programme, to ensure that our emergency services and workers have the counselling and the emotional support that they require. However, the fact that firefighters

are fundraising suggests that they are not seeing the benefits of that and so, as is becoming normal, they are teaming up with other charities to fill the gap. It is good to do something physically, and it is important to do so.

The Northern Ireland Fire and Rescue Service has teamed up with two other local charities, Northern Ireland Chest Heart and Stroke and MindWise, on a new initiative called “Healthy Body, Healthy Mind”, to raise awareness of the importance, which we know well, of people keeping both their mental and physical health in good shape. On the Northern Ireland Fire and Rescue Service website, Group Commander Keith Black, occupational health and wellbeing, explains:

“As Firefighters, we know the importance of maintaining physical fitness throughout our careers. What is equally important, however, is our mental fitness”.

Someone can run a mile or 10 miles, but they need to have the mental capacity as well. Keith Black continued that

“through this new initiative we hope to remove some of the fear people may have about talking about their mental health, both amongst our own staff and in the wider public.”

Part of that initiative was the station-to-station cycle, the brainchild of firefighter Noel McKee, who is also a trained counsellor. Noel and three other firefighters cycled to every fire station, and together with the charity partners delivered a talk at two secondary schools each day of the 10-day cycle.

It is wonderful that people are attempting to fill the breach and to fill the gap through voluntary, charitable work to raise money and awareness. However, I believe that more should be done by this place to see dedicated support as a matter of right for the 111 long-term sick firefighters in Northern Ireland, and for the hundreds of others who are struggling to process the job that we called on them to do. I always look to the Minister for a constructive response, which I know I will get. I sincerely urge him to look at how we can step up to the mark in this House in the way that we are asking our firefighters to step up to the mark in real life.

3.3 pm

Sir David Amess (Southend West) (Con): I congratulate the hon. Member for Kensington (Emma Dent Coad) on securing the debate, and in particular on the way in which she dealt with this very sensitive subject. She shocked us all when she told us about the individual who has subsequently taken their own life; our thoughts go out to their family and friends.

I also congratulate my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant) on 31 years in the fire service. He has some particular expertise that I could not possibly cope with and it gave me something further to think about. I am the chairman of the all-party parliamentary fire safety and rescue group, and the hon. Member for Kensington, who probably never sought such high office, is co-vice chair of the group. We are absolutely delighted that she has joined our group, and in a short time has demonstrated, by today’s debate, that she is making a real contribution.

I remember hearing the hon. Lady’s maiden speech last year, when she was a newly elected Member. Maiden speeches can be challenging for all those who have to make them, but the way she coped with the situation that she was in with her constituents was very telling.

[*Sir David Amess*]

She has done a first-class job since in raising the whole range of concerns resulting from that horrendous disaster. We all witnessed the repeated efforts of firefighters entering and re-entering the tower to undertake rescues of people trapped by the fire. We can only begin to imagine, as my hon. Friend the Member for Ayr, Carrick and Cumnock said, how the firefighters must have felt when they returned home after attending those events.

It is acknowledged that firefighters have a stressful and traumatic job, and when they undertake the job they are advised that that is the way it is. However, I still think that we owe them a huge debt of gratitude for everything that they do, and we must do even more to support them than we are already. I remember three terrible incidents that firefighters attended in Basildon, when I was the Member of Parliament for that constituency.

I say gently to hon. Members, “Never take your children canvassing.” I took my eldest daughter canvassing. She was not asking anyone to vote for me, but she happened to come along—I think my wife and I had an issue; someone had to look after her. We knocked, but no one came to the door. It was in a tiny, rural part of the constituency. We knocked next door, and all of a sudden there was smoke. We went to the original door that we had knocked on, and we saw a human being alight. The fire service was absolutely fantastic. My daughter and I were in a state of shock, but they dealt with the situation and were absolutely brilliant.

There were two other incidents, both involving children. Firefighters found four children in a hut in a playground. They had lit a match and lost their lives. I remember another traumatic one, which was unbelievable. A gentleman had had some sort of breakdown. His wife had gone out and she came back to find that he had smothered their five children. It was not the police, but firefighters who attended. However tough a person is, I do not think that those experiences can be got over easily. That is why this subject is so important.

The Minister will probably correct me, but my understanding is that individual fire service authorities are responsible for ensuring that they have appropriate health and wellbeing support for their staff. The Fire Brigades Union has advocated for all fire authorities to have specific mental health policies. I do not know whether the Minister can enlarge on that and give us a report.

I am also advised that support is available to firefighters from various charities and professional bodies, including the Fire Fighters Charity and Mind. My hon. Friend the Member for Ayr, Carrick and Cumnock touched on the fact that research from Mind has found that 85% of people in the fire and rescue services have experienced stress and poor mental health at work. That is a truly shocking figure, which is totally unacceptable.

Her Majesty’s inspectorate of constabulary and fire & rescue services has committed to assessing how the fire authorities meet the wellbeing needs of their staff as part of the inspection question set for the year 2018-19. As my hon. Friend also touched on, NHS England announced on 9 October that up to £50 million would be made available over five years to provide ongoing physical and mental health services for those affected by the Grenfell fire, including long-term screening.

This is the season of good will when we all go round our constituencies and hypothetically appear as Father Christmas for one day. Last week, I visited our local fire station in Leigh-on-Sea twice—once to see the staff stage a community event at which they built the best Santa’s grotto ever, and then formally in a suit to thank them for all that they do. The best Christmas present they could have would be for my hon. Friend the Minister, as a result of this debate, to pledge that our Government will do whatever they can to ensure that our firefighters receive the best possible help for their mental health needs. They do a wonderful job on our behalf and risk everything. We have to bear in mind that they have their own lives and their own families to go back to, who know the scars that they bear.

3.11 pm

Dr Lisa Cameron (East Kilbride, Strathaven and Lesmahagow) (SNP): It is an absolute pleasure to serve under your chairmanship once again, Sir Roger, and to speak in this important and timely debate. I thank the hon. Member for Kensington (Emma Dent Coad) and congratulate her on bringing it to Westminster Hall. She detailed the background thoroughly, set out what needs to be done and spoke poignantly about the traumatic impact of the Grenfell tragedy on her constituency and on the firefighters who attended the scene. I thank her for doing that. I am sure they are watching the debate and will note how seriously we take this issue. We are working collaboratively to take these issues forward and ensure that we get the best practice to support them.

My father-in-law was a firefighter in Edinburgh for almost 30 years, and he is extremely pleased that we are having this debate. Firefighters go out and do their job every day, and do not ask for much from us. They put their lives on the line, and never know what they are going out to each day. It is important that we recognise that they put themselves on the frontline and never know what they will come across. Their work can not only traumatise but retraumatise them, as they repeatedly go out to incidents. It is incumbent on Members of Parliament to recognise the traumatic impact of their role and that of the other emergency services. We must therefore provide adequate services in a timely manner to ensure that firefighters are supported.

Lloyd Russell-Moyle (Brighton, Kemptown) (Lab/Co-op): I apologise for arriving a little late, Sir Roger. Does the hon. Lady agree that part of the problem is that we have 11,000 fewer firefighters in the service because of cuts, and that 40,000 days have been lost due to mental health? That puts extra pressure on the firefighters who are still in the service. Perhaps it would be a good idea for the Government to issue a minimum ratio of counselling services to firefighters so they know that they can access a counsellor whenever they need one.

Dr Cameron: I thank the hon. Gentleman for that important intervention. It is extremely important that firefighters and all emergency service personnel can access timely treatment when they need it. My experience from working in the NHS and my father-in-law’s experience is that shortages put additional stress and strain on those who do the job every day. Days lost due to physical or mental ill health put additional pressure on those who continue to keep the service going. Like all

emergency services, the fire service is a vocation as well as a job. People in the emergency services always do much more than we expect them to do every day of their working lives. It is therefore incumbent on us to support them to the best of our ability right across the United Kingdom.

I worked as a psychologist, including with key emergency services and at the high-security State Hospital in Scotland. I know that, right across the emergency services, people put themselves on the frontline to protect the public. We must recognise that some of the issues that they have to deal with are out of the ordinary for most people. The images that they see and their experiences can stay with them for decades—right into retirement. When they are in the workplace, they may not want or feel able to seek help, but support should be available at any time, including in retirement. These symptoms may come to the fore in the form of post-traumatic stress, and individuals may feel ready to access treatment at any time.

Mental health services are a priority for the Scottish National party Government in Scotland. The Scottish Budget this month reflected that: it included more than £1 billion of funding for mental health, and funding for 800 additional mental health workers. That is a recognition of the fact that the public have become more aware of mental health. Today, we are speaking about mental health services for a specific group of workers. I would be interested to hear from the Minister whether there are examples of best practice that we can roll out throughout the United Kingdom. I am also interested in hearing about his collaboration with the Scottish Government and the Minister for Mental Health in Scotland on emergency service workers.

Cognitive behavioural therapy and EMDR, which the hon. Member for Kensington mentioned, are treatments recommended for trauma, and other forms of counselling are helpful in tackling symptoms of anxiety and depression and other presentations that come from trauma. What kinds of specialist treatments are being made available to firefighters and other frontline emergency service personnel? We must ensure that they access the treatment that is recommended for the conditions that they present with.

I always enjoy listening to the contributions of the hon. Member for Strangford (Jim Shannon). He said that the experiences of firefighters are similar to those of veterans; they may live with those experiences for a long time. Firefighters may work alongside soldiers and other service personnel who work together in this realm and have experiences that most of us do not have. Will the Minister comment on whether there are any peer support mechanisms that might be helpful? My husband served in the armed forces, and I am aware that veterans often find it extremely helpful to speak to others who have had similar experiences. Professionals do not always advocate such treatments, but it can be extremely helpful to speak to other people and have peer-to-peer support groups that are supported financially and resourced so that they can speak to others who have had similar experiences. I think that could be helpful.

When I was reading about the background to this debate, I found that stigma is an issue. With mental health issues in general, there is stigma attached to coming forward. We think of firefighters as being strong, working on the frontline and dealing with whatever happens—we have that stereotype. Added to that are the west of Scotland stereotypes that men should not

come forward and speak about emotions and feelings. We are breaking that down, slowly but surely, but I think it is still there, so I can understand that the research is saying that 37% or so of firefighters feel unable to come forward to discuss their emotions, and the impact. We need to do more to break down the stereotypes and attitudes, and to increase mental health awareness—and actually mental health is on a continuum, with an impact on everyone. Then we will all feel able to come forward, but particularly those who are exposed, and re-exposed, to trauma.

I have been reading about the blue light programme, which I understand was funded from March 2015 until 2018. Will the Minister comment on the funding for that programme moving forward into 2019 and on whether, once again, there is any best practice implementation guidance from it that could perhaps be rolled out across the rest of the United Kingdom?

I thank the hon. Member for Ayr, Carrick and Cumnock (Bill Grant), who served for decades as a firefighter, and who brought his experience into the debate, for his service and dedication in that role—and subsequently in his role as an MP. He spoke about retained firefighters, which is important. Retained firefighters perhaps do not have the same level of training or support as other firefighters, and I should like to be assured that services—mental health support, but also other support—are available to them at the same level.

I also thank the hon. Member for Strangford, who paid a special tribute to those who have given their lives in the service. That is an extremely important point. He spoke about the tragedy of firefighters having to deal with the deaths of children, and the lasting impact on them, which we can all understand.

The hon. Member for Southend West (Sir David Amess) chairs the important all-party parliamentary fire safety and rescue group, which is considering the issues in question, and I thank him for that work. I am sure that it will be extremely important for us to work collaboratively across the House to take matters forward, and to continue to work on improving services for all and getting the best practice that people deserve.

I thank everyone who contributed to the debate. I am keen to work with the Minister and to take part in a collaboration between the Department and the Scottish Government, to make sure that across the United Kingdom best practice is followed on service access, treatment and research.

3.22 pm

Karen Lee (Lincoln) (Lab): It is a pleasure to serve under your chairmanship, Sir Roger. I congratulate my hon. Friend the Member for Kensington (Emma Dent Coad) on securing the debate. I am pleased that she was successful in applying for it. In view of her expertise, given that the Grenfell disaster happened in her constituency, no Member is better placed to lead the debate.

When I took the shadow fire and emergency services post, I wanted to visit as many fire services as possible to learn at first hand what firefighters' main concerns are. I expected to hear about problems with funding, staffing, pay and pensions, but I was taken aback by the deep concern about mental health. Firefighters are on the frontline. It is their job to deal with life-threatening situations. I acknowledge that it is highly demanding

[Karen Lee]

and stressful work, but it is also invaluable for our communities. Mind, the mental health charity, has done some great work in supporting firefighters through its blue light programme. Its workplace criteria for identifying the potential for mental illness correspond to the risks that are posed to firefighters daily: the repeated exposure to traumatic events, the potential for physical injuries, workload pressures, suffering loss, and worries about money. Invoking those criteria helps to explain why the potential for mental illness in the fire service is extremely high. The distinct lack of direct central Government action and focus, when the evidence is clear, is astonishing.

I acknowledge that the responsibility for ensuring the health and safety of firefighters rests with individual fire and rescue authorities, and the Chief Fire Officers Association supports them in that work through its lead on fire and rescue occupational health matters. I am sure the Government will point to the commitment of £7 million to pay for mental health support through Mind's blue light programme. That is positive, but in 2017 the number of fire and rescue staff taking long-term sick leave because of mental illness had risen by nearly a third over the previous six years. Mind has found that 85% of fire and rescue personnel have experienced stress and poor mental health at work, and firefighters are twice as likely to identify problems at work as the main cause of their mental health problems. However, that does not only affect the firefighters; there is a big impact on their families.

Fire services work hard to ensure that the support infrastructure is available. I have heard of brilliant examples of that happening, including in the London Fire Brigade and Tyne and Wear Fire and Rescue Service, but the evidence shows that more has to be done to provide support to fire services. I do not doubt that the Government have acted, but any action cannot be separated from their wider attack on the service. Their ideologically-based austerity agenda has put more pressure on emergency services, and firefighters are bearing the burden. I am told time and again by the Minister that the number of fire incidents is decreasing but, as we know, that is not the full story. The overall number of incidents that the fire service responds to has decreased by 12.6% between 2010 and 2018. However, 11,854 firefighters have been cut in the same period, which equates to 20% of frontline staff. Therefore, on average we have fewer staff responding to more incidents, and incidents have risen every year since 2014. Workload pressures have increased over the past eight years, and if the Government want to be effective they must consider a staffing review as part of their policy to address mental health issues.

The effects of sustained cuts have put a considerable amount of pressure on the workforce, but that pressure is also changing. National discussions are being held regarding the expansion of the role of the firefighter to include emergency medical response. That may be a positive step if it is properly funded and if training is made readily available. However, I am not optimistic that central Government will ensure that that happens. I am not opposed on principle to EMR, but it must be properly funded. It will increase firefighters' exposure to traumatic events and potential of losses of life. If they are not prepared for that change, it could be catastrophic for their mental health.

As a nurse, I saw such events at first hand. I assure Members that if someone is not prepared to deal with such incidents, the consequences for their wellbeing could be devastating. I was a cardiac nurse for 12 years and had an advanced life support qualification. I used to carry a cardiac arrest bleeper, and we used to run across the hospital to arrests. At that time—this is going back five to 10 years—the success rate was about 20% of resuscitations. That was in hospital, so we were getting there quickly. When a firefighter arrives at a cardiac arrest more time will have gone between what we used to call down time and the start of resuscitation, so the chances of success will be lower. At least we were successful a proportion of the time. By virtue of the way their work will happen in the community, the firefighters will see more fatalities; they will have to deal with that regularly, so it is an even more important factor in their mental health.

Bill Grant: I thank the hon. Lady for her good work in cardiac services. That was in a controlled, measured environment, but the challenge for firefighters and ambulance personnel is that they operate in a quite unnatural environment, whether they are attending an accident at a farm or factory, or a car accident. They are exposed to the weather and elements, and there are other road users, and so on. That is an added dimension; it is not a controlled environment, although we would do our best to control it on arrival.

Karen Lee: Absolutely. I completely agree with the hon. Gentleman. After someone has attended an arrest situation unsuccessfully, they go through an algorithm and they know they have done everything properly, but they still feel bad about losing that person. My point is that going to more arrests with a lower likelihood of success—because of all the things that the hon. Gentleman mentioned—involves much greater pressure. When I was a nurse we had occupational health, and there has to be something like that for firefighters—proper support.

I have been told numerous times during visits that firefighters have less time to train because of their workload. That is another thing that is very important. People going to an arrest must feel they know what they are doing. I am very concerned at the possibility that if outstanding issues are not fully addressed and firefighters are not effectively prepared for a sustained change in their role and responsibilities, their wellbeing could be damaged.

Our firefighters are heroes, and their pay must be properly addressed. As I have said time and again, they cannot spend a pat on the back. Mind has identified money worries as a contributing factor to mental illness, and considering the sacrifices made by our firefighters, the last worry they should have should be about their pay packet at the end of the month—my hon. Friend the Member for Kensington made a good point about some firefighters needing a second job, which is utterly disgraceful.

The Grenfell disaster and its consequences for our firefighters are terrible. The work that the Fire Brigades Union and the London Fire Brigade are doing to support firefighters is outstanding, and includes support for the 80 fire officers giving oral statements at the Grenfell inquiry. As the “Journey of Recovery” report highlighted, alongside all those affected, firefighters who were at the scene may be at risk of PTSD. The

consequences are clear: stress and depression have been identified as the main source of LFB sick leave post Grenfell. I commend the Government's commitment of £50 million to tackle mental health post Grenfell, but what proportion of that money will specifically be invested in support for LFB firefighters? Eighteen months after Grenfell, those firefighters still line the route every month for the silent vigil, and they are to be commended.

I do not accuse the Government of not caring, but I believe that more could be done, and they must recognise that cuts to central Government funding and staffing levels have a subsequent effect on a workforce. Let us not get into the old argument about allocated and unallocated resources, or who is responsible for austerity—the fire service must be properly resourced. I recognise that the Minister has asked Her Majesty's inspectorate of constabulary and fire and rescue services to assess how well services understand and meet the wellbeing needs of their workforce, and how that can be improved. Will he provide an update on that and say when we can expect additional investment or support? How much of the £7 million committed to Mind's blue light programme is included in existing fire service resources, and how much is new money? I look forward to hearing his response.

3.31 pm

The Minister for Policing and the Fire Service (Mr Nick Hurd): It is a pleasure to serve under your chairmanship, Sir Roger, and may I say to the hon. Member for Kensington (Emma Dent Coad) how sorry I am to hear about the recent death of her constituent?

I congratulate the hon. Lady on securing an extremely important debate. As she made clear—this was corroborated by my hon. Friend the Member for Southend West (Sir David Amess)—her long-standing interest in the fire service predates her arrival in this place, although it has continued here, and I know from our conversations that she has a genuine interest in issues of mental health. This debate has highlighted an important and growing issue, which, as she rightly said, is not restricted to firefighters. All our emergency services face similar challenges as a result of increasing pressure on wellbeing, and there is a greater recognition across those services about the need for the Government to step up and fulfil, in the words of the hon. Lady, their duty of care. She is right: we do have a duty of care, which I will now speak about.

I also pay tribute to the firefighter of yesterday, my hon. Friend the Member for Ayr, Carrick and Cumnock (Bill Grant). He entered the fire service on the same day that my dad entered Parliament, and his contribution was extraordinarily valuable. Many contributors to this debate spoke not from notes but from personal experience, whether as a nurse or someone with a father-in-law in the service. This was a particularly good debate, despite the terrible experiences behind it, and my hon. Friend's contribution was extraordinarily valuable since he provided insights into the strain on body and mind that comes from seeing and hearing things that no one wants to see or hear. He also mentioned the surges and changes in emotional state that firefighters have to cope with, and he made the point—as did others—that the trauma remains and comes back.

Anyone listening to the testimony from firefighters at the Grenfell public inquiry will have heard not just about those who performed so admirably under the

most unbelievable conditions when going up and down those stairs, but about those who sat in the call room taking terrible calls under unimaginably difficult circumstances. Anyone who has spoken to some of those firefighters will know that that experience will stay with them for the rest of their lives. Some of them will need support, and some will need to be told they need support—many Members mentioned the continued stigma that is attached to our emergency services, where the tradition can still be one of taking pride in coping and being fine, with the best therapy being more work. I think we recognise as a society, and certainly as a Government, that our heroic emergency service workers need more practical support that is relevant to their state.

The hon. Member for East Kilbride, Strathaven and Lesmahagow (Dr Cameron) made an important point about the need not only to make services available, but to make available services that are right for each individual, and I am sure the hon. Member for Kensington will agree. Certainly, in my work with Grenfell victims, I have been disappointed at times to discover cases of individuals receiving treatment that is not right for them in that situation. That point was well made, as was the point raised by my hon. Friend the Member for Ayr, Carrick and Cumnock about the landscape and nature of the workforce in the fire service, which is changing slowly and becoming increasingly diverse, and we must think hard about those changing needs.

My hon. Friend, and others, welcomed the Prime Minister's statement of ambition and resource regarding more money for local mental health issues, which I think has cross-party support. I observe from my time in this place since 2005 that one of the great sea changes in this House has been a growing acceptance of the need for mental health to have parity with physical health, and decisive steps have been taken on that journey. Those steps have not gone as far as many of us would like, but they are decisive none the less. Again, that is part of a greater national societal awareness about the importance of mental health and the growing risk, and the demand for mental health support, not least for our emergency service workers.

Let me try to provide reassurance that the Government recognise the importance of this issue and stand ready to support and challenge the leadership in the fire service regarding the exercise of its duty of care. First, I confirm the point made by my hon. Friend the Member for Southend West, because there is now a requirement in the recently revised fire and rescue national framework for England, which sets out the Government's expectations for a fire and rescue authority. It contains a new section on what should be considered part of the workforce strategy, and it states explicitly that each fire authority should have in place a people's strategy that includes information on the availability of wellbeing and support services. I understand that most fire and rescue authorities, including the LFB, have workforce strategies in place, which is a good step forward.

My second observation is that although our fire service is widely recognised around the world as being among the best, we have an insufficient understanding of what good looks like. The creation of the Fire Standards Board, and the intention to create a more comprehensive and coherent set of professional standards—including in the area under discussion—is an important development.

[Mr Nick Hurd]

As the hon. Member for East Kilbride, Strathaven and Lesmahagow said, we need to know what good looks like in this context.

The third element is extremely important. Indeed, arguably the most important reform that we are introducing in our desire to seek continuous improvement in the performance of our fire service is independent inspection. That is similar to what we have introduced and strengthened for the police service, and with independent inspection and an increasingly clear framework of agreed standards, we will get a better picture of what is going on out there, and we will be able to compare and contrast the performance of fire services. With independent inspection comes greater transparency and greater accountability to the inspectorate, to the local fire authority, to the police and crime commissioner—where appropriate—to the Home Office and to Parliament. In our experience with the police, that framework of transparency and accountability is what really drives change. That is exactly the framework that we are setting up.

Various contributors to the debate talked about Mind's blue light programme, and they were right to do so. I pay tribute to those who are working to deliver it. Since 2014 we have provided £7 million to pay for mental health support through the blue light programme, which was topped up after Grenfell. It provides advice through a network on mental wellbeing, stress and anxiety, seeking help for a mental health problem, supporting a colleague with a mental health problem, post-traumatic stress disorder and supporting someone as a friend or family member.

In addition—to speak to the point on the need for proper information about what works—every fire and rescue service in England now has access to a toolkit or framework called Oscar Kilo, which is also available to the police. It provides support and guidance for those who are responsible for wellbeing in each service, to assist them in developing and building robust, efficient and effective wellbeing support. As well as a framework of accountability and transparency, there is one of specific tailored support through the blue light programme and the Oscar Kilo toolkit. Those who are responsible for wellbeing and the local strategies have access to good information about what works, and that will grow.

Another entirely valid point was made about the need to ensure that the fire service has adequate resources to do its job. If we have insufficient capacity, or that capacity is too stretched, that will have an impact on wellbeing and people's sense of confidence and professionalism in the job that they do.

I therefore confirm that fire and rescue authorities overall will receive around £2.3 billion in 2019-20. Single-purpose fire and rescue authorities will see an increase in core spending power of 2.3%, in cash terms, and an overall increase of 0.3% since 2015-16. Bearing in mind that the debate is sponsored by the hon. Member for Kensington, in the Greater London Authority core spending power increased by 6.3% in 2019-20 compared with 2018-19, with an overall increase of 11% between 2015-16 and 2019-20. Reserves stood at £57.8 million in March 2018.

Although we have a healthy disagreement with the Labour Front-Bench team, we maintain that our fire services are adequately resourced for the demand that is

placed on them. However, I have always made it very clear, and I continue to do so today, that as we move towards the next stage of fire funding—the comprehensive spending review next year—we are updating our understanding of demand, because the past is not necessarily a guide to the future. We will approach the Treasury with our bid for police and fire funding on an informed basis, to be absolutely sure that over the next three or five years—whatever the time of the CSR—our fire services have the resources they need to do the incredibly difficult job that they do, which includes ensuring provision for adequate support of wellbeing and the welfare of the most important assets in the system, which are our people.

On that note, I will close. I put on record the Government's thanks to our firefighters for their work. At this time of year, when most of us are out there eating, drinking and making merry, our emergency services are working extremely hard to keep us safe. Our firefighters and police are the ones who run towards danger when most of us run away from it. As we have seen at Grenfell, at the terrible fire recently in Nottingham and on motorways up and down the country, they are often called to events that are absolutely terrible—in particular when they involve children—and will probably stay with them for all their lives. It is right that we as a Government are challenged to answer for what we are doing about our duty of care, but it is also right for us to take the opportunity to place on record our thanks.

3.44 pm

Emma Dent Coad: I thank all my hon. Friends and other hon. Members for their contributions, especially on a day when so little is happening elsewhere.

I want to reflect on some of the very helpful contributions, in particular with reference to fire investigators and retained firefighters—of course, in London we do not have any, but they give fantastic service in other parts of the country, at huge expense to themselves. We heard a lot about stigma. Although the situation is better than it was, people still expect firefighters to be Hollywood superheroes, when we know they are flesh and blood, like us. We heard a lot about mental scars, such as flashbacks, which can be with people forever, and about the difficulties of dealing with that kind of thing in the long term.

Different kinds of mental health support are available. I have heard a lot about peer support. A local psychiatry officer said that what the firefighters went through at Grenfell was due more than anything to the longevity of the incident—it was not just one incident; it went on for the best part of a day—and that the effect on them was more akin to the experience of torture victims, rather than of people who went through something else traumatic. Things like peer support are hugely helpful in such cases, but she did not feel that it had been explored in that context. I hope that that will be taken into account.

I thank the Minister for his contributions on people strategies and what good looks like. I am afraid, however, that setting standards and targets will not really hack it in this case. Without the funding to support it, independent inspection and monitoring of what is already in place is not enough, because we know that enough support is not there at the moment. People are struggling.

I will buy the firefighters' record, but the idea that they have to fundraise for the charity that they will then rely on—they have to support it—is gutting, actually. I feel very strongly that we should aim for a world without charity, and where we do not need charity. In the interim, however, charity should be backing up the statutory services and certainly not replacing them. We are in a very bad state when we have to rely on charities to do things that Government should provide.

To summarise, existing services are clearly inadequate. We hear that from community members and firefighters. Today, we have heard lots of comments to back that up. We must indeed honour the brave men and women who keep us safe, but we cannot do that with words of praise alone; we have to act to take better care of them. Will the Minister please review and increase the funding, or work towards ways of doing so, rather than only setting standards and targets that are unobtainable under the existing funding regime? We need to tackle the issues that have been laid out today, and I hope he will reflect on that.

Question put and agreed to.

Resolved,

That this House has considered mental health support for firefighters.

3.48 pm

Sitting suspended.

Harrow Council Funding

[SIR CHRISTOPHER CHOPE *in the Chair*]

4 pm

Gareth Thomas (Harrow West) (Lab/Co-op): I beg to move,

That this House has considered the future funding of Harrow council.

I have lived in Harrow all my life and I feel immensely proud of my community. Although I have disagreed a number of times with decisions Harrow Council has taken, I have always been grateful for the hugely important job that it and its staff do for my constituents and the wider borough. Harrow Council should be better funded, and I look to the Minister and his Department to begin to make a significant difference in that regard.

The council faces a number of distinctive challenges in the delivery of public services, which the lack of central Government funding is exacerbating. Harrow is the second most religiously diverse and the fourth most ethnically diverse borough nationally, with 61% from a black and minority ethnic background. Some 157 different languages are spoken in Harrow schools, and 28.5% of residents do not have English as their first language. That is significantly higher than the London average of 20% and the national average of 8%.

The number of Harrow residents aged over 85 is predicted to increase by more than 60% by 2029, and 15% are already aged over 65, compared with the London-wide average of 12.5%. We have the fourth largest EU population in London—it is estimated that around 50,000 EU nationals are resident in the borough. Low wages and in-work poverty are particular problems in Harrow. Wages paid in Harrow workplaces average £575 per week for full-time workers compared with the London-wide average of some £692.

Those challenges mean there is huge pressure on Harrow Council to deliver effective public services. Earlier this month, the council published its draft budget for next year, which spells out both the important work the council is doing and the dire situation it has been put in by Government cuts. After seven years of constant cutbacks, Harrow Council has had to find a further £17 million for the upcoming financial year. Harrow will have seen its main source of central Government funding—revenue support grant—fall by some 97% by 2019-20. It is estimated that over the four-year period from 2015-16 to 2018-19 the council needed to fund an £83 million budget gap to achieve balanced budgets. If we extend that period, it is estimated that by 2020-21 the council will have had to find £125 million to balance its budgets.

In addition to the cuts in revenue support grant, further money has been required to fund growth as a result of demand pressures, including rising homelessness, increased special needs placements and rising social care costs. Moneys have also been needed to fund the impact of inflation, capital financing costs and other reductions in specific grants, such as those to support schools. Under the new methodology for calculating revenue support grant, Harrow was the sixth hardest hit of the London boroughs in 2015-16 and 2016-17, losing some £10 million annually.

[Gareth Thomas]

Harrow Council is one of the lowest funded councils in London. In 2015-16, its revenue spending power per head was £159, 17% lower than the London average, ranking it 26th out of the 32 London boroughs. A similar comparison with the England average shows Harrow's revenue spending power per head was £127, 14% below the average, ranking it 105th out of 120 local authorities. Quite how the Prime Minister can claim that austerity is over is beyond me. In Harrow, as nationally, it feels unrelenting—frankly, it is getting worse.

In July, Harrow began the full transition to universal credit. More than 17,000 residents are expected to be on it by the time the transition is completed. Our housing market is under intense pressure—for many, rents are very difficult to afford—and in some parts of the borough 40% of children live in poverty. As in other parts of the country, demand for adult social care outstrips savings, as councils are asked to provide ever more with ever-diminishing resources.

Other public services in the borough with a significant interface with the council are also under severe pressure. Harrow is having to cope with a significant increase in violent crime at a time when police numbers are set to decrease further and funding for youth services has been cut by more than 75% in cash terms since 2010. The clinical commissioning group faces a deficit of approximately £50 million and has already cut popular healthcare services such as the Alexandra Avenue walk-in service in my constituency. With the highest proportion of over-85s in London, the absence of a local NHS service that might absorb with less fight some of the financial pressures arising from having proportionately more vulnerable older adults exacerbates the pressure on the council.

Schools, too, face ever-increasing financial pressures, making it harder for them to accommodate as many requests to help children with special needs as they might want to. As I mentioned, Harrow is having to cope with a significant increase in violent crime. We have already lost just short of 200 police officers, and the fear is that we will have to lose even more.

Bob Blackman (Harrow East) (Con): I thank the hon. Gentleman, who is my constituency neighbour, for giving way. He is painting a bleak picture of the funding position. May I put two points to him? First, if the council were more business friendly and encouraged businesses to invest in Harrow, more business rates would come in. Business rates income in Harrow has been declining for many years, and it is forecast to reduce further.

Secondly, I believe I am correct in saying that at the moment the budget is balanced for next year, but the forecasts for future years are very challenging indeed. Has the hon. Gentleman seen any documentation from Harrow Council that sets out that dire picture? That may lead to a lobbying strategy in which he and I go to see Ministers together, with the aim of securing more money not just for the council but for specific issues such as those he describes—it may lead to our supporting each other to get more money for the services that all our residents depend on.

Gareth Thomas: I say gently to my neighbour that I will come on to Harrow's excellent reputation among businesses and the recognition it has received for its

performance in that area. The figures I quote are figures that I sought from the council—I am sure it would be willing to provide him with them were he to approach it. There is one specific issue on which the Minister would be able to assist if he wanted to, and I intend to come to that in due course.

Harrow has always been a prudent borough. Despite its challenges, the council has not overspent for 11 years. Its leadership and supporting councillors have been determined to shield frontline services from the axe as far as they can, but the cuts are now so deep that the council is unable to balance the books without reducing those vital services to the bare bones. Local residents are understandably concerned about the impact of funding cuts on the council's ability to keep the streets clean and to help to deal with antisocial behaviour, among other things. By continuing to make cuts of such scale, the Government are leaving councils such as Harrow in an impossible situation and leaving our most vulnerable people at risk.

To be fair, the council has already made large efficiency savings and taken great strides to increase revenue. It has led the way in digitalising many services—87% of customer transactions are carried out online, leaving extra resources to look at the most complex and difficult cases. Council tax has been increased year on year—sadly, it is now the third highest in London, but the collection rate is above 97%. The council has commercialised services and looked at innovative ways to supply residents with additional quality services that generate new income while not endangering existing businesses and the private sector. From offering services such as training, a cookery school and gardening services to MOT testing and dealing with food and trade waste, the council has been very innovative. It has also marketed itself successfully for major film locations and for commercial events in our parks. It is a leader in shared services and is working with a number of councils to make significant efficiencies for frontline and back office services together.

As I indicated, Harrow is blessed with very dedicated and hardworking staff; in 2017, its children's services attained a "good" rating from Ofsted, putting Harrow in the top 25% of councils across the country for performance in that fundamental service—a remarkable achievement in the circumstances. However, the council cannot be expected to deliver first-rate services with a third-rate budget level of funding, and local people know that.

Cuts are already having a big impact. Harrow has closed four libraries and significantly scaled back its work in public health. Drug, alcohol and smoking cessation services have been reduced, and all discretionary grants to the charity sector have been ended. The council has also been forced to reduce taxi card provision for the disabled to the lowest level in London. There has been a significant reduction in the number of children and families that the borough's children's centres are able to support. Lack of funding is holding back any ability the council might have to respond appropriately to other identified local needs, such as meeting the needs of young people.

The Young Harrow Foundation, in partnership with the council, conducted a survey of school-aged children between 10 and 19, which received an astonishing 4,500 responses. The results are very worrying. Mental health and violent crime were serious concerns for

Harrow's young people; 10% said they have suicidal thoughts and 15% said they need support relating to self-harm. We all know that lives are blighted when vulnerable members of society cannot access the help they need, and when people are unable to achieve their potential, everyone loses out.

In response to some of the acute issues facing councils, the Government have offered occasional one-off payments to, at best, paper over the cracks. For important services, that means councils are unsure of whether they will have the funding for key provision, and residents do not know whether vital services will continue to exist, from one year to the next. In short, it leaves local authorities unable to make long-term spending commitments to deliver some of the preventative work that would really benefit residents.

Harrow has had success in bidding for some such external funding to tackle some of those challenges. It secured £500,000-worth of investment from the Home Office to help fund early intervention services for young people at risk of joining gangs and becoming involved in youth violence. It also secured £760,000 to help support economic growth locally and was recently granted some £32 million by City Hall to build just over 600 new council homes. While this type of funding is of course welcome, these too are one-off payments for specific activities, offering no guarantees of continued funding, and the council may find itself having to cancel successful programmes if funding is not renewed. I gently suggest that that is not a grown-up, sensible way of funding local government.

Bob Blackman: The hon. Gentleman points out, rightly, that the budget in Harrow is balanced this year by one-off payments, I believe, as opposed to long-term arrangements. That is one of the things leading to future problems. Can he also answer this? Harrow is one of a very small minority of councils across the whole of England that failed to sign up for the multi-year settlement, which, although it is not always easy, gives certainty about funding over a number of years. Where councils have done that, they have known and been able to forecast what their income level will be. Harrow refused to do so, and has never answered my question why it refused. That brings the uncertainty of not knowing how much money will come in each year.

Gareth Thomas: With all due respect to the hon. Gentleman, he will recognise that even councils that have signed up to the arrangement with the Government that he describes have still faced significant additional pressures from all sorts of sources, be it social care or homelessness, as I have already outlined, exacerbating the difficulties in setting sensible long-term budgets that meet needs. It would certainly be extremely welcome to hear him putting pressure on his ministerial colleagues to allocate additional funding for the London Borough of Harrow.

Despite the difficulties I have set out, the council has continued to play its part in trying to foster economic growth, supporting the regional and sub-regional objectives for business, employment and skills set out by the West London Economic Prosperity Board. The investment pot of £1.1 million from business rates retention is going into supporting businesses in accessing online services. Furthermore, Harrow Council is supporting

that by investing £480,000 to try to help to develop the skills of low-paid, low-skilled and self-employed residents in the borough. Indeed, the council has been recognised for its work in this area, winning the Best Small Business Friendly Borough award. The council is also building new housing, making use of the new homes bonus, and has set out a major regeneration programme to maximise use of council-owned sites to support sustainable housing growth, as a result of which it will get some additional income from council tax.

I recognise that Harrow Council is not alone in facing challenges of the scale that I have set out. Surrey, Torbay, Lancashire and many other councils are already in serious financial problems. Commissioners were called in to Northamptonshire council after it ran out of money. Other councils are privately warning of similar difficulties soon. Many councils are having to prop up their budgets with funding from reserves, something that Harrow has not been able to do. I gently ask how many more signs the Government need before they wake up to the crisis in local government.

One area where the Minister could help immediately is financial assistance to help the council to cover the cost of subsidence arising from the sinkhole discovered under Pinner Wood School, which has cost the council some £5.2 million and has obviously exacerbated its already very difficult financial position. We urgently need fairer funding for local government. It is not good enough for the Government to preside over the managed decline of local services. I know that in Harrow and elsewhere councils are doing some great work, but on a shoestring, and the time has come for the Government to reverse the cuts and give councils, particularly my council, Harrow, the proper levels of investment they need.

4.17 pm

The Parliamentary Under-Secretary of State for Housing, Communities and Local Government (Rishi Sunak): It is a pleasure to serve under your chairmanship, Sir Christopher. I start by congratulating the hon. Member for Harrow West (Gareth Thomas) on securing this debate. His pride in his home is evident to all, and I pay tribute to that. It is good to see my hon. Friend the Member for Harrow East (Bob Blackman) here; he is also a champion of his constituency, particularly when it comes to matters of local government. We are grateful for and appreciate his particular experience and insights in our debates.

I welcome the opportunity to respond to the important points that the hon. Member for Harrow West raised. In doing so, I thought it would be helpful to use a framework that I like to use—my vision of the role of local government, which consists of three main areas. The first is to drive economic growth, the second to help the most vulnerable in our society and the third to build strong communities. If hon. Members will allow me, I would like to take those areas in turn, specifically in relation to Harrow, and address the points raised.

The draft local government finance settlement, which was published last week, confirms that core spending power across the nation is forecast to increase from £45 billion this year to £46.4 billion next year, representing a cash increase of 2.8% and a real-terms increase in resources available to local authorities. In the next

[*Rishi Sunak*]

financial year, Harrow Council's core spending power will rise to £180 million, representing a 3.7% cash increase, which is substantially above the average for England and, indeed, other London local authorities. Core spending power is the standard measure of a local council's financial resources, and it includes money from central Government grant, council tax, business rates baseline and further specific grants for adult social care and the new homes bonus.

Beyond grants, as my hon. Friend the Member for Harrow East said, driving economic growth is the only way to ensure the vibrancy of our local communities and to raise the vital funds we need to sustain our public services. Business rates retention is one such opportunity. Under the current business rates retention system, local authorities estimate that they will retain around £2.5 billion in business rates growth this year, which is a significant revenue stream on top of the core settlement funding.

This year, all London boroughs, the Greater London Authority and the City of London are jointly piloting 100% business rates retention. Based on their forecasts, the London pilot pool would retain an additional £348 million compared with the current system. This vital incremental income supports a number of strategic investment projects in London, including investment in high-speed broadband in Harrow and other west London boroughs.

As we confirmed in the provisional settlement, all London authorities, including Harrow, will continue to pilot increased business rates retention at the level of 75% in forthcoming year. I am confident that, when it comes to supporting growth and financial sustainability, Harrow is getting what it needs.

Beyond growth, one of the most undeniably crucial roles that local government continues to play is in helping the most vulnerable in society. It is local authorities that support the elderly, the disabled and our children in need. I am in no doubt about how challenging it has been for councils to drive efficiencies, particularly in the face of growing pressures on social care, as they contribute to rebuilding our economy and tackling the deficit we inherited from the last Labour Government.

I pay tribute to the work of councillors up and down the country, which is why I was delighted that the Budget committed another £1 billion of extra funding for local services, with a strong focus on supporting some of our most vulnerable groups, including £650 million for adult and children's social care in the next financial year. Of that, £240 million will go towards easing winter pressures, with the flexibility, as requested by councils, to use the remaining £410 million for either adult or children's services and, where necessary, to relieve demands on the NHS. I am pleased to confirm that, as a result of these payments, Harrow Council will receive an additional £2.63 million in the next financial year. That is on top of the £240 million announced in October to address winter pressures this year, of which Harrow Council received a further £1 million.

I am pleased to say that the focus on this area and the better joined-up collaboration between the NHS and local authorities, through the Government's better care fund, is paying dividends. Social care across the country has freed up 949 beds a day since the February 2017

peak—a 39% reduction in social care-related delayed transfers of care. I am also pleased that Harrow performed well, achieving a 58% reduction in social care-related delayed transfers of care since August last year, and now has delayed transfers of care levels significantly below the England average.

The Government's troubled families programme is also making amazing strides in supporting our society's most vulnerable families. I am proud to say that £920 million has been committed to the programme during this spending period. As of September this year, nearly 130,000 families have achieved significant and sustained progress against the problems identified when they first entered the programme. Some 1,400 families have been working with the programme in Harrow alone during this period, and the council is forecast to have benefited from more than £3 million over the course of the scheme.

We all see that local authorities' vital work in building strong communities that thrive is beneficial not only to them, but to wider society. Strong communities are cohesive, and it was with that in mind that the Government announced a £100 million fund to help to ease pressures on local services resulting from recent migration. The fund has so far committed a total of £832,000 to Harrow to contribute to better public services and a more cohesive society.

Gareth Thomas: I am grateful to the Minister for acknowledging some of the council's very good work on social care and working with troubled families. Will he acknowledge that managing the sinkhole underneath Pinner Wood School—a significant and important primary school that had to be moved—is costing the council considerable sums of money? Will he be willing to meet me and a deputation from the council to discuss whether the Government could provide any further funding to help the council manage some of those costs?

Rishi Sunak: With all the will in the world, there is little I can do to help on that particular matter. As the local government Minister, I have no authority or control over the schools budget. The issue he raises relates specifically to a school.

I know that council officials have been in conversation with officials from the Department for Education, but I am obviously not privy to those conversations. I am of course happy to meet him and his deputation, but I think he may be better directing that conversation toward the Department for Education. I know that close to £10 million has been invested in maintained and voluntary-aided schools in Harrow over the last few years, and that the Department for Education is refurbishing or rebuilding about 10 different schools in Harrow through the priority schools rebuilding programme, although not the particular school that he mentions.

Beyond schools, £434,000 has been committed to support Harrow in caring for unaccompanied asylum-seeking children, further helping to strengthen community cohesion. However, strong communities need to be connected. The roads that our constituents travel on daily form a key part of their lives, which is why at the Budget the Chancellor announced that an extra £420 million will be made available for local authorities such as Harrow to fix potholes and carry out other road repairs, ensuring safer and better roads across our communities.

Strong communities also need well-built, affordable homes, which is why, through the Budget, the Government are supporting local authorities such as Harrow to get much-needed homes built, including through the widely welcomed lifting of the housing revenue account borrowing cap. I am pleased that we were able to maintain the new homes bonus baseline for the forthcoming year. Harrow will receive more than £4 million in new homes bonus funding in the forthcoming financial year. I am also pleased that Harrow is in conversations with the Department to receive a housing infrastructure fund grant worth almost £10 million to help with the delivery of more than 600 homes at the Grange Farm site.

Strong communities also need vibrant high streets to bring us together and ensure our towns have a beating heart. The Budget provided a boost for our high streets and a new future high streets fund. I strongly urge the local authority, in conjunction with its MPs, to bid for that fund and see what it can do to drive growth along the high streets in its community.

The hon. Member for Harrow West was right to highlight the funding formula. The current funding formula needs to be updated and replaced with a robust, straightforward approach that involves a strong link between local circumstances and the way that we allocate resources. The latest round of that consultation was issued alongside the provisional settlement last week. I know that Harrow Council has contributed to our consultations in the past, and I will be delighted to hear from it again on the particular pressures that it feels it suffers from and that should be captured within a new formula. I am sure that it will be happy to see that some things it talked about in its previous submission are covered, such as the rapidly changing population dynamics

that councils such as Harrow experience on the ground. Those are absolutely things that the new formula should accurately capture, to make sure that it is sustainable not only for this year but for years into the future.

I thank the hon. Member for Harrow West for calling the debate and my hon. Friend the Member for Harrow East for contributing. It is my privilege to have this job and to champion local government here in Westminster. Whether it is driving economic growth, caring for the most vulnerable in our society or building those strong, cohesive communities that we cherish, local authorities in London and across the country do an amazing job.

Bob Blackman: I gently remind my hon. Friend that Harrow suffers a particular problem of businesses moving out of the area, and it therefore has a declining income from business rates. What will the Government do to help local authorities such as Harrow that suffer this problem?

Rishi Sunak: The business rates retention pilots and the extra incentive to retain more business rates, combined with the infrastructure investment that comes through the housing infrastructure fund and the growth funds, give councils the exact powers they need to drive growth and then rewards them with the retained business rates. I will be delighted to meet my hon. Friend to talk through any other ideas that he has. The high street fund will be an excellent place to start.

I am grateful for the dedication of hon. Members and councils. I will continue to ensure that their voices are heard in this place and that they get the support that they need.

Question put and agreed to.

HBOS Reading: Independent Review

4.30 pm

Kevin Hollinrake (Thirsk and Malton) (Con): I beg to move,

That this House has considered the independent review of HBOS Reading.

It is a pleasure to serve under your chairmanship, Sir Christopher. There are some fundamental business principles that underpin any free market economy: we compete on a fair and level playing field; we all have a fair, fighting chance of success; we all play by the same rules; and our regulations and the rule of law ensure, where injustices occur, that justice is done and is seen to be done.

Many people in the Public Gallery today no longer believe in those principles. They have been subject to scandalous, criminal fraud perpetrated by senior bank managers at Lloyds and HBOS. They have had to suffer further scandal at the hands of those at the highest level in the bank who, when made aware of the fraud, instead of holding their hands up to what had gone wrong, denied any wrongdoing for 10 years. Indeed, there is clear and compelling evidence that the most senior management sought to cover up the fraud, suppressed evidence, and used the HBOS review process, which is supposedly there to compensate the victims, to minimise payments and perpetuate the cover-up. Incredibly, our system—our regulators—stood by and allowed the fraud against the victims to continue.

Chris Elmore (Ogmore) (Lab): The hon. Gentleman knows my view of him. He does an enormous amount of work on these issues, and I pay tribute to him for all that work. He will be aware of my constituent, Mr Alun Richards, whose business went under through the Lloyds Banking Group. He has mentioned public bodies, including the Royal Institution of Chartered Surveyors, the Solicitors Regulation Authority and the Serious Fraud Office, turning a blind eye. He and I have been working for a number of years to try to get those organisations to deal with these complaints. Millions and millions of pounds have gone missing. Does the hon. Gentleman agree that there is a need for a fundamental review, led by the Treasury, of how we can get a better banking system that works for customers and is a lot more ethical about how it conducts its business practices?

Kevin Hollinrake: I do agree. The sector is so far away from the banking sector that we need that fundamental reform is needed not only in the regulatory process, but in the mechanisms that enable victims to hold the banks to account, which I will come on to soon.

Alex Cunningham (Stockton North) (Lab): I congratulate the hon. Gentleman on securing the debate. One of my constituents, Michael Field, has been a victim of the banks as well. He borrowed from Lloyds to finance the building of several houses. He maintained his payments and fulfilled the terms and conditions of the loan agreement, yet Lloyds seized his assets and foreclosed on him. He then discovered that his assets had been sold on to another organisation within the bank. Does the hon. Gentleman agree that the Government need to have parallel and very specific inquiries about the operation of Lloyds in relation to these and similar matters?

Kevin Hollinrake: The hon. Gentleman makes his case very well. The difficulty goes back to my point about justice being seen to be done. There is no mechanism currently. I cannot judge the guilt or innocence in the business relationship between his constituent and his bank. The key is to allow mechanisms for these people to take their complaints forward, without having to be subject to the one-sided, partial process that they are subject to today. That is what the Griggs review is.

I will now make a little progress, if I may.

Alex Cunningham *rose*—

Kevin Hollinrake: I will give way briefly.

Alex Cunningham: I just want to make the point that my constituent fulfilled all the terms and conditions and maintained his payments, yet he has no recourse. I take the point about being able to make a complaint, but what happened should never have been allowed to happen.

Kevin Hollinrake: I agree, and there are many cases like that. I will talk about the redress processes shortly.

There are three elements to what we are discussing: the fraud itself, the potential cover-up of the fraud, and the review that supposedly provides justice for the victims of the fraud. There were finally convictions for the fraud in January 2017. Six people, including three former HBOS employees, were convicted of defrauding business customers over 10 years earlier. More than £250 million in total was defrauded, and the people who were guilty of the crimes got 47 years in jail.

Many people lost millions of pounds—in some cases, it was tens of millions—yet these issues did not come to light because of the regulators. They came to light because of individuals who were so persistent and determined; I am thinking particularly of Paul and Nikki Turner, journalists such as Ian Fraser, and Sally Masterton, who worked for Lloyds. Had it not been for them, the issues would never have come to light. Of course, their efforts have taken a great toll on them and come at great cost to them.

Peter Kyle (Hove) (Lab): I am sorry to interrupt the flow of the hon. Gentleman's speech. He has referred to the people who are in jail at the moment. One of my constituents was working for a company called Carrington. Through its dealings with those people who are in jail now, her company was forced into administration. Now, after 10 years of hell, the administrators are putting huge pressure on her to settle. Is it not wrong that she should be forced to settle before the establishment of an independent set of organisations that can adjudicate and ensure that she gets the justice that she deserves?

Kevin Hollinrake: Yes. The hon. Gentleman is absolutely right, and he touches on the human cost of these issues as well as the financial cost, which is critical. What we want to see, which I will come on to, is an opening up of all the cases that have been through the Griggs review by means of examination through a completely impartial arbitration process that will fairly adjudicate and arbitrate the claims.

As if the fraud were not bad enough, there was a cover-up. HBOS and Lloyds became aware of the issue from 2006 onwards. The current chief executive, António Horta-Osório, was made aware of the fraud as soon as he took up his post in 2011 by the Turners and many others. Famously, in September 2013, Sally Masterton, a senior risk officer at Lloyds Banking Group, on the instructions of her line manager, produced a report called the Project Lord Turnbull report. Its findings were shocking. There was a corporate strategy within Lloyds and HBOS to conceal the fraud, which caused substantial loss to shareholders and investors.

At that point, there was another opportunity for the bank to hold its hands up and say, "Right, enough is enough. Let's get all of this out in the open and get to the bottom of these issues." Did that happen? No, that is not what happened. Sally Masterton was suspended from her job and discredited to the Financial Conduct Authority. Scandalously, she was prevented from working with the police, despite being told that she was vital to the investigation, and then she was fired. The senior management did not make the report available to non-executive directors or the chair of the board for three years. Finally, last month, the bank reversed its position and confirmed that Sally had

"acted with integrity and in good faith at all times".

There were other elements of cover-up. Thames Valley police said that Lloyds had led them a "merry dance" in their £7-million investigation of these issues. There is evidence of a wider fraud, certainly from victims going through the Griggs review to whom I have spoken. They talk about other senior managers, including Paul Burnett, high risk managing director at HBOS Edinburgh, personally having involvement with HBOS Reading. HBOS compliance officers were embedded in the fraudsters' operations, and of course gagging orders are used across the board to prevent more disclosures from coming to light.

Let me move on to the review. It was supposed to be an independent review and was headed by Professor Griggs—that is why we call it the Griggs review. It was supposed to provide swift and fair compensation to the victims. However, the SME Alliance, which has done so much work for so many of the victims, instructed Jonathan Laidlaw, QC, who names among his clients the Bank of England, to review the review itself. He determined, in a short report, that the review is "procedurally defective", and its principles are "flawed and appear partial" to the bank's interests. That description is consistent with the experiences and stories of the victims. They have described the review to us as corrupt, disgraceful, one-sided and evincing an absence of due diligence, with manipulated documents and lies about evidence. Agreed payments are not met, and the process makes life as difficult and unpleasant as possible. These are victims of fraud.

Dr David Drew (Stroud) (Lab/Co-op): Will the hon. Gentleman add one more element, namely deliberate over-complication? It seems that this whole saga has been made so opaque that it is difficult to get to the bottom of what really happened. Does he agree?

Kevin Hollinrake: I totally agree with that. I will come on to the disclosure of evidence shortly, but the hon. Gentleman is absolutely right: the bank could have

dealt with this summarily many years ago, as soon as it came to light, but it chose not to. Why it chose not to is an open question.

The basic assumption of this review was laid out by Professor Griggs himself, who was quoted as saying that when he deals with these businesses, he is "invariably dealing with the financial equivalent of a car crash."

How can that be the basis for any judgment that these businesses were viable? The judge in the case stated that some "were capable of rescue" and that there was "deliberate mismanagement of these companies"

by the advisers—by the fraudsters. He added that there were "plunderings made from them", and that "fees and any useful assets"

were taken from them. Why would the review ignore a High Court judge? Only four of the 76 cases have been dealt with by means of a consequential loss. All the rest have been dealt with through distress and inconvenience—in other words, all those businesses were dud businesses. That is simply not statistically possible.

Colin Clark (Gordon) (Con): My hon. Friend is making a very forceful speech. This subject is close to many business people's hearts. Does he agree that because the bank has refused to pay for forensic accounting, victims are left powerless, even if the bank was willing to look at this? As he has just said, the bank simply labelled most of the businesses as failures. It is deliberately making it impossible for the victims to be heard properly with forensic accounting.

Kevin Hollinrake: My hon. Friend is absolutely right. It is completely one-sided. It means there is a complete imbalance of power in what is supposed to be an independent review, because the bank itself has phalanxes of advisers, whereas the victims clearly cannot afford to provide for the same number or calibre of advisers.

Offers are not made on an open basis; it is a take-it-or-leave-it offer. Imagine, Sir Christopher, that you have been stripped of all your assets over a period of 10 years. You are desperately trying to seek justice, and finally somebody offers you a cheque. Your only other option is to go to the court. What do you do? It is a take-it-or-leave-it offer. If you say, "Actually, I don't think that is enough," you get a secondary meeting, but there is no interrogation of the facts; it is simply take it or leave it. That is the nature of the review.

Mr Edward Vaizey (Wantage) (Con): I am grateful to my hon. Friend for calling this debate. In fact, I called a debate on this very subject 10 years ago, when my constituents Justin Riggs and Karl Capp told me how they were being treated by their bank. This is one of the biggest frauds to hit many hard-working small business people in this country. The simple point is that the bank, rather than hiding behind regulations and technicalities, should be giving generous and quick compensation to many people who have lost their businesses, because of a fraud that was covered up and hidden for years by senior members of that bank.

Kevin Hollinrake: My right hon. Friend is absolutely right. The levels of compensation should be determined by an independent third party, not by the bank itself, because there is no methodology. Nobody can contest the findings of Professor Griggs. There is no way of interrogating how he has arrived at a number. They

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simply say—I have heard this so many times from Lloyds directors—“Well, we settled most of the claims,” as if that is somehow an endorsement of the process. The fact is that the victims had no other option—no appeal process—other than going to court, which would have cost millions of pounds.

Victims cannot even get access to the evidence. In a normal court process there would be disclosure of evidence, so that they could see the evidence they are being judged against. There was no disclosure of evidence. Lloyds has found a better way, according to a letter it sent me on 20 September. It said it had “created an alternative approach” to disclosure, “to protect customers interests”. That is its approach. It is complete obfuscation.

Eligibility is determined by the bank itself. It decides who is eligible for the review and who is not by invitation only. Only directors get to decide, not shareholders or suppliers, nor Her Majesty’s Treasury, which must have lost a lot of money through this process in respect of tax. It only dealt directly with the individuals who were convicted, not their deputies or other people who may well have been involved in the fraud. This is not an independent review. Professor Griggs is paid by the bank. His remit is determined by the bank. I have seen evidence that determinations he has made have been overruled by the bank.

This is in no way an independent process. Of course, everybody who goes to it is subject to a gagging order. The bank provided us with confirmation that clause 4 in its settlement agreements does not prevent victims talking to it or to the press. However, I have seen another agreement, completely different from the one the bank provided to the Treasury Committee, which contains extra clauses that do prevent these victims speaking to the press or to the authorities. Justice must be seen to be done. Lloyds bank is the judge, jury and executioner. The all-party parliamentary group on fair business banking and finance, of which I am now co-chair, said right from the start that this is the wrong way to deal with the process, but Lloyds pushed on anyway.

Moving on to a solution to these problems, the APPG believes that all cases—anybody who has been subject to the Griggs review—should be re-examined through a completely independent process. The APPG has recommended a financial services tribunal, which would judge cases based on a fair and reasonable test, with one-way cost shifting, so the banks cannot simply keep people out of court by writing huge cheques out to their own lawyer. That would mean that people would get an independent examination of their case. Victims can then get compensation and move on.

We believe that a tribunal is required, with an arbitration process for past claims. There have been four different reviews this year of how we can fill this gap, make this process fairer and get back to a more balanced situation, with restitution and redress. Three of those reviews recommended a financial services tribunal, as we do. The one report that did not was sponsored by the banking industry itself and it simply says that we should increase the powers, remit and jurisdiction of the ombudsman schemes. While that is a good step forward, we do not feel that it is enough.

That addresses compensation, but we need to go further. We need to change the culture in the whole sector, as the hon. Member for Ogmore (Chris Elmore) said. In terms of the Lloyds management, I do not see how the position of the chief executive, António Horta-Osório, is tenable. Given the way that the effective whistleblower has been treated, the way this has been covered up and the way that the process has been deliberately partial, I do not see how the Lloyds management have been consistent with the behaviour required under the senior managers regime. I think António Horta-Osório should resign. I also think he should face investigation under the senior managers regime.

Finally, the Financial Conduct Authority itself—our regulator—has many questions to answer. Why did it approve the scheme? Did it approve the scheme? We have heard conflicting evidence on that. It is a national disgrace that Lloyds has been allowed to operate this sham of a review process. Andrew Bailey himself has questions to answer. Why did he allow the process to continue? Why was he not aware of the patent defects in the process? Nevertheless, the FCA should take charge and undertake an investigation of the senior management under the senior managers regime.

We in this place are defenders of free markets. For me, this is the most important issue that any of us will ever deal with. Certainly, as far as I am concerned, I cannot rest until the matter is settled. My life has been transformed through the opportunities of free markets. In the main, the bankers I have dealt with over 25 years have done a tremendous job—a fair job—to help my business to thrive through some difficulties. I was one of the lucky ones. Not all bankers are the same. Most people in the industry are decent people trying to do the right thing, so it is even more important to hold those who are not to account. We have to make sure that everyone has the opportunities that I have had—that we have had—including all our children and grandchildren. We must all demand, for the sake of the victims, that justice is done and is seen to be done.

4.50 pm

Martin Whitfield (East Lothian) (Lab): It is a pleasure to serve under your chairmanship, Sir Christopher. I thank the hon. Member for Thirsk and Malton (Kevin Hollinrake) for securing the debate. I echo his concerns about the failure of the Griggs review and whether it really provides an outcome for the victims of this terrible fraud, many of whom have suffered far more losses than just financial ones.

The Griggs review was established to offer fast and fair compensation to the victims, but its reality is very different. The all-party parliamentary group on fair business banking and finance has received many representations, as have I, that have described it as a farce, a cynical whitewash and, above all, not fit for purpose, because it is an internal scheme with complete control held by the bank.

We have seen that tactic time and time again in the financial industry. It establishes an internal compensation scheme and conducts an internal investigation to give an illusion of accountability, when the reality is that it can maintain significant control with minimal independent oversight. That is evident from the Dobbs review, which was intended to establish whether issues relating to the HBOS Reading fraud were properly investigated and

appropriately reported to the authorities, and whether individuals in the Lloyds Banking Group deliberately tried to conceal or cover up information relating to the fraud. Although we are not questioning the integrity of Dame Linda and her team, the fact remains that they operate within the scope and parameters set by the bank, and they do not have the statutory powers required for a robust and thorough investigation of the matters.

Worryingly, as has been mentioned, the review will consider events only between 2009 and 2017, thereby ignoring the damning conclusions of the Turnbull report, which states that the cover-up of the fraud commenced as early as 2005. There will also be no interim report and the findings might not even be published. Lloyds bank must ensure that the findings are made public, otherwise the public and Parliament will simply not have confidence in the review.

That still leaves some important questions. Where are the regulators and the investigative agencies in that? The Financial Conduct Authority, the Serious Fraud Office and others seem comfortable to simply outsource their regulatory responsibilities to the organisations being investigated. In a recent letter to the hon. Member for Thirsk and Malton, the director of the SFO, Lisa Osofsky, stated that it would not be appropriate for the SFO to comment on those matters, given the work that is currently being undertaken by the National Crime Agency and the Dobbs review. It cannot be acceptable that the organisations responsible for investigating fraud at the highest level are content to allow the bank that is under investigation to set the parameters and scope of their investigations. That cannot be right.

UK Finance has recently announced that the industry has agreed to establish a new ombudsman scheme for larger small and medium-sized enterprises with a turnover between £6.5 million and £10 million and a balance sheet up to £10 million. The APPG has written to the Minister with several concerns about the proposals. Crucially, there will still be a gap in accessing justice for those businesses with larger claims above £600,000. The FCA's consultation on SME access to the Financial Ombudsman Service clearly shows that an award limit of £600,000 would exclude 41% of complainants because their claims would be above that level. The activities of the Global Restructuring Group were upwards of £1.7 million, so the limit would mean that a lot of people would not gain access to justice. Other people watching and experiencing that are questioning the responsibility of our banking system.

We require an independent mechanism for resolving such disputes that can decide cases on a fair and reasonable basis, capture unregulated entities, force the disclosure of information and the attendance of witnesses, and make those decisions in the public domain. That is what a financial services tribunal could do. I am afraid that I believe that is the only mechanism that would give businesses the confidence they require to borrow, that would give justice to those people who have come here today and who are watching outside this place, and that would put the banks back where they belong—as cornerstones of our communities.

4.55 pm

Jim Shannon (Strangford) (DUP): I congratulate the hon. Member for Thirsk and Malton (Kevin Hollinrake) on securing the debate. He has been really engaging on

the subject and he has been thorough in his investigation. We all appreciate his efforts. It is also a pleasure to follow the hon. Member for East Lothian (Martin Whitfield), who made a valuable contribution to the debate. The hon. Members who are present are the ones who are usually present when there is a debate to do with banking. It is also good to see the Minister in his place. We have met and discussed these matters on many occasions. We have had copious correspondence—maybe enough to destroy a rainforest in Brazil or something, the letters have been so numerous. It is important that we discuss these matters and bring them forward.

I am conscious of the time, so my comments will be brief. I want to talk about the key point of the debate, which, for me, is in the final substantive paragraphs of the Minister's letter of 3 December to the hon. Member for Thirsk and Malton. The letter states:

“From conversations, meetings, and debates over the course of my tenure, I have seen that there are a number of businesses who feel that they have not already had access to a process which can address their complaints. This is why I am glad that the banking industry propose to put in place a method of addressing unresolved historic cases. Established independently of the banking industry, and overseen by a former senior judge, the scheme to consider these cases will make decisions on a ‘fair and reasonable’ basis, be adequately resourced to deal with more complex disputes, and operate in a transparent manner. The industry have also committed to producing proposals on the implementation of the voluntary scheme for future complaints from larger businesses, and I look forward to the next steps in this work. I trust that you welcome these developments, and will continue to work constructively with UK Finance on the delivery of these schemes by September 2019.”

I have two observations on that letter, which I hope the Minister will take note of. My first observation was expressed in part of my published statement that went to *The Times*' journalist James Hurley last week, on Monday 3 December, following the publication of the UK Finance report. The article states:

“The Democratic Unionist Party”—

which I am privileged to be a member of, and which has been clear about where it stands—

“is among those who still believe a tribunal is needed.”

I was quoted as saying that my concerns about UK Finance's exclusion of the tribunal were

“compounded by the legitimate concerns of many SMEs about the independence of past bank-led redress processes”.

This debate is founded on exactly that concern about the Griggs review. Many right hon. and hon. Members have already spoken, and probably will speak, here and elsewhere about the substantive evidence on that matter, including legal opinion, as referenced in *The Times*. I will return to that shortly.

My second observation is that the Minister clearly believes that the APPG on fair business banking and finance is being actively involved in the process of the development of these schemes with UK Finance. Page 4 of the UK Finance report states:

“UK Finance has been working with member firms, the Government and regulatory authorities to consider the proposals set out in the Walker Review and to consider how the industry can address the important issues raised.”

There seems to be an undertaking and a willingness from the Minister to do that. UK Finance refers to working with the Government, but, respectfully, that comment does not seem to underpin any active recognition or involvement of the APPG and parliamentarians in the development of the process. The hon. Member for

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Thirsk and Malton has put that forward clearly in his correspondence. It is my view and that of the Democratic Unionist party that it is a fundamental error to exclude parliamentarians and that it will not help the development of a sound, independent solution. So we look to the Minister to address that issue. He appears to share my view and that of many others that the APPG and other parliamentarians should be actively engaged with UK Finance in compelling a fair solution. When he responds today in this debate, I urge him to reinforce his position for the public record in *Hansard*.

Finally, I come to my key point. Let me put it to the Minister today that we need a decision in his response to this debate on independent redress. Will the Government fully support the involvement of a truly independent public body—the Chartered Institute of Arbitrators—as central in these voluntary redress schemes? For the DUP and—I believe—the public interest, that makes considerable sense, and should both allay SME victims’ legitimate concerns and receive public support from UK Finance, as the institute will be truly independent and competent in considering this subject matter.

The institute would be available for all the historical cases and would be an available choice for complainants in the future, where they prefer not to proceed to an ombudsman for cases below the £600,000 limit, inclusive of the maximum claim limit of £100,000 in consequential damages. So a three-person tribunal is what we are seeking. It could hear cases with an upper compensation limit of the £10 million set out in the APPG’s position statement on 14 November. That is what I would like to see and I believe that is what the hon. Members for Thirsk and Malton and for East Lothian want to see. Indeed, I believe that it is what all of us in this Chamber want to see.

I look forward to hearing the Minister’s affirmative response in support of the Chartered Institute of Arbitrators today, so that we can all—please—move forward with confidence and belief that we can actually get somewhere, and so that this particular subject of truly independent redress is finally behind all of us.

I am very conscious of some of the headlines that we have seen recently, such as “Lloyds’ compensation scheme ‘defective’”. The article continued:

“A compensation scheme set up by Lloyds Banking Group for small business owners ruined by a banking fraud has been labelled ‘defective’, based on a ‘flawed’ methodology and ‘partial’ to the bank’s interests.”

It went on to say:

“Legal advice prepared...says that...the level of compensation being paid out ‘gives rise to a real sense of injustice’.”

I will finish with a last comment. The ombudsman-led approach would ensure that small businesses were able to challenge the banks for their past mistakes, while also protecting them in the future, and without the added costs of a tribunal. That is why I believe that it would be the best approach to rebuild trust between business owners and their bankers.

I support what the hon. Member for Thirsk and Malton has put forward and I seek a positive response from the Minister; I am sure that it will be forthcoming. However, after all these years of ill-doing—for want of a better word, and I am trying to be very careful with

my words—or wrongdoing against people, almost putting them to the wall in banking deals, what I want to see, and what I think our constituents want to see, is a compensation scheme that fully enables people to seek full redress for what they have lost. Those who carried out these despicable acts also deserve to be made accountable for their indiscretions and criminal behaviour.

5.3 pm

Kirsty Blackman (Aberdeen North) (SNP): Thank you very much for chairing this debate, Sir Christopher, and I thank the hon. Member for Thirsk and Malton (Kevin Hollinrake) for securing it.

As the hon. Member for Strangford (Jim Shannon) suggested, this is a debate that we have had a few different times on a few different but related topics. I also thank the hon. Member for Thirsk and Malton for his diligence and for continuing to raise these issues. I hope that he continues to do so until we get a suitable resolution, preferably from the Government taking action in relation to this issue.

I will just say a few things from the point of view of the Scottish National party and explain our position on this issue. However, I will start by saying that it is absolutely necessary for the economy that banks lend to small and medium-sized enterprises, and it is absolutely necessary for the economy that SMEs can have a good relationship with banks, but that is never going to happen if banks are not trustworthy and are not proving themselves to be trustworthy. If there are issues such as the one that we are considering, the best thing that banks can do is to be as transparent as possible about past issues, to make it clear that they cannot possibly happen again in the future. And if banks such as HBOS-Lloyds were to do that, it would be less likely that other banks would do similar things in the future and make the same mistakes. So, the transparency issue is important on many levels, not least for gaining the support of the public and SMEs for banking institutions.

The way that the cover-up has happened, and the lack of transparency, has meant that the pain has been elongated for those people who have gone through this process. Instead of the banks holding their hands up and saying, “Yep, we made a number of mistakes; here they are and here is the redress that you deserve”, they are trying, at almost every opportunity, to hide things. I do not think that is a very sensible way forward for the banks.

The hon. Member for Thirsk and Malton mentioned some of the people who had come forward and who had to work incredibly hard, in order to have their voices heard and their problems raised. I will just take this opportunity to thank those people, too, for the hard work that they put in to make sure that these issues saw the light of day, albeit not yet in the way that we would have liked them to see the light of day. Nevertheless, those people have worked incredibly hard to bring that about and I thank them for it.

The SNP has been clear that we want to see as much transparency as possible in the internal review documents that have been produced, which means ensuring that they are published so that we can see the full position. I know that there are issues about the positions taken in the internal review, but the more of those documents that are published, the better the access to justice there can be for those people who are campaigning.

I will also highlight the fact that the decisions that were taken around a lack of transparency have meant that the public purse has had to pay a disproportionately high cost in relation to this issue. It has meant that any investigations that have taken place have cost more money than they should, because the evidence that was requested has not been provided to them. That is a pretty damning indictment.

The other major issue that I will highlight is the pressurising of people to settle and to sign non-disclosure agreements, which is an abhorrent practice; it just should not happen. To ensure transparency in the future, it is really important that people are able to talk about what happened to them, so that it cannot happen again to anybody else and so that people are not allowed to get away with committing fraud such as this again.

The SNP has called for several policies that would help in the future on this issue. We have repeatedly called for the reinstatement of the reverse burden of proof; the SNP has been incredibly strong on that. Our manifesto also talked about strengthening whistleblowing legislation for those people working in banking organisations, and I will continue to make the case to the Minister that the existing legislation needs to be strengthened.

Lastly, we have pushed hard for a permanent commercial financial dispute resolution platform, an argument not dissimilar to the cases that have been made today. It is so important that SMEs and those individuals whose lives have been ruined do not have to go through an immoral and financially unviable court process to get the redress they should receive, and the Government can take action on that today.

5.8 pm

Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): Thank you, Sir Christopher, for calling me to respond to this debate for the Opposition.

I also thank the hon. Member for Thirsk and Malton (Kevin Hollinrake) for securing the debate and for his work in chairing the all-party parliamentary group on fair business banking and finance, as well as for all the APPG's continued efforts on this matter; its commitment to securing justice for victims of banking fraud is commendable and important.

The hon. Gentleman, along with some other Members—especially my hon. Friend the Member for East Lothian (Martin Whitfield) and the hon. Member for Strangford (Jim Shannon)—outlined clearly the challenges that people face in making sure that the victims of this scandal receive the redress they deserve through the current compensation scheme.

The actions of HBOS Reading and the then head of the impaired assets division and its corrupt partners were absolutely disgusting. I have read the accounts several times, but each time I reread the testimonies of the victims in advance of a debate such as this one it gives me a sense of rage. I find the injustices and the cynical destruction of other people's lives unconscionable.

At a minimum, we must offer proper redress to those affected. It should not have been down to those victims to force action to be taken, but unfortunately that is not what we have heard today. Instead, we have heard about the difficulty in appealing against compensation decisions; about the lack of clarity and transparency over decisions; about documents that underpin judgments being hidden

from victims; and about a fundamental lack of accountability and independence. Lloyds must explain how it plans to address those ongoing and legitimate concerns. I would like that response to be sent to the hon. Member for Thirsk and Malton and for Members present today to be copied in.

The number of contributions today, as well as their depth and detail, shows how pertinent and urgent the matter continues to be. It is important that it does not fall off the agenda, given the political situation, but I do not think it will, looking at the Members present today. We all have a responsibility to keep up the pressure to ensure that victims' voices are heard. We are talking about much more than financial losses. Victims lost entire livelihoods, their health and, in some cases, their relationships on the basis of what happened to them.

Ten years on from the financial crisis, it is widely agreed that too many people were able to walk away from the serious damage they caused without any form of personal censure. It is clearly a good thing that the perpetrators of the fraud were brought to justice, and Thames Valley police deserves quite a lot of credit for that, as do Paul and Nikki Turner. Without securing a fair outcome for the victims, however, we have no hope of properly rebuilding trust between businesses and their banks in the long term.

Research shows that frighteningly low numbers of small businesses trust their banks to do the right thing by them, and we have to look at how we can improve that trust. We need to restore confidence that there is a level playing field for businesses when they find themselves in conflict with their banks, especially if those working at the bank have committed fraud, as was true in this case. All that makes it even more important that we agree a comprehensive package to properly address the legacy banking scandals that this country faces.

We can rebuild trust in business banking. We need a full public inquiry into all the scandals. We need an independent tribunal system for SMEs. Lastly, we need a much better and more robust system to protect and enable whistleblowing. I will briefly reiterate the case for each of those.

The first step has to be securing proper redress for SMEs that have been mistreated by their banks. Scandals such as this and RBS GRG, which we have all been present to debate in the past, have seriously dented confidence in our banking sector. That is why we have always called for a full public inquiry so that victims can get proper redress. Many colleagues in this room have argued for the same. It is not just about getting to the bottom of who was responsible for such scandals; it is about examining the wider systemic issues that allowed these events to take place. I was struck by the right hon. Member for Wantage (Mr Vaizey) making the point that he raised these issues 10 years ago. It is simply too important for us to sweep them under the carpet without securing the ability to say to people, "This will never happen again."

In terms of disputes, part of the problem is definitely that the gap is too big between the Financial Ombudsman Service for individuals and the full legal process for very big firms. We have all seen the recent report from Simon Walker, alongside the response from UK Finance, arguing that an expanded Financial Ombudsman Service would be sufficient to meet that need. As the Opposition, we believe that, given the severity of the damage done in such cases, we need to go further.

[Jonathan Reynolds]

We support the proposals from the all-party group on fair business banking and finance to establish an independent tribunal to help create that level playing field between businesses and their banks. That is also supported by the Treasury Committee, as outlined in its report on SME finance published on 26 October. We share the Committee's ultimate conclusion that an independent financial services tribunal is needed to handle more complex disputes, complementing the expansion of the ombudsman's remit. In our experience so far with voluntary redress schemes, they have been beset by issues. We would not be here today if such schemes were sufficient to meet the need. Ultimately, I do not believe we can convince our constituents that the industry is in a position to self-regulate. That is why an independent tribunal system is necessary.

Lastly, a potential answer could lie in exploring our approach to whistleblowing in financial services in this country. We have to look at why the fraud took so long to uncover and how we can improve internal systems and processes to stop such things ever happening again. The hon. Member for Thirsk and Malton raised a specific example of how a whistleblower was treated in this case. In the US, the Dodd-Frank Act, introduced as a central piece of post-financial crisis legislation in 2010, is a demonstration of how much more robust the whistleblower protection framework could be. Whistleblowers are entitled to awards if their information leads to enforcement action. It is structured in such a way as to disincentivise false reports and to provide protection in the event of dismissal. The UK legislation, on the other hand, is much thinner. While the Financial Conduct Authority can assist whistleblowers under the Public Interest Disclosure Act 1998, that has not been enshrined in financial regulation in the way Dodd-Frank has been used in the US. There is a case for examining whether specific financial services whistleblower protection could be a starting point in seriously improving conduct in banking from the inside out.

In conclusion, if we are to restore trust in UK business banking, two outcomes must be achieved. First, we must ensure that the victims of the HBOS scandal get proper redress for the damage done to their businesses and livelihoods as a result of the appalling conduct by individuals who worked in the bank. The same is obviously true for victims of the RBS GRG scandal. The second responsibility we all share is to ensure that such a flagrant abuse of the bank and business relationship can never happen again on such a scale. The combination of a full, comprehensive public inquiry with a broad enough scope to capture the full breadth of victims, the establishment of an independent financial services tribunal and a radical rethink of how we treat whistleblowers could begin that process. The victims of this scandal were badly let down. I want to be able to stand here and say that they will all get justice and that this can never happen again.

5.15 pm

The Economic Secretary to the Treasury (John Glen):

It is a pleasure to serve under your chairmanship, Sir Christopher. I acknowledge the work of my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) in securing this debate and making an

excellent speech, as he has done on several occasions this year in this place, and setting out a case that was well reasoned in many elements. I also pay tribute to the hon. Members for Strangford (Jim Shannon) and for East Lothian (Martin Whitfield), who made fine contributions to the debate.

As we have heard today and in previous debates this year, incidents of banking misconduct and fraud have had a severe impact on some small and medium-sized enterprises. It has been and remains a top priority of mine in office to face up to the issues that have been generated by the cases that have been raised. I am conscious that many of the eight Back-Bench Members who have taken part in this debate will have heard sad and unfortunate stories from their constituents about how the actions of banks have affected them and their businesses. That includes not only the events at HBOS Reading, but the actions of the RBS Global Restructuring Group and the mis-selling of interest rate hedging products.

I begin by reminding Members that we expect the highest standards of behaviour across the financial sector. That is why the Government have introduced a number of necessary changes to restore public trust in financial services, such as the senior managers and certification regime. Before I address the substance of today's debate, it is important that we pause for a moment to recognise the contribution that banks make to both the UK economy and our society. As the hon. Member for Aberdeen North (Kirsty Blackman) rightly said, it is necessary for banks to lend to SMEs. Lloyds Banking Group has, for example, increased its net lending to SMEs by £3 billion since 2014 and plans to triple that by 2020. Lloyds is the market leader in providing basic bank accounts, which help vulnerable customers, and its "Helping Britain Prosper" plan sets out a number of commitments on behaviour, diversity and charitable support.

However, I recognise that there has been a great deal of justified anger, within Parliament and beyond, regarding the fraud that was perpetrated against small businesses through the actions of individuals at the HBOS Reading branch. It is important to remember that the events at HBOS Reading constituted criminal activity. As such, it was right that those responsible were brought to justice, as my hon. Friend the Member for Thirsk and Malton pointed out. The FCA continues to conduct an enforcement investigation into the events surrounding the discovery of misconduct at HBOS Reading, resuming an investigation placed on hold at the request of Thames Valley police. I will be keenly following the progress and outcome of the investigation.

In addition, Lloyds Banking Group has appointed Dame Linda Dobbs, a retired High Court judge, as an independent legal expert to consider whether issues relating to HBOS Reading were investigated and appropriately reported to authorities at the time by Lloyds Banking Group, following its acquisition of HBOS. It will consider issues raised by the Project Lord Turnbull report referred to by my hon. Friend. Dame Linda's findings will then be shared with the FCA.

It is right that Lloyds set up a compensation scheme for businesses affected by the events at HBOS Reading, overseen by Professor Russel Griggs. That scheme has seen offers made to all customers within its scope, with 90% of customers accepting the offer. However, I acknowledge the concerns that Members have raised

about the Griggs scheme. Those concerns have certainly been heard, and I am pleased to announce that Lloyds has agreed with the FCA that Lloyds will commission a post-completion review to quality-assure the methodology and process of the Griggs scheme. *[Interruption.]*

Overseen by an independent person, that review will go above and beyond a normal lessons-learned exercise. The independence of the person appointed to lead the review is vital. In particular, I would expect that person not to have been employed by Lloyds in any way, and to be able to demonstrate complete operational independence from Lloyds. I am pleased that Lloyds has committed to publishing the review once it has concluded, and I welcome Lloyds' commitment to implementing any recommendations it produces. I have been consistently clear that it is vital that we get the right processes and procedures in place, to ensure that SMEs can obtain fair redress and resolve disputes with their banks.

Mr Vaizey: I know that my hon. Friend the Member for Thirsk and Malton (Kevin Hollinrake) will wind up the debate, so I feel a bit premature intervening on the Minister, who is a good friend. However, he will have heard the reaction in the Gallery to his announcement. It seems to me that it is just a re-wrapping of the current problem. Perhaps he will meet some of the Members in the Chamber, and some of the business owners affected, to hear and see what has actually been going on.

John Glen: I will happily meet my right hon. Friend—a distinguished former Minister who has been fighting on these matters for many years—and my hon. Friend the Member for Thirsk and Malton. Of course I acknowledge the cynicism and concern of those present about the independence of this mechanism, but, as I said, Lloyds has committed to publishing the independent review once it is concluded and implementing any recommendations that it produces. My officials have been working with the FCA to ensure that that comes to pass. I take the concerns about how it progresses very seriously, and will happily meet Members to discuss them.

In the recent Budget, the Chancellor stated the Government's support for the FCA's plans to expand eligibility to complain to the Financial Ombudsman Service to small businesses as well as micro-enterprises. Expanding the remit of the FOS will ensure that from 1 April 2019 well over 99% of all UK businesses will have access to fast, free and fair dispute resolution. I am aware that concerns have been raised about the capability of the FOS to adjudicate effectively in such cases, and I discussed those concerns with the Chair of the Treasury Committee just last week.

The FOS has announced its plans to create a ring-fenced, specialist unit to take on the additional cases, and for that unit to be supported by a panel of external SME experts. I welcome those plans, and I will visit the FOS early in the new year to check on how they are progressing. The FCA has also committed to reviewing the expansion of the FOS remit within two years of its coming into force, in addition to its usual oversight processes. I trust that that will reassure some hon. Members who have voiced concerns about the capability of the FOS.

I have also been clear that banks need to work hard to restore businesses' trust in their institutions. That is why I welcome the banking industry's recent commitment to establishing two independent voluntary ombudsman

schemes, in response to Simon Walker's review of dispute resolution for SMEs. One of those schemes will address complaints from SMEs with a turnover of £6.5 million to £10 million. The other will address unresolved historical complaints from SMEs that have not already been through a formal process.

I am pleased that the banking industry has set out the key principles for the operation of the scheme to address unresolved historical complaints. Independence, expertise, transparency and the right to an appeal are all hallmarks of a fair and robust process, and it is right that they underpin any approach to dispute resolution. I welcome the banking industry's commitment to having those schemes up and running by September 2019. I look forward to seeing progress on establishing the implementation steering group very soon, and I am pleased that representatives from the all-party parliamentary group will have a role in that process.

The benefits of an ombudsman-style approach are clear, but I recognise that some hon. Members have advocated again today for the establishment of a tribunal to resolve disputes between banks and SMEs. An ombudsman-style approach can deliver fast, free and fair dispute resolution for SMEs, making decisions based on what is fair and reasonable. I believe that a tribunal, on the other hand, would need the regulation of SME lending, potentially restricting SMEs' access to credit. It would still require SMEs to pay for expensive legal expertise, and it could make decisions only on a strict legal basis. That is why I believe that an expanded FOS remit, alongside the establishment of further independent ombudsman schemes as announced by UK Finance, will ensure the best outcomes for SMEs.

I highlight again that the Government, financial regulators and industry have done considerable work to tackle bad practice and to ensure that SMEs have access to appropriate dispute resolution and redress mechanisms. The all-party group on fair business banking and finance has been a key part of that work, and I sincerely commend its determination in the work that it has undertaken to ensure that SMEs are fairly treated.

The events at HBOS Reading constituted criminal activity. As such, it was right that those responsible were brought to justice. However, more clearly needs to be done to restore SMEs' trust in the financial services industry. From the numerous meetings that I have had this year with a wide range of stakeholders, it is clear that we are all determined to deliver the best outcomes for SMEs.

I will closely follow the review of the Griggs scheme. I understand the concerns, but it is a significant step forward that that review will take place, and I will monitor the implementation of both the expanded FOS remit and the industry's independent voluntary ombudsman schemes. I am confident that we have the right regulatory regime and dispute resolution mechanisms in place for the future. Events similar to those at HBOS Reading should not occur again, and I will do everything in my power in office to ensure that we learn the lessons from those appalling incidents years ago.

5.27 pm

Kevin Hollinrake: I thank the Minister for his comments. I hope the people watching the debate, either in the Gallery or at home, understand that they have many

[Kevin Hollinrake]

friends in Parliament who want this issue to be dealt with. I know that he does as well. There is such universality of support for dealing with it properly that we will get there in the end, although we are not yet where we need to be.

I appreciate that the Minister is going further than others have gone in the past. Nevertheless, people will be sceptical about the ability of a bank or an independent reviewer, as he called it, to look at the issues and to provide proper redress and a proper method of investigating the complaints. I tried to illustrate in my speech that it was not just about fraud, but about how the corporation itself sought to suppress evidence and a proper investigation of the issues. People are simply not going to accept that anything done voluntarily is fit for purpose.

The Minister is right that I think that a tribunal is the right way forward, rather than simply expanding the ombudsman scheme. For historical cases, it sets a limit of £350,000 as compensation, but every case we deal

with is over that figure, so that does not go anywhere near addressing our concerns. It is not the compensation scheme that we need.

I also do not accept that small business lending will suffer if we have more regulation. We simply need a fair and reasonable test for deciding the claims. Ireland introduced regulation for small business lending a few years ago, and its lending has increased significantly since then, so the Minister's fears are misplaced. We need to ensure that small and medium-sized business interests, which are the most critical interests to our economy, are protected and supported through the process.

Question put and agreed to.

Resolved,

That this House has considered the independent review of HBOS Reading.

5.30 pm

Sitting adjourned.

Written Statements

Tuesday 18 December 2018

BUSINESS, ENERGY AND INDUSTRIAL STRATEGY

Brydon Review of Audit Standards

The Secretary of State for Business, Energy and Industrial Strategy (Greg Clark): Today, Sir John Kingman has published the final report of the Independent Review of the Financial Reporting Council (FRC) and the Competition and Markets Authority (CMA) has published an interim report on its market study into the audit market.

The independent review of the FRC is a comprehensive analysis of the effectiveness of the regulator for audit and accounting, and the Government will take forward the recommendations set out in the review to replace the FRC with a new independent statutory regulator with stronger powers.

The CMA's interim report on its study into the statutory audit market makes recommendations to improve competition and increase capacity in the audit market. This is central to improving audit quality and I now look forward to the publication of the final report.

There is also a need to consider the standards expected of audits, including whether auditors are assessing the right information, and utilising the right technologies. This question was first raised by industry itself, who proposed a review to look at the future of audit. However, audit reports are prepared for the benefit of shareholders and investors, and it is critically important that they are involved in shaping the future of audit.

This is why I am today announcing a Government-commissioned independent review to consider how to improve audit effectiveness. I have asked Donald Brydon, chairman of the London Stock Exchange Group and Sage Group, to chair this review.

This new review, building on the work of the FRC and CMA reviews, will now consider audits as a product and what the future, standards and requirements should be for audits in the future. To ensure the UK's audit sector remains world leading by constantly looking to upgrade standards, the Brydon review into UK audit standards will consider:

How far audit can and should evolve to meet the needs of investors and other stakeholders, putting the UK at the forefront;

How auditors verify information they are signing off;

How to manage any residual gap between what audit can and should deliver; and

What are the public's expectations from audit.

The new review will also test the current model and ask whether it can be made more effective as well as looking at how audit should be developed to better serve the public interest in the future, taking account of changing business models and new technology.

[HCWS1193]

TREASURY

Public Spending

The Chief Secretary to the Treasury (Elizabeth Truss): HM Treasury, along with all of HM Government, are committed to ensuring that we make a success of EU-exit. At Autumn Budget 2017, my right hon. Friend the Chancellor of the Exchequer committed £3 billion to help Departments and devolved Administrations make necessary preparations for EU-exit in 2018-19 and 2019-20; this was subsequently increased by £0.5 billion in the 2018 Budget, meaning the Government have invested over £4 billion in preparing for EU-exit since 2016. Working with colleagues across Government to deliver on the referendum while protecting jobs, businesses and prosperity and to support Departments in planning for EU-exit, HM Treasury has allocated the following funding to Departments for the financial year 2019-20:

Department	£m(*)
Attorney General's Office	3
Cabinet Office	59
Competition and Markets Authority	20
Department for Business, Energy and Industrial Strategy	190
Department for Culture, Media and Sport	30
Department for Environment, Food and Rural Affairs	410
Department for International Trade	128
Department for Transport	25
Department of Health and Social Care	50
Department for Work and Pensions	15
Food Standards Agency	16
Foreign and Commonwealth Office	45
HM Revenue & Customs	375
HM Treasury	35
Home Office	480
Ministry of Defence	12
Ministry of Housing, Communities and Local Government	35
Ministry of Justice	30
Northern Ireland Office	1
Office for National Statistics	2
Police Service of Northern Ireland	16
Scotland Office	0.3
Single Intelligence Account	3
The National Archives	2
The Supreme Court	1
Wales Office	0.3

This has generated the following Barnett consequential for the devolved Administrations:

	£m(*)
Northern Ireland Executive	20
Scottish Government	55
Welsh Government	31

*Numbers rounded to the nearest million unless otherwise stated

[HCWS1205]

ENVIRONMENT, FOOD AND RURAL AFFAIRS

Bovine TB

The Minister for Agriculture, Fisheries and Food (George Eustice): Today I am updating the House on the implementation of the Government's strategy to eradicate bovine TB in England by 2038.

Bovine TB remains one of the greatest animal health threats to the UK, causing devastation and distress for hard-working farmers and rural communities. We are therefore continuing to take strong action to eradicate the disease.

Professor Sir Charles Godfray's independent review of the strategy highlighted a number of potential further actions while noting the level of challenge associated with eradicating bovine TB. We continue to consider the review's advice in detail and will publish a formal response in due course.

In the meantime, I am today announcing plans to enhance biosecurity on farms and when trading, introducing earned recognition into our testing regime and inviting further applications to our badger vaccination grant scheme. I am also reporting on the outcome of 2018 badger control operations. All of the cull areas satisfied the level of badger removal that was required by their licence conditions.

Our joint industry-Government biosecurity progress report has been published today. As part of our commitment to improving this important element of our wider TB strategy we will be investing £25,000 to improve the TB hub website which is hosted by the Agriculture and Horticulture Development Board and which provides farmers and others with practical biosecurity advice. Furthermore, early next year we will carry out our first ever TB farm practices survey which will help us to get a better understanding of the extent to which biosecurity and other farming practices currently contribute to our efforts to control bovine TB.

Since January 2018 many herds in the edge area of England have been subject to six-monthly surveillance testing. From May 2019 we will give recognition to herds that have managed to stay clear of bovine TB restrictions in the last six years and herds that have achieved accreditation based on standards laid down by the Cattle Health Certification Standards body. We hope allowing these lower risk herds to revert to annual testing will incentivise others to take steps to reduce their TB risks.

There is broad scientific consensus that badgers are implicated in the spread of TB to cattle. This year, effective, licensed badger removal operations were completed by local farmers and landowners in 11 new areas and 19 existing areas. Alongside our robust cattle movement and testing regime, this will allow us to achieve and maintain long term reductions in the level of TB in cattle across the south-west and midlands, where the disease is widespread. The pace at which farmers and landowners came together to deliver an effective badger removal operation in Cumbria, part of the TB low-risk area, alongside enhanced cattle measures, has given us the best opportunity to stamp out the disease in this hotspot.

Badger BCG vaccination can provide a level of protection against disease and has a role to play in limiting TB spread to healthy badger populations. Therefore, a second round of applications for the "badger edge vaccination scheme" is now open, with grant funding available to private groups wishing to carry out badger vaccination in the edge area of England. Groups will receive at least 50% funding towards their eligible costs. This builds on the three initial four-year projects we have funded, which successfully carried out badger vaccination in 2018.

We remain determined to implement all available measures necessary to eradicate this devastating disease as quickly as possible.

[HCWS1195]

Resources and Waste Strategy

The Secretary of State for Environment, Food and Rural Affairs (Michael Gove): Today I am publishing the new Resources and Waste Strategy for England.

In the 25 Year Environment Plan, the Government pledged to leave the environment in a better condition for the next generation. Our ambitious new strategy will help us meet that commitment and sets out how we will eliminate avoidable plastic waste and double resource productivity. We will go further and faster to reduce, reuse and recycle and support the move away from being a 'throw-away' society.

Businesses and manufacturers have a key role to play. Our reforms will make certain that both the responsibility for and the cost of recycling or disposal of post-consumer packaging sits fairly and squarely with producers and not taxpayers. The money raised will be used to boost household recycling and make sure that any packaging used is recycled and disposed of properly. This will complement a tax on plastic packaging with less than 30% recycled plastic, announced in the Budget, which will stimulate demand for recycled plastic.

These reforms, and others, will be complemented by improvements to local authority collections systems. Householders want to recycle more, but materials collected for recycling vary from council to council and people are confused. This strategy will tackle this and we will consult shortly on legislating to allow Government to specify a core set of materials to be collected by all local authorities and waste operators at the kerbside, and supporting comprehensive and frequent rubbish and recycling collections.

This strategy sets out robust measures to tackle waste crime and will crackdown on food needlessly going to waste. We will consult on weekly separate food waste collections for every household and mandatory food waste measurement and reporting for businesses, including retailers.

I will place a copy of the new Resources and Waste Strategy in the Libraries of the House.

[HCWS1200]

FOREIGN AND COMMONWEALTH OFFICE

Alleged Serious and Significant Offences (Diplomatic Immunity)

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): In 2017, 12 serious and significant offences allegedly committed by people entitled to diplomatic or international organisation-related immunity in the United Kingdom were drawn to the attention of the Foreign and Commonwealth Office by Parliamentary and Diplomatic Protection of the Metropolitan Police Service, or other law enforcement agencies. Five of these were driving-related. We define serious offences as those which could, in certain circumstances, carry a penalty of 12 months' imprisonment or more. Also included are drink-driving and driving without insurance.

Around 23,000 people are entitled to diplomatic immunity in the UK and the majority of diplomats and dependants abide by UK law. The number of alleged serious crimes committed by members of the diplomatic community in the UK is proportionately low.

Under the Vienna Convention on Diplomatic Relations 1961, we expect those entitled to immunity to obey the law. The FCO does not tolerate foreign diplomats breaking the law.

We take all allegations of illegal activity seriously. When the police bring instances of alleged criminal conduct to our attention, we ask the relevant foreign Government to waive diplomatic immunity where appropriate. For the most serious offences, and when a relevant waiver has not been granted, we request the immediate withdrawal of the diplomat.

Listed below are alleged serious and significant offences reported to the FCO by UK law enforcement agencies in 2017.

2017

Driving without insurance

Finland 1

Saudi Arabia 1

Driving without insurance (and not in accordance with a licence)

Sierra Leone 1

Driving under the influence of alcohol

Austria 1

Commonwealth Secretariat 1

Possession of a firearm with intent to injure

Cambodia 1

Blackmail

Egypt 1

Sexual assault

Algeria 1

Rape (a)

Other (b) 2

Attempted rape (a)

Other (b) 1

Malicious communication (a)

Other (b) 1

(a) These are allegations made against the same person, who was subsequently expelled from the UK after a waiver of immunity was requested and rejected by the sending state.

(b) Details have been withheld because the number of diplomatic personnel in the mission concerned is so small that disclosure could lead to inaccurate speculation that other members of the mission were involved.

We also wish to record a further seven alleged offences.

Three allegations each of conspiracy to cheat the public revenue and of conspiracy to launder the proceeds of crime between 31 December 2009 and 1 January 2013, made against a former Cameroonian diplomat and two locally employed members of staff of the High Commission for the Republic of Cameroon. We did not record these alleged offences in previous written ministerial statements because the cases were under investigation.

One additional count of driving without insurance made against a member of staff of the Royal Embassy of Saudi Arabia in 2016. This was not reported to the Foreign and Commonwealth Office until later.

Figures for previous years are available in the Secretary for State for Foreign and Commonwealth Affairs' written statement to the House on 11 October 2017 (HCWS155)

which can be found at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-10-11/HCWS155/>.

[HCWS1197]

Diplomatic Missions and International Organisations: Debts

The Secretary of State for Foreign and Commonwealth Affairs (Mr Jeremy Hunt): The Foreign and Commonwealth Office has held meetings with a number of missions about outstanding parking fine debt, outstanding national non-domestic rates payments and unpaid congestion charge debt. The director of protocol raises the issue in his introductory meetings with all new ambassadors and high commissioners whose missions are in debt to the relevant authorities. FCO officials also press diplomatic missions and international organisations to pay outstanding fines and debts. Earlier this year, protocol directorate wrote to diplomatic missions and international organisations concerned giving them the opportunity to either pay their outstanding debts, or appeal against specific fines if they considered that they had been issued incorrectly.

Parking fines: In 2017, 4,737 parking fines incurred by diplomatic missions and international organisations in London were brought to our attention by local councils, Transport for London and the City of London. These totalled £444,618.

The Foreign and Commonwealth Office has held meetings with missions which have substantial outstanding parking fine debts. In addition, in May this year we wrote to diplomatic missions and international organisations concerned giving them the opportunity either to pay their outstanding fines or appeal against them if they considered that the fines had been issued incorrectly.

Subsequent payments (including amounts waived by the above authorities) totalled £173,443. There remains a total of £271,175 in unpaid fines for 2017.

The table below details those diplomatic missions and international organisations which have outstanding fines from 2017 totalling £1,000 or more, as of 31 July 2018.

<i>Diplomatic Mission/International Organisation 2017</i>	<i>Amount of Outstanding Fines (excluding congestion charge)</i>
High Commission for the Federal Republic of Nigeria	£39,225
High Commission for the Republic of Zambia	£20,450
Royal Embassy of Saudi Arabia	£18,535
Embassy of the Federal Democratic Republic of Ethiopia	£12,920
Embassy of the Republic of Cote d'Ivoire	£11,145
Embassy of the Islamic Republic of Afghanistan	£10,885
Embassy of the United Arab Emirates	£10,825
Embassy of the Sultanate of Oman	£9,650
Malaysian High Commission	£8,965
Embassy of the Republic of Azerbaijan	£8,735
Embassy of the Republic of the Sudan	£7,885
Embassy of Libya	£7,075
Embassy of the Republic of South Sudan	£6,890
Embassy of France	£4,960
Embassy of the Hashemite Kingdom of Jordan	£4,485
Embassy of the State of Qatar	£4,055
Embassy of the Republic of Iraq	£3,685
People's Democratic Republic of Algeria	£3,010

<i>Diplomatic Mission/International Organisation 2017</i>	<i>Amount of Outstanding Fines (excluding congestion charge)</i>
Embassy of the Republic of Liberia	£2,940
Office of the High Commissioner for India	£2,835
High Commission for Sierra Leone	£2,445
Embassy of the State of Kuwait	£2,415
Embassy of the People's Republic of China	£2,290
Embassy of the Islamic Republic of Mauritania	£2,090
High Commission for the Islamic Republic of Pakistan	£2,030
Embassy of the Republic of Indonesia	£2,005
Embassy of Romania	£1,785
Embassy of the Russian Federation	£1,770
Embassy of the Republic of Angola	£1,750
Royal Thai Embassy	£1,625
Embassy of the Republic of Kazakhstan	£1,510
Embassy of the Socialist Republic of Vietnam	£1,320
Embassy of the Republic of Bulgaria	£1,210
Embassy of Georgia	£1,210
Embassy of Ukraine	£1,200
Embassy of the Republic of Uzbekistan	£1,120
High Commission of the United Republic of Tanzania	£1,070

National Non-Domestic Rates (NNDR):

The majority of diplomatic missions in the United Kingdom pay the national non-domestic rates (NNDR) due from them. Diplomatic missions and international organisations are obliged to pay only 6% of the total NNDR value of their offices. This represents payment for specific services received such as street cleaning and street lighting.

Representations by protocol directorate of the Foreign and Commonwealth Office to missions in 2018 led to the settlement of outstanding debts by a number of missions.

As at 20 September 2018, the total amount of outstanding NNDR payments, due before 31 December 2017, owed by foreign diplomatic missions and international organisations as advised by the Valuation Office Agency is £1,507,576, an increase of 43% over the 2016 figure, as reported in the 2017 WMS (£1,049,999). However, £73,589 of this outstanding debt is owed by Syria—which is not currently represented in the UK and we have therefore been unable to pursue this debt. Three missions are responsible for over a fifth of the remainder. We shall continue to urge those with NNDR debt to pay their dues.

The missions listed below owed over £10,000 in respect of NNDR.

Embassy of the Republic of the Sudan	£137,122
Embassy of the Islamic Republic of Iran	£123,570
Embassy of the Republic of Zimbabwe	£101,694
Embassy of the People's Democratic Republic of Algeria	£74,933
Embassy of Libya	£76,304
High Commission for Sierra Leone	£67,573
High Commission for the Republic of Zambia	£56,325
Embassy of the Republic of Iraq	£55,015
Embassy of the Arab Republic of Egypt	£53,977
Uganda High Commission	£44,489
Embassy of the Republic of Angola	£38,074
Malaysian High Commission	£37,793
High Commission for the Islamic Republic of Pakistan	£36,560
Embassy of the Republic of Liberia	£32,806

High Commission for the Republic of Cameroon	£32,196
Embassy of the Federal Democratic Republic of Ethiopia	£35,061
Embassy of the Republic of Albania	£26,831
High Commission for the Democratic Socialist Republic of Sri Lanka	£26,278
Embassy of Ukraine	£23,602
Embassy of the Republic of Cote d'Ivoire	£22,602
The Commonwealth Secretariat	£18,496
Embassy of the State of Qatar	£17,573
Embassy of the Republic of Lithuania	£12,143

London Congestion Charge: The value of unpaid congestion charge debt incurred by diplomatic missions and international organisations in London since its introduction in February 2003 until 31 December 2017 as advised by Transport for London (TfL) was £110,069,300. The table below shows those diplomatic missions and international organisations with outstanding fines of £100,000 or more. FCO officials continue to press diplomatic missions to pay congestion charge and any other outstanding debts. The director of protocol raises the issue in his introductory meetings with all new ambassadors and high commissioners whose missions are in debt to TfL. Officials also write to diplomatic missions and international organisations with large congestion charge debts to encourage payment.

<i>Country</i>	<i>Number of fines</i>	<i>Total outstanding</i>
Embassy of the United States of America	99,150	£11,925,920
Embassy of Japan	66,783	£8,021,190
High Commission for the Federal Republic of Nigeria	56,085	£6,724,405
Embassy of the Russian Federation	48,136	£5,653,955
Office of the High Commissioner for India	43,940	£5,394,580
Embassy of the Federal Republic of Germany	36,770	£4,288,680
Embassy of the People's Republic of China	34,256	£4,337,295
Embassy of the Republic of Poland	33,350	£4,065,250
Office of the High Commissioner for Ghana	30,080	£3,655,695
Embassy of the Republic of Sudan	27,016	£3,160,730
Embassy of the Republic of Kazakhstan	25,281	£3,116,930
High Commission for Kenya	21,729	£2,569,330
Embassy of France	18,188	£2,172,845
High Commission for the Islamic Republic of Pakistan	17,010	£2,105,395
High Commission for the United Republic of Tanzania	16,621	£1,945,100
Embassy of Spain	16,112	£1,927,350
Embassy of the Republic of Korea	15,527	£1,907,655
Embassy of the Republic of Cuba	13,442	£1,650,310
Embassy of Algeria	13,395	£1,590,040
High Commission for the Republic of South Africa	13,359	£1,555,650
Embassy of Romania	13,327	£1,581,930
High Commission for Sierra Leone	12,535	£1,470,390
Embassy of Greece	12,093	£1,428,025
Embassy of Ukraine	12,014	£1,412,810
Embassy of Hungary	9,314	£1,118,250
High Commission for the Republic of Cyprus	8,971	£1,081,995
High Commission for the Republic of Zambia	7,840	£928,580
Embassy of the Republic of Yemen	7,700	£919,630
Embassy of the Republic of Bulgaria	6,971	£812,180

Country	Number of fines	Total outstanding
High Commission for the Republic of Cameroon	6,069	£712,515
Embassy of the Republic of Belarus	5,877	£691,840
High Commission for Botswana	5,832	£710,440
High Commission for the Republic of Malawi	5,803	£694,645
High Commission for the Republic of Mozambique	5,535	£660,870
Embassy of the Slovak Republic	5,522	£644,985
Embassy of the Federal Democratic Republic of Ethiopia	5,429	£634,600
High Commission for the Republic of Namibia	5,380	£602,145
Embassy of the Republic of Zimbabwe	5,350	£606,395
High Commission for Kingdom of Swaziland	5,175	£602,440
Embassy of the Republic of Cote d'Ivoire	4,979	£594,655
Embassy of the Republic of Turkey	4,926	£606,645
High Commission for Malta	4,723	£574,890
Embassy of the Republic of Lithuania	4,617	£556,695
Embassy of the Republic of Equatorial Guinea	4,493	£527,795
Embassy of Austria	4,481	£538,875
High Commission for Mauritius	4,434	£521,990
High Commission for the Kingdom of Lesotho	4,087	£479,600
Embassy of the Republic of Liberia	4,045	£492,485
Uganda High Commission	4,026	£483,530
Embassy of Belgium	3,661	£438,575
Embassy of the Czech Republic	3,602	£418,780
Embassy of the Republic of Guinea	3,574	£181,630
Embassy of the Socialist Republic of Vietnam	3,471	£411,520
Embassy of the Islamic Republic of Afghanistan	3,440	£409,465
High Commission for Jamaica	3,080	£368,945
Royal Danish Embassy	3,049	£365,045
Embassy of the Kingdom of Morocco	2,953	£377,535
Embassy of the Democratic Republic of the Congo	2,839	£353,530
Embassy of the Republic of South Sudan	2,729	£351,005
High Commission for the Democratic Socialist Republic of Sri Lanka	2,724	£344,725
Embassy of Tunisia	2,613	£322,495
Embassy of the Arab Republic of Egypt	2,300	£243,220
Embassy of Portugal	2,297	£282,130
Embassy of the Democratic People's Republic of Korea	2,249	£259,380
Embassy of the Republic of Latvia	2,247	£271,850
Embassy of Finland	2,224	£266,550
Embassy of the Republic of Iraq	2,206	£280,190
High Commission for Antigua & Barbuda	2,151	£255,060
Embassy of Luxembourg	2,029	£244,770
Embassy of the Republic of Slovenia	2,009	£245,590
Embassy of the Kingdom of Saudi Arabia	1,826	£200,150
High Commission for Belize	1,779	£220,740
Embassy of Estonia	1,455	£180,115
Embassy of the State of Eritrea	1,266	£150,530
Embassy of the Dominican Republic	1,231	£147,690
High Commission for Guyana	1,186	£139,635
The Permanent Mission of the Russian Federation to the International Maritime Organisation	1,095	£80,510
High Commission for the Republic of the Maldives	1,074	£132,445

Country	Number of fines	Total outstanding
High Commission for Seychelles	1,052	£128,005
Embassy of the Islamic Republic of Mauritania	1,025	£109,050
Embassy of El Salvador	964	£115,330
Embassy of the Republic of Moldova	838	£100,225

Figures for previous years are available in the Secretary for State for Foreign and Commonwealth Affairs' written statement to the House on 11 October 2017 (HCWS154) which can be found at: <https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2017-10-11/HCWS154/>.

[HCWS1204]

Foreign Affairs Council: 10 December 2018

The Minister for Europe and the Americas (Sir Alan Duncan): The Secretary of State for Foreign and Commonwealth Affairs, my right hon. Friend the Member for South West Surrey (Mr Hunt), attended the Foreign Affairs Council (FAC) on 10 December. It was chaired by the High Representative and Vice-President of the European Union (EU) for Foreign Affairs and Security Policy (HRVP), Federica Mogherini. The meeting was held in Brussels.

Current Affairs

The HRVP made reference to Human Rights Day which fell on 10 December. We supported the Dutch proposal for an EU global human rights sanctions regime.

Western Balkans

Ministers discussed recent developments in the western Balkans. On Bosnia and Herzegovina, Ministers recalled the need for Governments to be formed at all levels and ensure that there was progress on the reform agenda. Ministers underlined the importance of supporting efforts to implement the Prespa agreement between Skopje and Athens and expressed their support for the EU's strong focus on the Belgrade-Pristina dialogue. Finally, Ministers noted concerns about the Kosovo Government's decision to increase the tariffs on goods from Serbia and Bosnia and Herzegovina to 100%, in clear violation of the central European free trade agreement.

EU-African Union co-operation

Ministers discussed EU-African Union (AU) co-operation ahead of the first inter-summit EU-AU ministerial meeting, which will take place on 21 and 22 January 2019 in Brussels. The meeting will cover three main themes: political aspects (peace, security and governance), economic aspects (investment, trade and skills) and multilateralism (strengthening co-operation in support of a rule-based global order). Ministers expressed their clear interest in reinforcing the EU strategic partnership with Africa. They highlighted the importance of engaging with youth and noted the progress already made on co-operation on peace, security and governance, including through the signing of an EU-AU memorandum of understanding on 23 May 2018. On migration and mobility, they highlighted the work done in the framework of the joint Valletta action plan. Ministers also underlined the crucial role of the private sector and private investment to boost EU-Africa relations. They welcomed the proposed new Africa-Europe alliance on sustainable investments and jobs.

Ukraine

Ministers recalled their deep concern about the dangerous increase of tensions in the Azov sea and Kerch strait and reaffirmed that the EU does not recognise the “elections” of 11 November 2018. The Council were joined by Ukrainian Foreign Minister Pavlo Klimkin, focusing on the latest developments in the Azov sea and the security situation in Ukraine, as well as on possible EU support to assist the affected regions in south-east Ukraine.

Iran

During discussions about Iran, Ministers focused on the implementation of the joint comprehensive plan of action, including ongoing EU efforts to preserve effective financial channels to Iran and to pursue legitimate trade relations against the background of the re-imposition of US sanctions on 5 November 2018. Ministers also discussed concerns about recent behaviour by Iranian actors on European soil, Iran’s ballistic missiles programme and other regional security aspects.

Venezuela

The HRVP updated Ministers about ongoing work to consider establishing an international contact group with Venezuela that could, if conditions were met, help facilitate a political process. The Council also confirmed its firm stance on the targeted restrictive measures in place on Venezuela. Ministers reconfirmed that the election on 20 May 2018 had lacked any credibility and agreed to find a common EU approach to the start of President Maduro’s second term on 10 January 2019. The Council also recalled its commitment to supporting the population of Venezuela and, in neighbouring countries, to supporting the socio-economic inclusion of Venezuelans and the resilience of host communities. To this end, Ministers welcomed the additional €20 million allocated by the European Commission on 4 December.

The Council agreed a number of measures without discussion:

The Council adopted conclusions on Libya;

The Council adopted conclusions on the situation in Myanmar/Burma;

The Council adopted conclusions on an EU strategy on India;

The Council adopted conclusions on women, peace and security (WPS);

The Council added nine persons to the list of those subject to restrictive measures over actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine and because of their involvement in the so-called “elections” in the so-called “Donetsk People’s Republic”;

The Council extended the implementation period of its decision on the provision of satellite imagery in support of the Organisation for the Prohibition of Chemical Weapons (OPWC) missions in Syria for 12 months;

The Council adopted a decision to provide the EU’s assistance to the United Nations office on drugs and crime (UNODC) in Vienna and the United Nations office of counter-terrorism (UNOCT) in New York for the sustained promotion of universal adherence to and effective implementation of the international convention for the suppression of acts of nuclear terrorism (ICSANT);

The Council extended the restrictive measures currently in place against the Democratic Republic of the Congo until 12 December 2019;

The Council decided to repeal the EU restrictive measures against Eritrea following the adoption on 14 November 2018 by the United Nations Security Council of resolution 2444 (2018) terminating, with immediate effect, all UN restrictive measures against Eritrea;

The Council amended its decision and regulation concerning restrictive measures against Somali, following the adoption of the United Nations Security Council resolution 2444 (2018) of 14 November 2018. It is now possible to designate persons committing acts involving sexual and gender-based violence;

The Council amended its decision and its regulation concerning restrictive measures in respect of the situation in South Sudan, following the update of 21 November 2018 by the UNSC committee on the information relating to one of the persons subject to restrictive measures;

The Council approved the position of the EU, in view of the fifth meeting of the Association Council with Ukraine that will take place in Brussels on 17 December 2018;

The Council adopted the position to be taken on behalf of the EU within the association council set up by the Euro-Mediterranean agreement establishing an association between the EU and Jordan;

The Council adopted a declaration concerning transport costs for land, sea and air deployment of battle groups, which renews for two years the same commitments as in the previous Council declaration. The Council therefore accepts that the Athena mechanism will bear as operational common costs incremental transport costs for land, sea and air deployment of battle groups at short notice to the joint area of operations;

The Council extended the mandate of the EU capacity building mission in Somalia, EUCAP Somalia until 31 December 2020. The Council also agreed on a budget of €66.1 million for the period 1 January 2019 until 31 December 2020;

The Council amended the mandate of the EU military training mission in the Central African Republic (EUTM RCA), to include an interoperability pillar;

The Council established the EU common position for the third meeting of the EU-Kosovo Stabilisation and Association Council;

The Council established the EU common position for the fifth meeting of the EU-Serbia Stabilisation and Association Council;

The Council decided not to oppose the adoption of a Commission regulation amending annex IX to regulation 999/2001 and annex XV to Commission regulation 142/2011 as regards health certification at import into the Union concerning transmissible spongiform encephalopathies;

The Council decided not to oppose a Commission regulation amending annex III to regulation (EC) 110/2008 as regards the registration of the spirit drink “tequila” as a geographical indication.

[HCWS1196]

HOME DEPARTMENT

Committee for the Protection of Animals Used for Scientific Purposes

The Minister for Security and Economic Crime (Mr Ben Wallace): My noble Friend the Minister of State for the Home Office (Baroness Williams of Trafford) has today made the following written statement:

I am pleased to announce that Professor David Main has been appointed to the Committee for the Protection of Animals Used for Scientific Purposes (commonly referred to as the ASC) as its new Chair. This appointment is for three years, beginning on 1 March 2019. Professor Main is a Professor of Production Animal Health and Welfare at the Royal Agricultural University and a veterinary surgeon.

The ASC is an independent public body sponsored by the Home Office. It provides independent advice about issues relating to the use of animals in scientific procedures within the context of the Animals (Scientific Procedures) Act 1986. Professor Main will replace Dr John Landers, whose term as Chair ends on 28 February 2019.

I would like to take this opportunity to thank Dr Landers for his dedication to the role of Chair of the ASC for the past five years.

[HCWS1199]

HOUSING, COMMUNITIES AND LOCAL GOVERNMENT

Building Safety: Implementation Plan

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): The Grenfell Tower fire represents the greatest loss of life in a residential fire in a century. The Government have taken considerable action since the fire to make sure people are safe and feel safe in their homes. We have identified unsafe buildings and ensured there are appropriate interim measures in place. We have sought expert advice and made this widely available to building owners and those involved in refurbishing buildings. We have issued advice to building owners on known risks and on how to remediate buildings and incentivised remediation by providing funding to social sector landlords. Where necessary, the Government have intervened into markets for products and taken action to have unsafe products removed from the marketplace. As well as dealing with current issues, we have commissioned a review of the whole regulatory system, received two reports and taken forward the recommendations of the interim report of the independent review of building regulations and fire safety (the review).

However, there remains much to do. The review identified failings in the regulatory system and made recommendations to address them. We have heard from over 200 people in response to the review and have analysed those responses. We have also learnt from the remediation process and from other issues that have been investigated over the last 18 months to formulate our response.

In addressing the challenges laid down by the review, the Government want to make sure the identified failings are addressed:

We will create a stronger and more effective regulatory and accountability framework for buildings in scope, which will have at its core clear responsibility and accountability for keeping people safe. We will prevent people from flouting the system through tougher oversight and a stronger and more effective sanctions and enforcement regime.

We will facilitate better understanding of what is required to ensure buildings are safe through clearer standards and guidance, as well as improving the rigour of the product labelling, testing and marketing processes to ensure people working on buildings use safe products.

We will ensure we put residents at the heart of a new regulatory framework through better engagement between them and those managing their buildings, as well as providing more effective routes for escalation and redress when things go wrong. We will ensure building owners reassure residents by providing them with better information about the protection measures in place in their buildings.

Working with industry, we will drive changes to its culture to encourage greater responsibility for building safety, by improving the competence of those undertaking building work on high-rise residential buildings to complement the tougher regulatory oversight regime, and encouraging the sharing of good practice.

The implementation plan that I am publishing today commits the Government to a programme of reform over the next few years. While legislation will take time

to implement, the Government are already acting. We recognised the strength of feeling on combustible cladding and have laid regulations to give effect to a clear ban on the use of combustible materials on the external walls of new buildings over 18 metres containing flats, as well as new hospitals, residential care premises, dormitories in boarding schools and student accommodation over that height. This also rules out the use of assessments in lieu of tests (also known as desktop studies) for cladding and wall systems of such buildings.

Today, we have also published amended guidance which further restricts the use of assessments in lieu of tests, following consultation earlier this year. This ensures transparency and applies much tighter and more restrictive conditions; requires that any assessments are properly evidenced on the basis of test data; and restricts who can undertake them.

In the summer, we published a clarified version of the building regulations fire safety guidance in “Approved Document B” for consultation, and we received a substantial number of detailed comments on the clarified guidance which the Department is currently analysing. We also committed to undertake a full technical review of “Approved Document B” and today we have launched a call for evidence, which is the first stage, and we will gather expert advice on the full range of fire safety issues within the guidance which need to be reviewed.

A number of landlords and firms have already responded to this call for action by reviewing the state of their buildings, proactively engaging with residents and documenting safety features. The Government have established an early adopters group to take forward some of the review’s recommendations. We welcome the work that industry has done to date and look forward to engaging with those living and working in these areas to design a new system that will provide greater assurance to those living in high-rise residential buildings.

The Government have driven significant progress in remediating buildings in the social sector. At the end of November, remediation had started or completed on 116 of the 160 social sector buildings with unsafe aluminium composite material (ACM) cladding systems. There are plans and commitments in place to remediate the remaining 44 buildings.

In the private sector, there has been strong progress since the summer in putting remediation plans in place. At the end of November, there were plans and commitments in place to remediate 203 of the 272 privately owned buildings with unsafe ACM cladding systems, including buildings where remediation has started or completed.

This progress is the result of action we have taken to put pressure on building owners and developers to make their buildings permanently safe, including the creation of a remediation taskforce, chaired by Ministers.

We are also taking decisive action to deal with the remaining buildings where owners are not fulfilling their responsibility to remediate unsafe ACM cladding. To give local authorities confidence to take enforcement action on such buildings, we laid an addendum to the housing health and safety rating system operating guidance and are providing a Local Government Association hosted joint inspection team. I have written to local authorities, with buildings where the owner refuses to remediate unsafe ACM cladding, to offer them our full support to take enforcement action. This will include

financial support where this is necessary for the local authority to carry out emergency remedial work. Where financial support is provided, local authorities will recover the costs from the building owner.

I have repeatedly made clear that building owners should protect leaseholders from bearing the cost of remediation. There is a growing list of owners and developers who are doing the right thing and agreeing to fund remediation. This includes Barratt Developments, Mace Group, Legal & General, Taylor Wimpey and Peabody. I have urged all other owners and developers to follow their lead. The implementation plan I am publishing today sets out the far-reaching programme of work the Government now intend to take to ensure people who live in residential high-rise buildings are safe and feel safe, now and in the future. That work is broken down into four distinct but co-ordinated areas:

A more effective regulatory and accountability framework: Addressing Dame Judith Hackitt's finding that the regulatory framework around the construction, maintenance and ongoing use of multi-occupied, high-rise residential buildings was not fit for purpose, the implementation plan outlines how the Government intend to create a stronger and more effective regulatory framework. The framework has, at its core, clear responsibility and accountability for keeping people safe, as well as tougher oversight and stronger, better enforced sanctions to prevent people flouting the system. We will not wait for legislation to start this work—we will be testing and trialling elements of the new system soon and I intend to establish a joint regulators group to develop and pilot new approaches and, in due course, to assist with the transition to a new regulatory framework.

Clearer standards and guidance, and product safety: The review identified problems caused by complex and inconsistent standards and guidance, and highlighted the importance of taking a holistic view of building work. The implementation plan provides an update on our work to support better understanding by those who undertake building work of what is required to ensure that buildings are safe through clearer standards and guidance. The implementation plan also makes clear my intention to consult in the spring on options for a new governance structure for the oversight of building regulations and guidance.

The Government also intend to provide greater oversight to ensure products are safe where they are being marketed as safe to those that provide materials used in construction. The implementation plan sets out my intention to establish, over the next 12 months, a "standards committee" to advise me on new and existing construction product and system standards; bring forward proposals to establish consistent legislative powers which cover construction products; and consider options for national regulatory oversight of construction products to ensure that construction products are manufactured to the standards they should meet.

Putting residents at the heart of the building safety system: a stronger voice for residents is at the heart of the new system, and the implementation plan sets out how Government intend to empower residents through better engagement with those managing their buildings, as well as more effective routes for escalation and redress when things go wrong. We will also provide reassurance for residents through better information about protection measures in place in their buildings. And we are launching a call for evidence on how residents are supported to meet their responsibilities to keep their homes and buildings safe.

In the spring, informed by ongoing research and input from the residents' reference panel, the Government will consult on requirements for duty holders to proactively provide residents with critical safety information about

their building, and put in place a resident engagement strategy. We will also consult on options for a clear and quick escalation route for building safety concerns, including the relationship with a new regulatory framework for building safety and the interactions with existing regulators and redress schemes.

Driving culture change and a more responsible industry: The implementation plan sets out measures to work with industry to drive culture change to increase responsibility for building safety, including by improving competence of those undertaking building work. An industry safety steering group, chaired by Dame Judith Hackitt, has been established to challenge and push the sector to drive forward culture change.

The Government will take action to support industry as it leads the way, championing the efforts of those who are doing the right thing and challenging those who have further to go. The implementation plan includes our commitment to review industry proposals and take a view on whether they deliver a coherent approach to assessing and providing assurance on competence across the construction sector. We will also continue to consider whether legislation is necessary to give effect to a new system of assuring competence.

In addition to this, my Department will continue to build on the achievements of a group of early adopters in industry, which I announced in July. Early adopters working with the Government will commit to signing a new building safety charter on culture change and trial and test the implementation of the recommendations of the review in advance of legislation.

This is a major programme of work, but it is necessary to achieve the systemic overhaul that we are aiming for: requiring all parties to change and putting residents' safety at the heart of the system. I am clear we want a change that lasts—we are determined to learn the lessons from the Grenfell tragedy and bring about a fundamental change in both a regulatory framework and the industry culture that will make people safe—and feel safe—in their homes.

[HCWS1201]

Grenfell Update

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): The independent Grenfell recovery taskforce continues to provide challenge and advice to the Royal Borough of Kensington and Chelsea (RBKC) in their response to the tragedy. I recently received their third report, which I am today depositing in the Library of the House and publishing in full at gov.uk.

I am pleased to see that the council has made some important progress since the second taskforce report in March 2018, notably:

The council's leadership is strongly committed to Grenfell recovery;

Governance changes are beginning to bear fruit;

Many council officers have a good relationship with the people they serve. This is a testament to their humanity, skills and hard work;

There are pockets of innovative practice.

However, the taskforce is clear that pace remains an issue and that it was to be expected that RBKC would have been further forward by this point than it currently is. The taskforce has recommended that the council needs to:

Complete the recovery strategy as soon as possible, so that they have a clear road map to achieving recovery:

Ensure they have the capacity and capability to deliver the recovery strategy, whilst at the same time responding appropriately to the public inquiry and associated media interest:

Carry on with their work to repair and improve relationships with their communities, and get the basics right in how they communicate with them;

Remain focused on their programme of culture change to show that they have learnt the lessons from the Grenfell Tower tragedy;

Prioritise the rehousing effort in order that all those made homeless by the tragedy are resettled in good quality permanent homes as soon as possible.

I have asked the taskforce to continue their work in supporting and challenging the council and providing assurance to me; and to report to me again in spring 2019.

[HCWS1202]

Rough Sleeping

The Secretary of State for Housing, Communities and Local Government (James Brokenshire): In August, we published a cross-Government Rough Sleeping Strategy, setting out how we will halve rough sleeping by 2022 and end it altogether by 2027. The strategy has three core pillars of prevention, intervention, and recovery, with a preventive approach towards rough sleeping at its heart.

Today, the Government are announcing the locations of 11 Somewhere Safe to Stay hubs, warm and dry centres where people at crisis point will be able to seek shelter, while their housing and support needs are quickly assessed by specialist staff. This follows an expression of interest round which closed at the end of October, and includes the most innovative proposals, from local authorities who can mobilise and deliver services from this winter. A full list of the early adopter areas can be found here: www.gov.uk/government/publications/rapid-rehousing-pathway-somewhere-safe-to-stay-early-adopters. Somewhere Safe to Stay hubs, allowing for a quick and effective assessment of needs, are central to these local authorities' "Rapid Rehousing Pathways". In the 11 early adopter areas, we will be providing funding for a range of policies alongside the hubs—including specialist "Navigators", supported lettings, and local lettings agencies—to ensure that there is a full and functioning pathway in place to help people into sustained accommodation and appropriate wrap-around support.

These hubs will not only take people off the streets into a safe environment but, crucially, will also take in individuals who have been identified as being at risk of sleeping rough, stopping them having to sleep on the streets in the first place. In this way, the "Somewhere Safe to Stay" model builds upon the success of the "No Second Night Out" model of rapid assessment hubs.

This approach fits with the Government's objective to intervene sooner, and move towards a preventive approach towards rough sleeping.

The full programme of funding will enable local areas to connect people with the right support, and sustainable housing. It encompasses funding for specialist Navigators, who act as a single point of contact to support people from the streets into settled accommodation; the establishment of local lettings agencies to source, identify, or provide homes and advice for rough sleepers

or those at risk; and funding for a supported lettings programme, which will provide flexible support to help individuals sustain their tenancies.

The announcement of the "Somewhere Safe to Stay" early adopters represents key progress against the delivery of the rough sleeping strategy, as set out in the "Rough Sleeping Strategy Delivery Plan" on 10 December. These pilots will be the first step in testing innovative structural change to local systems and the move towards a rapid rehousing approach, bringing us a step closer to the 2027 vision of putting an end to rough sleeping.

The Government will invite a wider bidding round in 2019, for other local authorities to improve and implement their "Rapid Rehousing Pathway", and will announce the details of this in due course.

[HCWS1203]

JUSTICE

Criminal Injuries Compensation Scheme

The Parliamentary Under-Secretary of State for Justice (Edward Argar): Today I am pleased to publish the terms of reference for the review of the criminal injuries compensation scheme.

Compensation has long been an important part of the Government's response to supporting victims of violent crime, and the criminal injuries compensation scheme provides payments to those who have suffered serious physical or mental injury as the direct result of violent crime. Our scheme remains one of the most generous in Europe—something of which we can be rightly proud. While no amount of money can ever repair the harm done to an individual through violent crime, we know that compensation offers an important public acknowledgment for victims of the harm they have suffered. Compensation, alongside victims' services and other practical and emotional support, helps victims of violent crime to start to rebuild their lives.

In 2017-18, the Criminal Injuries Compensation Authority made decisions on over 40,000 applications, and paid out £154 million in compensation awards. It is essential that the scheme continues to offer access to compensation for victims injured through violent crime, and in considering whether the current scheme remains fit for purpose, we will be driven by the following principles:

Compensation should be protected for those most seriously affected by their injuries, including in cases where injuries are not immediately evident nor their impacts easily quantifiable.

Compensation offers a public acknowledgment of harm suffered by victims of violent crime.

Compensation is an important part of Government provision of end-to-end support for victims of violent crime, which also includes emotional and practical assistance for victims.

The scheme offers support for victims of violent crime who have been unable to seek compensation by other means.

The scheme complies with domestic and international legal obligations to provide compensation for victims of violent crime.

The review will examine, specifically, the scope of the scheme, the eligibility rules, requirements in relation to decision making, and the value and composition of awards. This will include looking at the balance the scheme strikes between serious and less serious physical and mental injury, and the impact of the scheme's rules on particular groups of individuals, including victims

of child sexual abuse and victims of terrorism. We will also take this opportunity to consider whether the scheme can be further simplified to provide easier access to compensation for eligible victims. We will also consider issues of affordability and financial sustainability.

A copy of the terms of reference for the review will be placed in the Libraries of both Houses and will be available online at www.gov.uk. We intend to publish a full consultation on the reform proposals in 2019.

[HCWS1198]

WORK AND PENSIONS

Pensions and Long-Term Savings Trials (Self-Employed)

The Parliamentary Under-Secretary of State for Work and Pensions (Guy Opperman): Automatic enrolment has transformed pension saving among today's workers. Almost 10 million workers have been automatically enrolled into a workplace pension by their employer, and only 9% of those enrolled chose to opt out. And, this success is continuing with automatic enrolment continuing to be delivered and implemented successfully by employers, and increasing individual pension participation and savings levels as highlighted in the 2018 Automatic Enrolment Evaluation Report published today.

As part of the 2017 review of automatic enrolment the Government committed to scope, develop and test targeted interventions aimed at establishing what works to increase retirement saving among the self-employed.

I am pleased to announce that following the Government's Good Work Plan published yesterday the Government are publishing the "Enabling retirement savings for the self-employed: pensions and long term savings trials! report. This report sets out our delivery plan for delivering research and trialling activity as a step towards implementing the Government's manifesto commitment to increase retirement saving by the self-employed. This will provide an evidence base for future policy development, using insights from the success of automatic enrolment.

Our plan focuses on testing behaviourally inspired messages and tech tools, which may prompt self-employed individuals to save through a range of approaches in relation to both joining a pension scheme, and facilitating and making regular saving into pensions or other savings vehicles. The preparatory work has already started and trialling activity will go forward into 2019.

It will focus on three areas: marketing interventions aimed at people who are saving or have previously saved to encourage them to continue or recommence their saving behaviour; marketing interventions using trusted third parties to promote the value of saving and provide an easy connection to an appropriate savings vehicle; and behavioural prompts, such as messages delivered through payment mechanisms and/or banking interfaces, to seek to engage self-employed people to think about starting a regular saving habit.

The Department for Work and Pensions will be working with a range of delivery organisations and service providers for the self-employed to commence a programme of research and trialling activity, following preparatory work already done. The report published today is also a call to action to organisations in sectors including payment services; accounting services; self-employed workspaces and growing fintech firms, to work with Government to co-design and test interventions.

The report complements our agenda to empower and improve the consumer experience, in particular through the pensions dashboard and the Single Financial Guidance Body.

The Government's long-term ambition is for future generations to have confidence in retirement saving—no matter what type of employment or self-employment they experience during their working lives—so that they can prepare for greater security in later life.

I will place a copy of the report in the House Library. These papers will be available later today on: www.parliament.uk/writtenstatements website.

[HCWS1194]

Petitions

Tuesday 18 December 2018

OBSERVATIONS

HOME DEPARTMENT

The royal wedding and public money

The petition of residents of the United Kingdom,

Declares that taxpayers should provide no funding for a private wedding, no matter who is getting married; further that the exact details of royal wedding funding are shrouded in secrecy; further that we do know that expensive road closures and policing will be required and further that we know local councils and the taxpayer ends up footing the bill.

The petitioners therefore request that the House of Commons urges the Government to ensure the highest standards of openness and transparency relating to the funding of Princess Eugenie and Jack Brooksbank wedding; further to tell the Government to commit no public funds to the wedding and to publish a report of all costs to taxpayers.

And the petitioners remain, etc.—[Presented by Emma Dent Coad, *Official Report*, 31 October 2018; Vol. 648, c. 4P.]

[P002283]

Observations from The Minister for Policing and the Fire Service (Mr Nick Hurd):

Police and Crime Commissioners can apply to Ministers to seek Police Special Grant funding for unexpected and exceptional events which have a major financial impact on their force.

The majority of the costs of the wedding of Princess Eugenie and Mr Jack Brooksbank were met privately. Thames Valley Police undertook operations to ensure the safety and security of the public during this event. This was an operational decision for the police force.

Ministers have received a request for additional funding from the Police and Crime Commissioner for Thames Valley through the Police Special Grant totalling just over £850,000. This application is being considered in line with standard Special Grant processes.

The Government are committed to openness and transparency. Special Grant claims information is published on an annual basis on www.gov.uk (<https://www.gov.uk/government/publications/police-funding-special-grant-applications>). This includes the amount of funding applied for and granted. It is not common practice to publish a detailed breakdown of the costs as it could potentially harm the integrity of similar future police security operations around major events.

WORK AND PENSIONS

Roll-out of Universal Credit

The petition of residents of Glasgow North West,

Declares that Universal Credit is fundamentally flawed and its roll-out should be halted; further that new claimants must wait at least six weeks before receiving

their first payment which, in areas where Universal Credit has already been introduced, has plunged people into rent arrears, household debt and left families to rely on foodbanks.

The petitioners therefore request that the House of Commons urges the Government to halt the roll-out of Universal Credit until its fundamental flaws have been fixed, particularly the six-week payment delay, and help those who are already suffering in poverty and crisis as a result of this policy.

And the petitioners remain, etc.—[Presented by Carol Monaghan, *Official Report*, 29 October 2018; Vol. 648, c. 750.]

[P002277]

Roll-out of Universal Credit in Glasgow

The petition of residents of Glasgow North,

Declares that the proposed roll-out of universal credit in the city of Glasgow will have a devastating impact on communities across the city and will lead to increased foodbank usage and financial misery for some of the most vulnerable people in Glasgow.

The petitioners therefore request that the House of Commons urges the Department for Work and Pensions to halt the roll-out of Universal Credit in Glasgow and fix it without delay.

And the petitioners remain, etc.—[Presented by Patrick Grady, *Official Report*, 29 October 2018; Vol. 648, c. 750.]

[P002275]

The petition of residents of Glasgow East constituency,

Declares that the proposed roll-out of universal credit in the city of Glasgow will have a devastating impact on communities across the city and will lead to increased foodbank usage and financial misery for some of the most vulnerable people in Glasgow.

The petitioners therefore request that the House of Commons urges the Department for Work and Pensions to halt the roll-out of Universal Credit in Glasgow and fix it without delay.

And the petitioners remain, etc.—[Presented by David Linden, *Official Report*, 29 October 2018; Vol. 648, c. 750.]

[P002280]

Universal Credit Roll out

The petition of residents of Linlithgow and East Falkirk,

Declares that the roll out of Universal Credit in the local area will have a devastating impact on communities across the district and will lead to increased foodbank usage and financial misery for some of the most vulnerable people.

The petitioners therefore request that the House of Commons urges the Department of Work and Pensions to halt the roll out of Universal Credit in the Grangemouth, Bathgate and Falkirk Jobcentre areas and fix it without delay.

And the petitioners remain, etc.—[Presented by Martyn Day, *Official Report*, 13 November 2018; Vol. 649, c. 287.]

[P002287]

The petition of residents of Glasgow South West,

Declares that the proposed roll out of Universal Credit in the city of Glasgow will have a devastating impact on communities across the city and will lead to increased foodbank usage and financial misery for some of the most vulnerable people in Glasgow.

The petitioners therefore request that the House of Commons urges the Department of Work and Pensions to halt the roll out of Universal Credit in Glasgow and fix it without delay.

And the petitioners remain, etc.—[Presented by Chris Stephens, *Official Report*, 20 November 2018; Vol. 649, c. 834 .]

[P002294]

Observations from the Secretary of State for Work and Pensions (Amber Rudd):

Universal Credit was introduced with cross-party support to replace the old benefits system, which is complicated, inflexible and involves different agencies and Government Departments. The cliff edges and complicated hours rules would often mean that people were put off from taking up work or trapped into being unable to take on more hours, due to the prohibitive tax rates they would face on earnings. We believe we should have a welfare system that supports people when they need help, assists people into work, and is fair to those who pay for it.

Universal Credit is a force for good. It provides support for those who cannot work and those who need help, including an unprecedented level of personalised support. People required to look and prepare for work receive tailored support managed through personal work coaches, who know each person's case and have more tools and flexibility than ever before to help people prepare for work and get a job.

This Government continue to spend to more than £95 billion a year on benefits for people of working age. This demonstrates the Government's commitment to a robust welfare safety net.

The Department continues to rollout Universal Credit in a safe and measured way, there are now more than 1 million people claiming the benefit, so it is now operating at scale across the country. By December 2018 Universal Credit will be available in every jobcentre nationally and the programme remains on track to deliver to this plan. Where issues are raised the Department has listened and made changes to improve the delivery of Universal Credit throughout the rollout.

Following feedback last year, we announced a £1.5 billion package of improvements to Universal Credit for the first assessment period in the Autumn Budget. These include increasing advances to up to 100% of the indicative award available from day one of a claim and increasing the repayment period to 12 months. Further measures included removing the seven waiting days, providing an additional payment of two weeks of Housing Benefit to support claimants when they transition to Universal Credit, and changing how claimants in temporary accommodation receive support for their housing costs.

Another change, following feedback and engagement with landlords is the Landlord Portal, which was introduced in autumn 2017. This provides Social Rented Sector landlords with the ability to submit information directly

to the Universal Credit online system, which supports timely and accurate payment of housing costs to claimants. This is rolled out in tandem with Trusted Partner status which helps us to target support for vulnerable people. As a Trusted Partner, a social landlord can decide where a tenant would benefit from having a Managed Payment to Landlord put in place. Our research has shown that whilst many people join Universal Credit with pre-existing rent arrears, the proportion of people with arrears falls by a third after four months on Universal Credit.

This year we have continued to listen to concerns and in the Budget 2018 we announced a £4.5 billion cash boost to Universal Credit to ensure that vulnerable claimants and families are supported in the transition to Universal Credit, and so that millions keep more of what they earn.

This includes an extra £1.7 billion a year into work allowances, increasing them by £1,000 a year, resulting in 2.4 million families keeping substantially more of their earnings before the earning taper applies, strengthening work incentives even more and providing a boost to the incomes of the lowest paid.

We also announced that payment of Income Support and the income related elements of Employment and Support Allowance and Jobseeker's Allowance will continue for two weeks after a claim for Universal Credit has been made, effective from July 2020, benefiting 1.1 million households. This will apply to all managed migration cases, and to natural migration cases where a claim to Universal Credit ends entitlement to legacy benefits. This extra financial support is intended to help claimants support in the five-week period up to their first monthly payment of Universal Credit, and will not need to be repaid. This builds upon the similar two week run-on of Housing Benefit that was announced at Autumn Budget 2017, and which was introduced in April this year.

To help claimants further, we announced at Autumn Budget 2018 that claimants will also see a reduction in the cap for deductions from 40% to 30% of a claimant's standard allowance from October 2019, to soften the burden of debt repayments. Additionally, advances can be repaid over 16 months from October 2021.

As well as the policy changes we have made in response to feedback about Universal Credit, the Department has also introduced a number of IT system improvements to improve the operational delivery of Universal Credit. For example we have introduced a feature allowing claimants to upload self-employed earnings online. Furthermore, in February 2018 we introduced a feature enabling claimants to verify their childcare costs online, and in early July 2018 we made it possible for claimants to apply for advances online.

Currently claimants who are need of digital support or personal budgeting support can access this through Universal Support which is currently delivered by local authorities and local partners. From 1 April 2019, Citizens Advice and Citizens Advice Scotland will be leading on the delivery of Universal Support. This brand new partnership will deliver a more consistent and more effective service to support all claimants as they make their Universal Credit claims, in particular those who are most vulnerable. Citizens Advice have a nationwide, trusted brand with a history of delivering advice and guidance which makes them uniquely positioned to deliver effective support to those who need it.

Managed Migration

Universal Credit will be fully available nationwide in December 2018. After this, Universal Credit will enter the next phase of rollout, in which the DWP will begin to move people from existing benefits to Universal Credit. This process is known as managed migration. The draft Universal Credit (Transitional Provisions) (Managed Migration) Amendment Regulations 2018 were laid in Parliament on 5 November 2018.

We are committed to delivering managed migration in a way which supports claimants. In 2019, and in line with our approach of listening and adapting, we will test and refine our approach with a very small number of claimants from July 2019 to check that it is working well, before we take on larger volumes in 2020. We will complete the managed migration process by the end of 2023.

As part of that, we are co-designing the process with claimants, charities, experts and other stakeholders, making sure that it works for everyone and building in safeguards to ensure that vulnerable claimants are fully supported. To complete managed migration successfully, we will work closely with key stakeholders, experts and claimants throughout the process.

We will be testing a number of approaches to move claimants safely to Universal Credit in the most effective way during our test period. This will include testing a non-mandatory approach where claimants will be invited to go through the process. We will use the results of this to adapt the managed migration process as appropriate.

There are £2.4 billion of unclaimed benefits not going to the people who need them, because they do not know about them. The Managed Migration regulations are vital to ensure that people missing out on benefits in the legacy system will receive them. When migration is complete, 700,000 more people will get paid their full entitlement because of Universal Credit, a million disabled people will be better off, and everyone that is managed migrated onto Universal Credit will be eligible for transitional protection. Once Universal Credit is fully rolled out we will be giving claimants an extra £2.1 billion a year than we would on the legacy system it replaces.

In the light of the above, we can see no reason to halt the rollout of Universal Credit and the proven benefits it brings.

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